

10130304

1. Considered: 12-2, 1951 Water Right No. 1233-1
2. Name of Applicant ESTHER KLING
3. Post Office Address NISLAND 57762
4. Amount of Water Divided 1.19 maximum acre feet
5. Source of Water Supply BELLE FOURCHE RIVER
6. Water to be used for IRIP acres to be irrigated 83
7. County BUTTE about 1/2 miles WEST of NISLAND
8. PROOF OF PUBLICATION: Received ☒ 11-30-51 Not Received
- APPLICATION: Approved 12-12-51 Subject to
- Not Approved Action Deferred

PRIORITY

See letters in file.
Dated Received 11-9-51 Application complete-yes? no FEE 225.00

Remarks Center point will cover a portion of permit 1233-1 (R.Bdn)
diversion from same source for both permits.

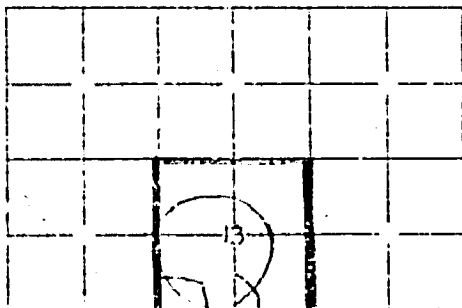
Corrected Application received Period of Annual Use MAR 1 - NOV 15

WATER QUALITY

Received yes 11/6/51 no APPROVED (CONDITIONAL) (Circle one)

W-1 Description same as application-yes? yes no Remarks

Disapproved Returned



Diversion Point:
NW⁴ SW⁴ 12-8N-4E.
(existing)

Land to be irrigated
S^{1/2} SW⁴ & SE⁴ SE⁴ 13-8N-4E

Driller: _____ Licensed - yes _____ no _____

Dweller: _____

Remarks: _____

Page 2

Water Right No. 1233-1

MAP Map No. 1041-1 Map located in water Right XX Map file XX
Type of Map Aerial Prepared by SCS Chris Logan

Map also covers Richard Peders 1234-1

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

11-9-81

Betty Westwood
(Signed)

PROTESTS Letters/Petitions in File - yes no Remarks

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified their Final Decision was
DECISIONS adopted
ETC. Remarks

No. 1233-1Map No. 1041-1 Water Division No. I MOREAU RIVER District
Above for Office Use 10130304

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____Change in Diversion _____ Additional Diversion 35Change in Acreage 35 Additional Acreage 1177-1 & 273-1A1. Name of Applicant Esther KlinePhone No. 257-2300Post Office Address _____
(Street, R.F. or Box) (Town)State S. D. 57762

(Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work KLING #14. Amount of water claimed (cubic feet per second) 1.125. Source of water supply Belle Fourche River & Tributaries (Maloney Creek & Dry Draw)6. Location of point of diversion 310 East, 35' North, NW 1/4 of SW 1/4 of Section 12, Township 8N, R 15E
on Belle Fourche River.County Butte7. Annual period or periods during which water is to be used March 1 to November 158. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation & Domestic9. For irrigation use, _____ Total number of acres to be irrigated 33

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW of SW	29
SE of SW	20
SE of SE	16
All in T8N, Sec. 12, R15E	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Valley Irrigator

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Centrifical Pump

B. Works proposed to transport water to place of use.

15" Underground Line

C. Works proposed to apply water to beneficial use.

Pivot Sprinkler & Gated Pipe off of end of Pivot.Estimated Total Cost \$ 335,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Butte) ss.I, Esther Kline, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Esther KlineSubscribed and sworn to before me this 26th day of Oct, 1981William J. Stamm
Notary Public (or other qualified officer)

MAP # 1041-1
(APPL'S 1233-1
and
1234-1)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1233-1

ESTHER KLING
(Applicant)

NISLAND

(Post Office Address)

SOUTH DAKOTA
(State)

57762

With the following qualifications

Flows in the stretch of the Belle Fourche River above Owl Creek are not a dependable source of water during various periods of the irrigation season. Prior water rights and downstream domestic use must be respected. This Permit is approved allowing withdrawals whenever 15 c.f.s. is flowing past the diversion point in this Permit unless future investigations show that less than 15 c.f.s. will meet the needs of existing water rights and downstream domestic uses.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application NOVEMBER 9, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved DECEMBER 2, 1981, Recorded in Book 22 Page 328

WATER RIGHT PERMIT NO. 1233-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1233-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 9, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JUNE 2, 1984
3. The whole of said work is to be completed on or before DECEMBER 2, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is DECEMBER 2, 1990
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.19 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before DECEMBER 2 1990; said water to be used during the following described annual period: MARCH 1ST to NOVEMBER 15TH

Witness my hand this 22th day of DECEMBER, 1981

THE WATER MANAGEMENT BOARD

By

John H. H. H.
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

~~CONFIDENTIAL~~

NAME OF APPLICANT Ester Klein
Portions of Sec 13-100

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

GP - Gravel Pit - The gravel pit should not be irrigated unless reclaimed.

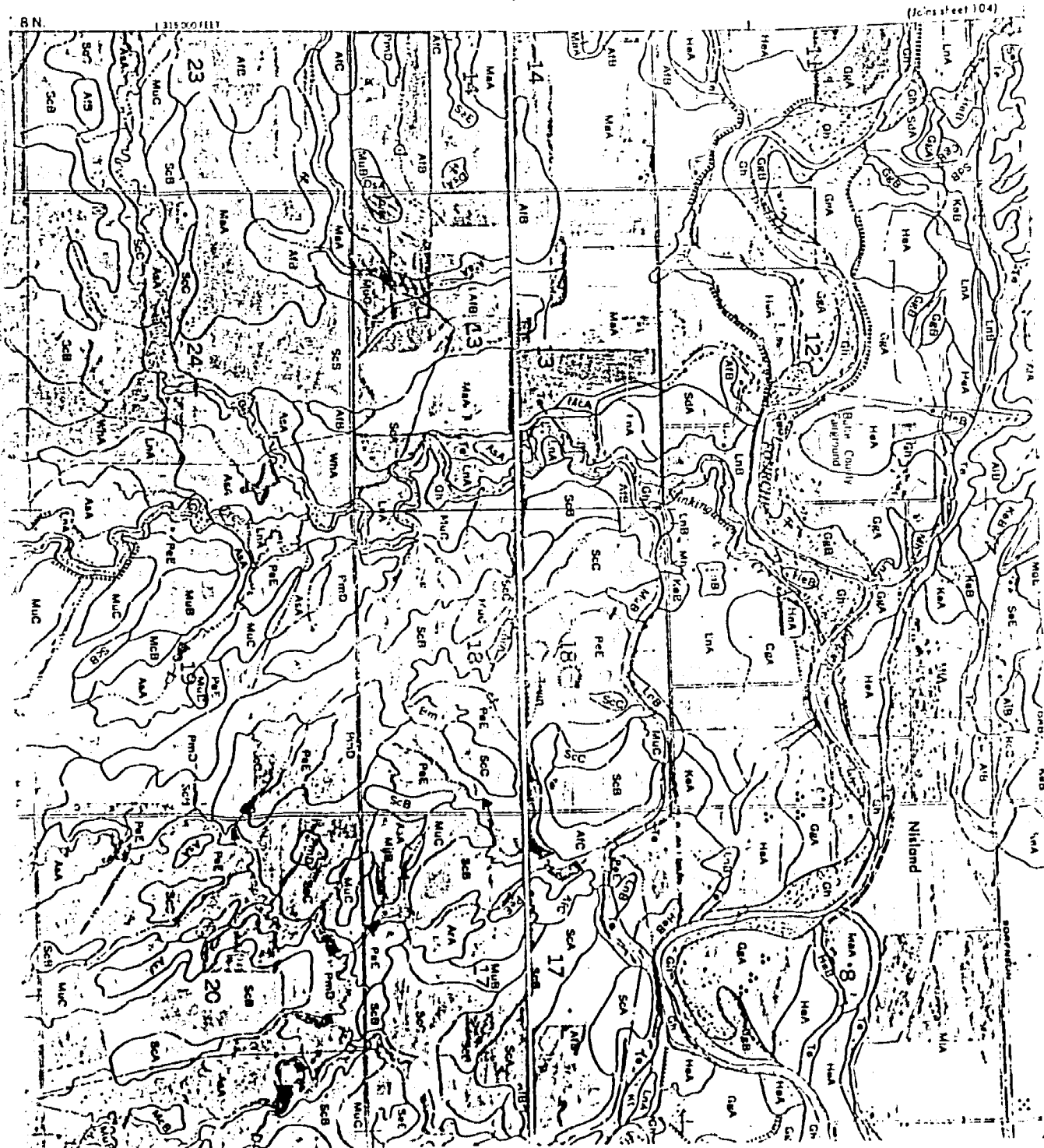
MaA - Mantar - These soils occur in a natural drainage way and should be kept in permanent vegetation such as an alfalfa grass mixture or grass. These soils are indicated by red hatch marks.

DO NOT IRRIGATE WITH THE FOLLOWING RESTRICTIONS:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

1



CONSERVATION COMMISSION

WI#1
3/80

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Edith Klinge OWNERS ADDRESS: Michigan

COUNTY LAND LOCATED IN: Butte PHONE: 257-2220

TENANT'S NAME AND ADDRESS: Ed Klinge

In accordance with State Law SDCL 46-5-6.4, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION Public Grounds, R. 100, Sec. 13 - T31N - R4E
310 east 35th north, NW 1/4 sec. 16.
2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Legal Description	Acres	Legal Description	Acres
SW 1/4 SW 1/4 sec. 13-8-4	39		
SE 1/4 SW 1/4 sec. 13-8-4	39		
SE 1/4 SE 1/4 sec. 13-8-4	16		
	83		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT. YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: X TOW LINE: _____ CENTER PIVOT: X GUN: 35 OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn, Hay, Beans

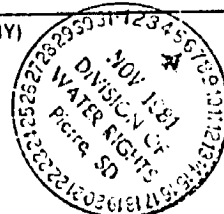
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 28-467

8. SALINITY (EC X 10³): 1267

9. SODIUM (SAR): 3.25

10. ADJUSTED (SAR): _____



I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Same sample as permit # 1177-1 used for this.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

26th DAY OF Oct, 1981

William J. Harnack

(NOTARY PUBLIC) Notary Public, BUTTE COUNTY, S. D.

IMPORTANT

My Commission Expires DEC. 17, 1987

APPLICANT'S SIGNATURE

Edith Klinge

Director, Division of Conservation

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

____ APPROVED

____ DISAPPROVED

X CONDITIONALLY APPROVED

No. 1233-1

Publish first publication, on or before November 17, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 10, 1981

Notice is hereby given Esther Kling whose post office

address is Hisland, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13. for a permit to appropriate for beneficial

use 1.15 cubic feet of water per second of time from the Belle Fourche River

through the Kling #1, the point(s) of diversion of which is (are)

to be located in the NE 1/4 SW 1/4

of Section 12, Twp. 8N, Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/2 SW 1/4 and SE 1/4 SE 1/4, Section 13, T8N, R4E

This Application No. 1233-1 will be considered by the Water Management Board at Howard Johnson Hotel, 3300 W Russell, Sioux Falls SD upon the 2nd day of December, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, (NWR), Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

cc. applicant

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, _____ hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the _____

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ of _____

County of _____ and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

(Signature)

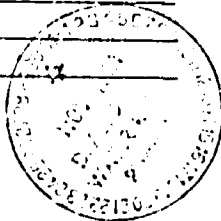
(Title)

25 NOV 81

(Date Signed)

Cost of Printing: _____

WNR-806-7 '79
Proof of Publication



Notices

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, SD

November 10, 1981

Notice is hereby given Esther Kling
whose post office address is Nisland,
South Dakota, has made an application
in accordance with the provision of
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-
14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-
41, and Board Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit to
appropriate for beneficial use 1.19 cubic
feet of water per second of time from
the Belle Fourche River through the
Kling No. 1, the point of diversion of
which is to be located in the NW 1/4 SW 1/4
of Section 12, Twp. 8N, Range 4E. Said
water to be used for the purpose of
providing irrigation on portions of the
following described land:

S 1/4 SW 1/4 and SE 1/4 SE 1/4,
Section 13, T8N, R4E

This Application No. 1233-1 will be
considered by the Water Management
Board at Howard Johnson Motel, 3300
W Russell, Sioux Falls, SD upon the 2nd
day of December, 1981 at 10 a.m. The
Board is authorized to make a
determination on this application at the
hearing. All interested persons may
appear and be heard. Any person who
may be affected by a Board decision
who desires to present evidence or
cross-examine witnesses according to
SDCL 1-26 may notify the Board in
writing prior to the hearing or orally at
the hearing.

This hearing is an adversary
proceeding. Any person has the right to
be present or to be represented by a
lawyer. These and other due process
rights will be forfeited if they are not
exercised at the hearing. Decisions of
the Board may be appealed to the
Circuit Court and the State Supreme
Court as provided by law.

Any handicapped person wishing to
attend this hearing can contact the
Water Rights Division, DWRN, Joe
Foss Building, Pierre, SD, prior to the
hearing date for assistance to assure
access to the hearing.

For the Water Management Board
Betty Westlund, Water Rights
Specialist

Publish Nov. 18 and 25, 1981
Valley Irrigator
Newell, SD

RECEIPT

WATER RIGHTS COMMISSION

No 4 8542

State of South Dakota

November 10

82

PIERRE,

19

RECEIVED OF Esther Kling, Wessland SD 57762

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1233-1 (examination,
processin, recording and filing)

225 00

Fee for Inspection, Construction, and issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and issuing Water License No.

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for
(any other work as provided by law)

TOTAL

225 00

WATER RIGHTS COMMISSION

By

John Hatch

Chief Engineer, Executive Officer

JOHN HATCH

(KS)



AFFIDAVIT

STATE OF SOUTH DAKOTA)) SS.
COUNTY OF BUTTE)

ALBERT RUFF, being first duly sworn on his oath, deposes and says as follows:

That he is a farmer-rancher in the Nisland, South Dakota, area, and he has his post office address at Nisland, South Dakota 57762. That this Affidavit is submitted on behalf of himself and his brother, Walter Ruff, being brothers doing business as the Ruff Brothers. That this Affidavit is submitted in opposition to the application of Richard Feder and Esther Kling for a permit to appropriate the use of .81 cubic feet of water per second and 1.19 cubic feet of water per second respectively from the Belle Fourche River through Kling No. 1.

That your affiant and his brother live and ranch downstream from Kling No. 1 on the Belle Fourche River and use the water from the Belle Fourche River for watering livestock. That it is the understanding of your affiant that the watering of livestock is to be given a higher priority over irrigation of crops.

That it is the belief of your affiant that there is not sufficient water in the Belle Fourche River running past Kling No. 1 to allow the additional appropriation asked for by Reder and Kling and, in fact, last summer, there was not sufficient water available to meet the permits already granted.

That from the latter part of March, 1981, until the 1st of August, 1981, there were seven different occasions when the water pumped from Kline No. 1 completely stopped all water flowing down the Belle Fourche River and the Ruff Brothers could not water their livestock. That because of this problem, your affiant called the supervisor of pumping permits in Pierre three different times and, after about a week, sufficient water then began to flow down the river to water the livestock.

That if the permits to Rader and Kling are granted, it will cause even greater appropriation of the Belle Fourche River water and will cause great hardship to the Ruff Brothers as well as the other downstream property owners who rely upon the Belle Fourche River for watering livestock.

Your affiant and his brother are very busy with their farming and ranching operation at the present time and cannot take the time away from the ranch to travel to Sioux Falls for the hearing on the 2nd day of December, 1981, at ten o'clock A.M.. That your affiant would ask the Water Management Board to consider this Affidavit as an appearance by your affiant in this matter in opposition to the granting of both permits.

WHEREFORE, your affiant would respectfully request that the Water Management Board deny the permits to Richard Reder and Esther Kling.

Dated this 21 day of November, 1981.

Albert F. Ruff
ALBERT RUFF

Subscribed and sworn to before me this 21 day of November, 1981.

Bruce A. Hubbard
NOTARY PUBLIC

(SEAL)

BRUCE A. HUBBARD
NOTARY PUBLIC
My Commission Expires May 21, 1984



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Pierre, S.D. 57501

Date 11-20-82

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

1233-1

Water Right Permit No. 1233-1 states that the diversion system is to be constructed by 12-2-86, and that the water is put to beneficial use by 12-2-90.

The diversion system was completed on 6-30-82. Applying the water to beneficial use was completed on 6-30-82.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Esther Kling
(Signature)

Also, 1177-1 can be inspected along with 1233-1.
Your inspector was ~~was~~ out here to look at 1177-1.
However, when I explained that we were planning on putting in a pivot, he said he would wait and inspect both 1177-1 and 1233-1 at the same time.
He should have a note to that effect.

Esther Kling

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

ESTHER KLING
PO BOX 166
NISLAND, SD 57762

NOTICE

Re: Violation of Water Permit(s) 1233-1 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1233-1. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1233-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will also be to determine if Permit No(s). 273-1A and 1177-1 should be amended with the qualification to require the Questionnaire to be submitted each year.

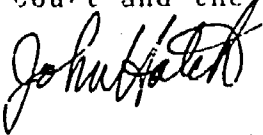
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can.

1. Suspend Permit No(s). 1233-1 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 273-1A and 1177-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

A handwritten signature in cursive script, appearing to read "John Eatch", written in dark ink.

JOHN EATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 15, 1987

273-1A
1177-1
1233-1

Esther Kling
Box 166
Nisland, SD 57762

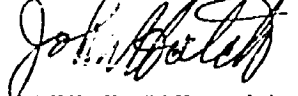
Dear Ms. Kling:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 273-1A, 1177-1 and 1233-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1233-1

August 7, 1986

Esther Kling
PO Box 166
Hisland, South Dakota 57762

Dear Ms. Kling:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1233-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/

NOTE: On form of payment, please include the number of the water permit
This insures proper handling of the fee.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

SECOND NOTICE

Permit No. 1233-1

January 6, 1987

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Esther Kling
PO Box 166
Nisland, SD 57762

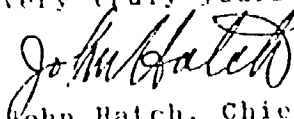
Dear Mr. Kling:

August 7, 1986, you were notified the final inspection fee of \$50.00 is due before Water License No. 1233-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 772-3352

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☒ Show to whom and date delivered — c
- ☐ Show to whom, date, and address of delivery.. — c
2. ☐ **RESTRICTED DELIVERY** — c
(The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL** \$

3. **ARTICLE ADDRESSED TO:**
Esther Kling
PO Box 166
Alisdale 542 57162

4. **TYPE OF SERVICE:**

☒ **REGISTERED** ☐ **INSURED**

☐ **CERTIFIED** ☐ **COD**

☐ **EXPRESS MAIL**

ARTICLE NUMBER
P 614 819 636

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY**
F. Esther Kling
JAN - 7 1987

POSTMARK

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

10130304

Permit No. 1233-1Incorporates # 273-1
273-1A
1177-1Belle Fourche River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Esther KlingP.O. Box 166 at Nisland, SD 57762 holder ofPermit No. 1233-1, bearing the priority of see attached sheet 19 authorizingthe diversion of 4.49 cu. ft. per second of the waters of Belle Fourche Riverfor Irrigation purposes, in Butte County.

I have to report on the conditions of the same as follows:

(see also reverse side)

A. Works used to divert the water: For center pivot.Pump = Cornell - Model 6HH100-4, Ser #35653, pumps 2000 gpm
55 PSI at pump.Motor = GE, 100 HP, Model 5K404 JL2036, Ser #KT 63035

B. Works used to transport water to place of use:

5115 ft of 15", 80 PSI. PVC underground pipe to center pivot.1 1/2 Miles of 10" Gated Aluminum Pipe.

C. Works used to apply water to beneficial use:

Tumac CP Model #650, Ser #103244, 2000 ft long - End gun. 5" dia pipe on CPBooster Pump: Cornell, Model 6HH100-4, Ser #35654, 75 to 80 PSI at CP.Motor: GE 100 HP. Model 5K404 JL2036, Ser #L-11463034. For Sprinkler + Furrow IrrigationThe system is in the following condition Excellent.The point of diversion is located 1500 ft N and 350 ft E of SW corner ofSection 12, T8N R4EThe works are capable of diverting and conveying to the place of use 7.56cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

see Attached Sheetcomprising a total of 112.6 acres of land and the license should be issued for 6.08 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are Date August 13, 1985Leroy J. Merrin

Esther Kling

Permits →	273-1		273-1A	1177-1	1233-1	Total
Priority Date →	July 27 1932	April 28 1956	Aug. 26 1959	Sept. 5 1958	Nov. 9 1981	
T8N R4E	Ac	Ac	Ac	Ac	Ac	Ac
Sec 12						
NW $\frac{1}{4}$ SW $\frac{1}{4}$ } SW $\frac{1}{4}$ SW $\frac{1}{4}$ }	15.6	17.0	9.4 10.4			42
Sec. 13						
NW $\frac{1}{4}$ NW $\frac{1}{4}$			36			36
NE $\frac{1}{4}$ NW $\frac{1}{4}$			29			29
SW $\frac{1}{4}$ NW $\frac{1}{4}$			20	18		38
SE $\frac{1}{4}$ NW $\frac{1}{4}$			7	33		40
NW $\frac{1}{4}$ SW $\frac{1}{4}$				38		38
NE $\frac{1}{4}$ SW $\frac{1}{4}$				40		40
SW $\frac{1}{4}$ SW $\frac{1}{4}$					31	31
SE $\frac{1}{4}$ SW $\frac{1}{4}$				11	27	38
NW $\frac{1}{4}$ SE $\frac{1}{4}$				38	40	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$				38		38
SE $\frac{1}{4}$ SE $\frac{1}{4}$					16	16
Total Ac →	15.6	17.0	101.4	178	114	426
Total cfs →	.22	.24	1.45	2.54	1.63	6.08

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 21, 1927, 1927

RECEIVED OF Esther Kling, PO Box 166, Hisland, SD 57762

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1255-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By

J. A. 5/7/27
Chief Engineer JOHN PATTERSON

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 1233-1

(1) Esther Kling of P.O. Box 166, Nisland, South Dakota 57762 made Application No. 1233-1, November 9, 1981 for a water permit to appropriate 1.19 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1233-1 with a priority date of November 9, 1981 was approved December 2, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 2, 1986 and for the application to beneficial use of said water on or before December 2, 1990.

The land authorized for irrigation under Partial Vested Water License No. 273-1A (reissued on November 5, 1986), Water Permit No. 1177-1 and Water Permit No. 1233-1 is irrigated by the same diversion point and operated as one system. The applicable portions of Partial Vested Water License No. 273-1A and Water Permit No. 1177-1 are incorporated into this Water License No. 1233-1. Priority dates are being assigned to specific diversion rates rather than acreage irrigated. The priority dates are as follows:

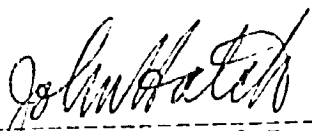
- 1) 0.22 cfs - July 27, 1932 - Partial Vested Water License No. 273-1A
- 2) 0.24 cfs - April 28, 1956 - Partial Vested Water License No. 273-1A
- 3) 1.40 cfs - August 26, 1959 - Partial Vested Water License No. 273-1A
- 4) 3.17 cfs - September 5, 1978 - Water Permit No. 1177-1
- 5) 1.06 cfs - November 9, 1981 - Water Permit No. 1233-1

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 6.09 cubic feet of water per second for beneficial use. The location of the diversion point is: 1500 feet north and 350 feet east of the SW corner of Section 12, T8N-R4E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

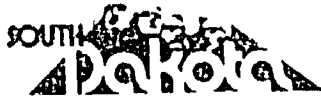
T8N, R4E Section 12	NW1/4 SW1/4	11.0 acres
	SW1/4 SW1/4	31.0 acres
T8N, R4E Section 13	NW1/4 NW1/4	36.0 acres
	NE1/4 NW1/4	29.0 acres
	SW1/4 NW1/4	38.0 acres
	SE1/4 NW1/4	40.0 acres
	NW1/4 SW1/4	38.0 acres
	NE1/4 SW1/4	40.0 acres
	SW1/4 SW1/4	31.0 acres
	SE1/4 SW1/4	38.0 acres
	NW1/4 SE1/4	40.0 acres
	SW1/4 SE1/4	38.0 acres
	SE1/4 SE1/4	16.0 acres
	Total	426.0 acres

(4) Pursuant to Section 46-5-30.1 Esther Kling of P.O. Box 166, Nisland, South Dakota 57762 the holder(s) and/or owner(s) of Incorporated No. 1233-1 is issued a license to appropriate water, the right to use 6.09 cubic feet of water per second from the Belle Fourche River with priority dates of July 27, 1932; April 28, 1956; August 26, 1959; September 5, 1978 and November 11, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 1233-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 12 1989



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1233-1
273-1A
1177-1

SEP 12 1989

Esther Kling
P.O. Box 166
Nisland, SD 57762

Dear Ms. Kling:

Enclosed is Partial Vested Water License No. 1233-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 410726 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

As long as you use the water beneficially, as state in the Water License, the State Water Law provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

Note: The applicable portions of Partial Vested Water Permit No. 273-1A and Water Permit No. 1177-1 have been incorporated into this Water License No. 1233-1.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 5, 1991

1233-1

Ed Kling
P.O. Box 166
Nisland, SD 57762

Dear Ed:

To compile an accurate data, the irrigation questionnaires must be completed as accurate as possible. Based on these questionnaires, we calculate the amount of water diverted from surface or groundwater.

Since the number of days on your questionnaire do not reflect the actual days you irrigated, your irrigation questionnaire is useless in compiling accurate water usage from Belle Fourche River. You need to resubmit your irrigation questionnaire.

Enclosed, please find a blank questionnaire form. Complete the questionnaire as accurately as possible and return it to the Division in the enclosed envelope. If possible, please find out how much water you received through Belle River Pumpers Association.

As I mentioned on the phone, next summer I am planning on inspecting all water permits between the Diversion Dam and Owl Creek. I count a lot on irrigators in the area to assist me in regulating diversions from the river.

I appreciate your comments and concerns. If you have any questions, please do not hesitate to contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Phone: (605) 773-3352

enclosure



1233-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 7, 1994

NOTICE

TO: Esther Kling Estate, c/o Ed Kling
Box 194, Nisland, SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Requirement for installation of a measuring Device, Water Right
No. 1233-1.

This notice is in regard to a qualification on Water Right No. 1233-1. The qualification requires you to install a measuring device in the Belle Fourche River. I understand that the measuring device has not been installed.

Pursuant to SDCL 46-2-17(3) you are ordered not to divert water from the Belle Fourche River until you comply with the qualification of your water right.

Rassool Ahadi, Division of Water Rights Engineer, has discussed this matter with you. Copies of Water Right Nos. 1177-1 and 1233-1 which have been incorporated into Water License No. 1233-1 are enclosed.

If you have any questions, please contact Rassool Ahadi, Water Rights Division, Phone: (605) 773-3352.

enclosures

c: Diane Best, Assistant Attorney General

L

1233-1

CERTIFICATION

I hereby certify that on March 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1994, regarding Requirement for installation of a measuring Device, Water Right No. 1233-1, addressed as stated below:

Esther Kling Estate, Ed Kling, Box 194, Nisland, SD 57762.

Copy Sent Inter-office to:

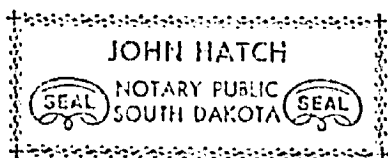
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



1233-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 4, 1994

No. 1233-1

Esther Kling Estate
%Ed Kling
Box 194
Nisland, SD 57762

Dear Mr. Kling:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Partial Vested Water Right No. 1233-1. The partial vested water right is currently listed in the name of Esther Kling.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



1233-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 18, 1994

SECOND NOTICE
Permit No. 1233-1

Esther Kling Estate
Ed Kling
Box 194
Nisland, SD 57762

Dear Mr. Kling:

On January 4, 1994, notice was sent to you concerning the transfer of Partial Vested Water Right No. 1233-1 in the name of Esther Kling. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The partial vested water right can then be transferred to your name. If you are not the present owner of the land covered under this partial vested water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Esther Kling Estate
2Ed Kling
Box 194
Hiland, SD 57762

1233-1

4a. Article Number

P 318 052 632

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

MAR 21 1994

5. Signature (Addressee)

A. Klemm, Jr. Derchamps

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

1233-1

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 1233-1

Date: 5-6-94

I/We request that Partial Vested Water Right No. 1233-1

formerly owned by: Esther Kling

Ed Kathy Kling HCR 76, Box 194, Nisland

be transferred to: ~~Esther Kling~~ Ed Kling, Box 184, Nisland, SD 57762

(Telephone No: 605 1 257-2352)

Title to the following described land(s)/property has been transferred as described above:

W 1/2 SW 1/4 Section 12; NW 1/4, SW 1/4 and SE 1/4 Section 13, T8N, R4E

I/We understand that the validity of Partial Vested Water Right No. 1233-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

Wyoming
STATE OF ~~SOUTH DAKOTA~~)

County of Campbell)

I/We Ed Kling being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ed Kling
(Signed)

Subscribed and sworn to before me this 23 day of May, 19 94.

Leah Ann Jensen
(Notary Public)

My commission expires 11-15-96

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

414178

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, May 18 19 94

RECEIVED OF Ed Kling, 108 W Laramie, Gillette, WY 82716

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Partial Vested Water Right No. 1233-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



1233-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 26, 1994

No. 1233-1

Ed and Kathy Kling
HCR 76, Box 194
Nisland, SD 57762

Dear Mr. and Ms. Kling:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Partial Vested Water Right No. 1233-1.

Our records now show you as the owner of Partial Vested Water Right No. 1233-1.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return the card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

ED & KATHY KLING
HCR 76 BOX 194
NISLAND SD 57762 9717

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

378 081 451

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

FEB - 5 1997

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

1233-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: ED & KATHY KING, HCR 76 BOX 194, NISLAND, SD 57762 9717

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 1233-1

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1233-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1233-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1233-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 21, 1997

1233-1

Ed & Kathy Kling
HCR 76 Box 194
Nisland, SD 57762-9717

Dear Mr. & Mrs. Kling:

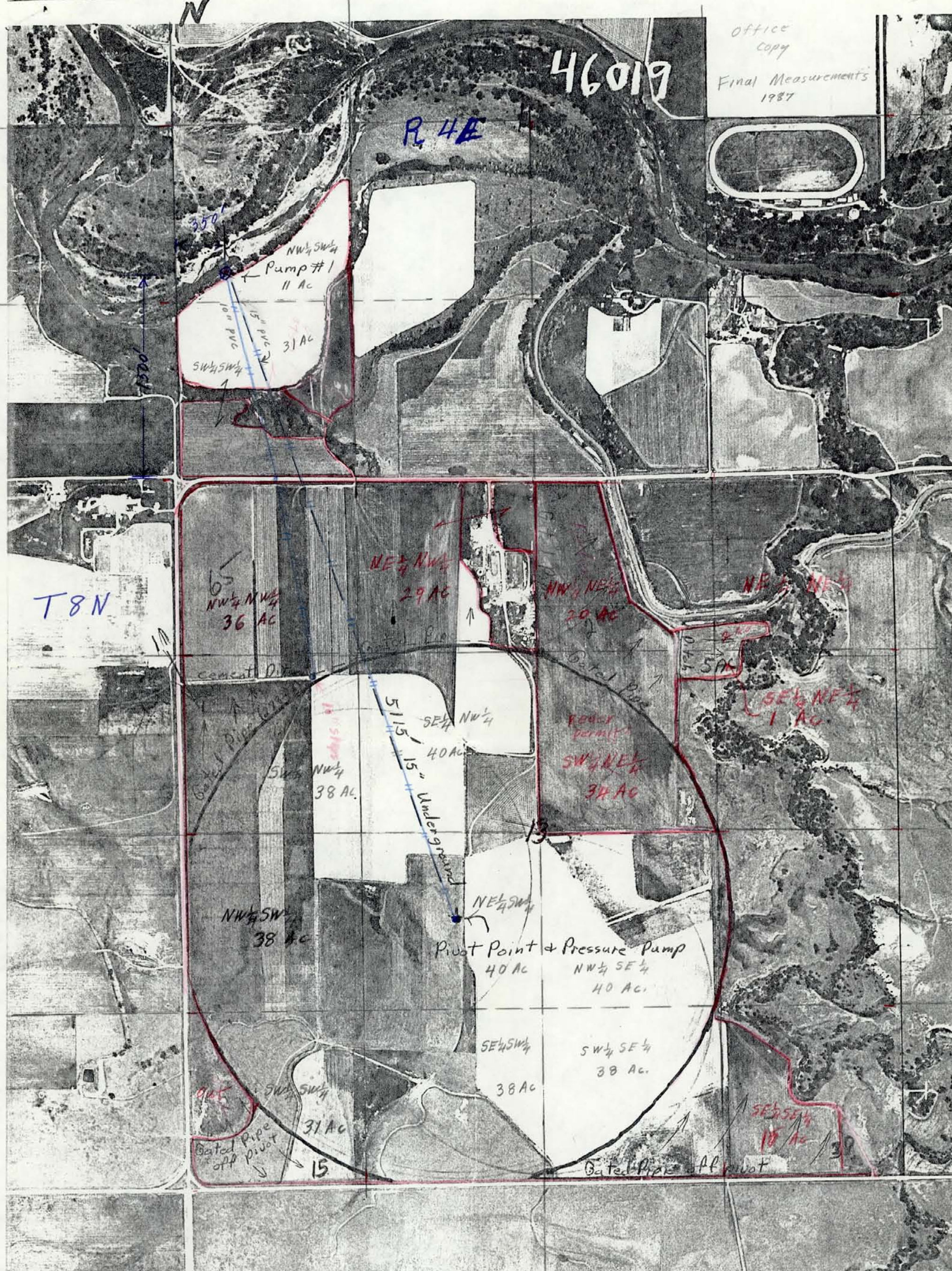
I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 1233-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



Office
copy
Final Measurements
1987

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Above Areas to be licensed

over all Map for Permits # 273-1, 273-1A
1177-1 1220-1, 1233-1 & 1234-1

SCS - CPA - 16
2 - 81

CONSERVATION PLAN MAP

Owner Esther Kling & Richard Reder Operator Edward Kling & Richard Reder
County Butte State South Dakota Date 10/81
Approximate acres 478 Approximate scale 8" = 1 mile
Cooperating with Butte Conservation District
Plan identification _____ Photo number _____
Assisted by Charles J. Logan USDA Soil Conservation Service

LEGEND

SECTION LINE ————
 1/4 LINE ————
 1/16 LINE ————
 LATERAL PICKUP DRAIN ————
 BOUNDS OF AREA TO BE IRRIGATED ————

Licensed in Red

*#273-1 Priority dates
 .22 cfs - July 17, 1932
 .24 cfs - Apr 28, 1956*

Total .46 cfs

Acres = 32.06

Total 7.9 Ac

NW 1/4 SW 1/4

*Esther Kling
 #273-1*

BELLE FOURCHE RIVER

FIELD 2
 5.4 ACRES

FIELD 3
 2.3 ACRES
 0.4 ACRES

FIELD 1
 13.7 ACRES

SW 1/4 SW 1/4

Barney Irrigated Since 1932

24.7 Ac Total

FIELD 4
 8.7 ACRES

Sugar Beets

SECTION CORNER

1205' FROM SEC. COR. TO PUMPING STA. NO. 2 BEARING N 1° 47' E
 1362' FROM SEC. COR. TO PUMPING STA. NO. 1 BEARING N 8° 03' E

WEIR HEADWALL

PUMPING

STA. NO. 1 BEARING N 8° 03' E

WEIR HEADWALL EACH SIDE OF OUTLET BOX

OUTLET BOX

PUMP STA NO 1

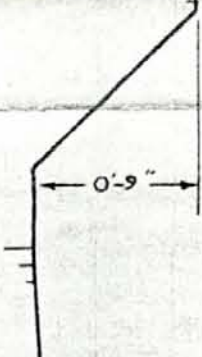
PUMP STA NO 2

5" PRESSURE PIPE

FIELD 182

FIELD 3

2'-0"



46019

17

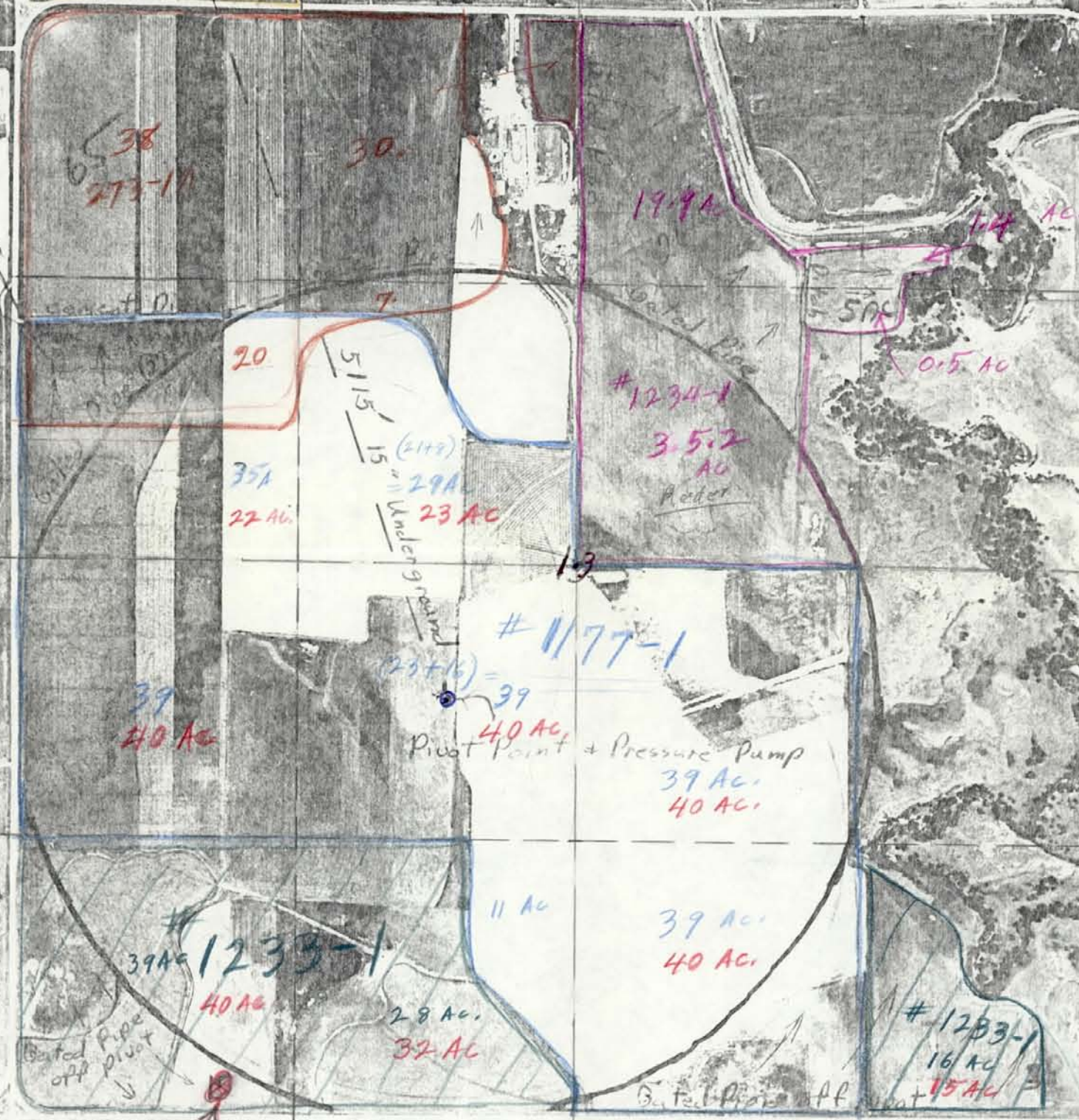
APPL. MEASUREMENTS

R. 4 E

12

Add 4 AC.
Pump #1
#273-1
#273-1A
Add 9.3 AC
1

T 8 N



Well
#12201
Red for Well

Map of Areas under Applications
273-1, 273-1A, 1177-1, 1220-1, 1233-1 + 1234-1

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS - CPA - 16
2-81

CONSERVATION PLAN MAP

Owner Esther Kling & Richard Roder Operator Edward Kling & Richard Roder
County Butte State South Dakota Date 10/81
Approximate acres 478 Approximate scale 8" = 1 mile
Cooperating with Butte Conservation District
Plan identification _____ Photo number _____
Assisted by Charles J. Logan USDA Soil Conservation Service

46019

171

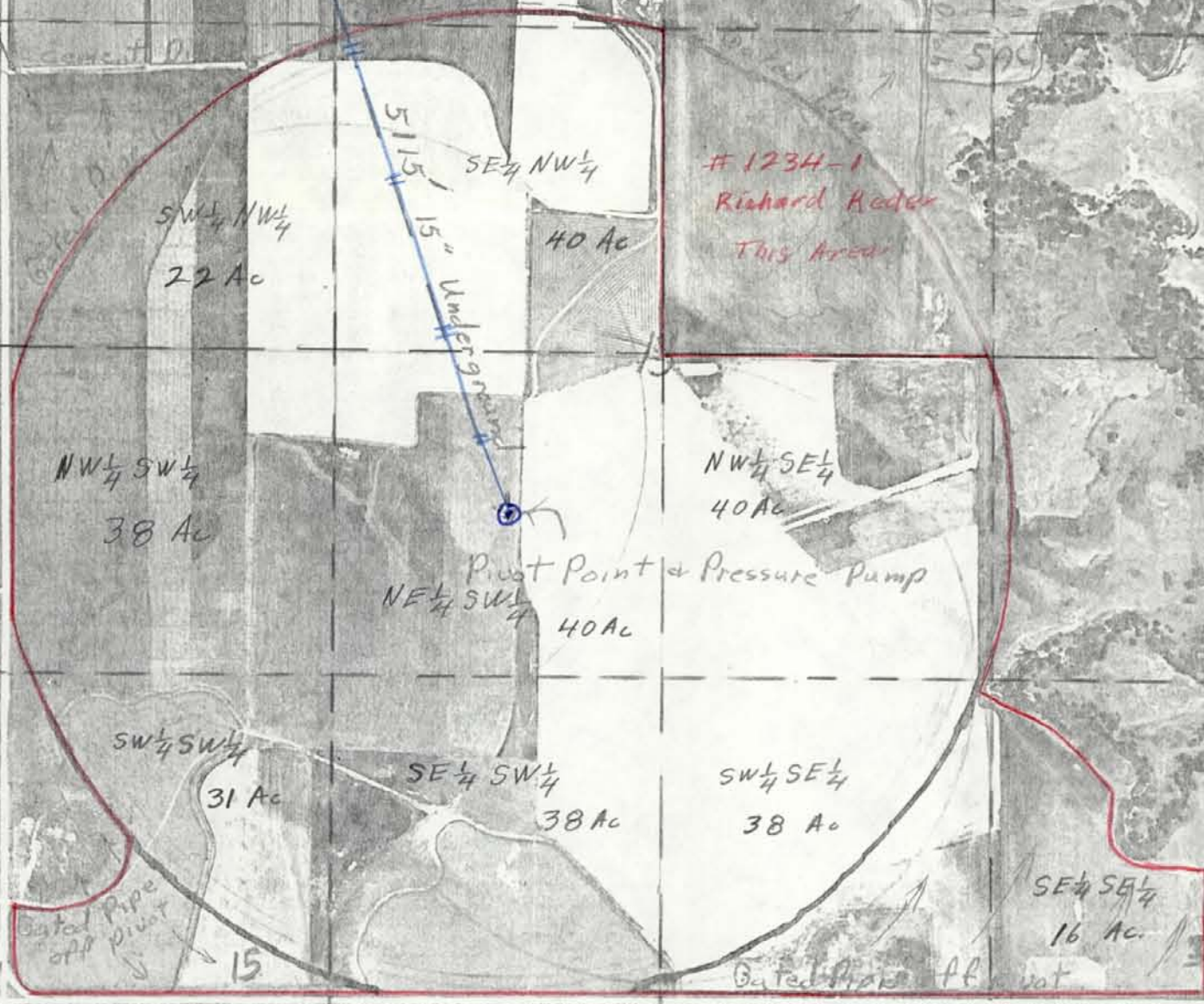
RHE

Pump #1

350'

1500'

T8N



U.S. DEPARTMENT OF AGRICULTURE #1233-1, Incorp. 1177-1 + 1220-1 ? SOIL CONSERVATION SERVICE Well

SCS - CPA - 16
2 - 81

CONSERVATION PLAN MAP

Owner Esther Kling & Richard Reder Operator Edward Kling & Richard Reder
County Butte State South Dakota Date 10/81
Approximate acres 478 Approximate scale 8" = 1 mile
Cooperating with Butte Conservation District
Plan identification _____ Photo number _____
Assisted by Charles J. Logan USDA Soil Conservation Service



1233-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: ED & KATHY KLING, 12345 VALLERY RD, NISLAND, SD 57762 9717

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1233-1. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1233-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1233-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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FAQs > (<http://faq.usps.com/?articleId=220900>)

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Your item was delivered to an individual at the address at 12:45 pm on January 29, 2018 in NISLAND, SD 57762.

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January 29, 2018 at 12:45 pm
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NISLAND, SD 57762

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☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
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☐ Adult Signature Required \$	ED & KATHY KLING 12345 VALLERY RD NISLAND SD 57762 9717
☐ Adult Signature Restricted Delivery \$	
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See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions. [How can I help you?](#)



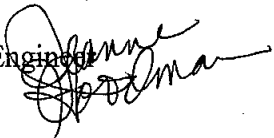
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 1233-1

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Right No. 1233-1 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

1233-1

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185
Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785
Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

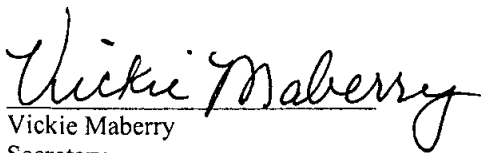
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788
Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717
Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078
Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501
Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220
Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345
Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502
Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600
Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415
Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201
Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701
Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278
Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434
Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411
Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382
Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790
Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

Third violation - Cancellation:

Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231



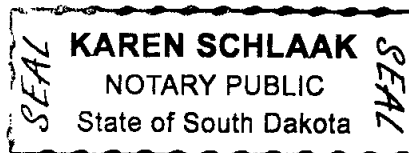
Vickie Maberry
Secretary
Water Rights Program

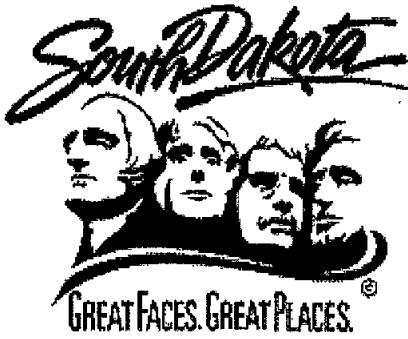
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 18.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 15, 2018

1233-1

Ed & Kathy Kling
12345 Vallery Rd
Nisland SD 57762 9717

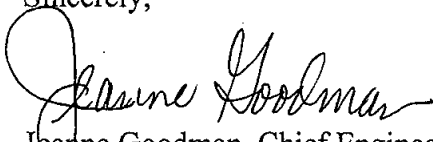
Dear Mr. & Mrs. Kling:

On March 7th the Water Management Board ordered Water Right No. 1233-1 suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2018 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program