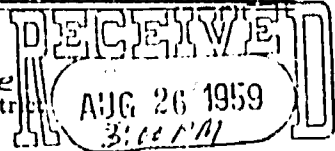


Amendment to No. 273-1A
 Water Division No. 1 Belle Fourche
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ALEX. KLING Estate by William Kling Adm.Postoffice address Belle Fourche, County Butte, State So. Dk.I. If a corporation X X X X X Trans. to ~~Esther~~ Esther Kling(a) Name of same X X X X X Missouri, S. Dak. 11/6/47(b) Date and place of incorporation X X X X X(c) Amount of capital stock X X X X(d) Amount paid in X X X X(e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

X X(b) Cash on hand, X X (c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X (e) Other resources, \$ X X2. Name of diversion work KLING IRRIGATION PROJECT3. Amount of water claimed 3 (two) cubic feet per second4. Source of water supply Belle Fourche River

Between a point 1266' N8° 03'E and a point 1205' N1° 47'E both from

5. Location of point of diversion the SW Cor., Sec. 12, T.8 N, R.4 E-BHMon South (Right) bank Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 141 acres.NW-SW-12 Ac., SW-SW-34 Ac. Sec. 12, T8N, R.4 E46 Ac.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

NW-NW-38 Ac., NE-NW-30 Ac., SW-NW-20 Ac., SE-NW-7 Ac. S.13, T.8, R.4 95 Ac.(c) Statement as to domestic use (giving location, etc.) 141 Ac.Irrigation only.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None

Name any of the above uses claimed

(b) Amount of power to be generated None horse powerAmount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream Thru percolation.

Map No. 353-1

DATE MICROFILMED

8. Estimated cost of work:

(a) Head Gates, \$100.00 1 6YPH Berkeley/10HP El. pump plant, \$1264.99
 (c) Fluming, \$10.00 No. 2 Pumping plant, \$1200.00
 (d) Canal earth, \$2000.00
 (e) Other structures 1000 ft. 8" aluminum pipe Earth work Total, \$4964.99

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____
 (b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width _____ feet; height _____ feet;
 Material _____
 (d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work _____ years.
 11. Time required for complete application of water to the proposed beneficial use _____ years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____

~~The Belle Fourche Bee, Belle Fourche, So. Dak.~~
 STATE OF SOUTH DAKOTA
 County of Butte ss.

I, William Kling, Administrator Alex Kling Est., 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed William Kling
 Subscribed and sworn to before me this 11 day of September 1959
Frank M. Hansen
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

Priority water available for the permit are returned from the Belle Fourche Project.
Your use of the waters under this permit is contingent upon supplies being available for prior water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Place, South Dakota,

October 15

1959

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock

P.m. upon the 26th day of August, 1959.

State Water Resources Commission

By:

J. G. Rimmer

Chief Engineer, Executive Officer

Number of permit

273-1A

Date of first receipt of application

August 26

1959

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right:

August 26

1959

Approved

October 7

19

5

Recorded in Book

5

Page

231

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

October 7, 1960

2nd. The whole of said work is to be completed on or before

October 7, 1963

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

October 7, 1968

4th. The water appropriated shall be used for the purpose of

irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1.54 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 October 7, 1968; said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this

15th

day of

October

1959

State Water Resources Commission

By:

J. G. Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 26

1967

Water License Issued

JUNE 26

1967

Remarks by the Applicant:

**THIS APPLICATION IS OFFERED AS AN AMENDMENT TO THE ALEX KLING
APPLICATION No. 473-1 - PRIORITY DATE April 23, 1956.
APPROVED FOR 0.64 cu.ft.**

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 273-1A . . .

WHEREAS, On the 26th day of August A. D. 1959
the Alex Kling Estate

of Nisland County of Butte and State of
South Dakota duly made application (No. 273-1A) to us for a permit to use 1.54
cubic feet per second of the waters of the Belle Fourche River
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 15th day of October A. D. 1959
Permit No. 273-1A was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 7th day of
October A. D. 1963 and for the application to beneficial use of said
water on or before the 7th day of October A. D. 1968
and,

WHEREAS, the permit was transferred to Ruben and Esther Kling, and

WHEREAS, On the 6th day of April A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0
cubic feet per second of said waters, as evidenced by our Certificate No. 273-1A
dated June 26, 1967 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of
priority of August 26, 1959 and,

WHEREAS, On the 5th day of May A. D. 1967
proof was duly made of the application to beneficial use of 1.54 cubic feet per second of said water,
for irrigating 100.4 acres in portions of Sections 12 and 13, T8N, R4E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Ruben and Esther Kline
of Nisland the holder 0 and owner 0 of said permit No. 273-1A
a water right, dating from August 26, 1959 to the use of 1.54
cubic feet per second of the waters of the Belle Fourche River
In the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted between points in the NW 1/4 SW 1/4
and in the SW 1/4 SW 1/4, Section 12, T8N, R4E
and conducted to and upon portions of Sections 12 and 13, T6N, R4E more specifically
described in the Certificate of Completion of Works
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 26th day of June A. D. Nineteen
Hundred and Sixty-Seven

State Water Resources Commission
By: J. W. CRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA	Water License No. _____
To _____	_____
_____	_____
_____	_____
Source of Supply _____	_____
County _____	_____
Am't _____ c f s.	_____
Point of Diversion _____	_____
_____	_____
Place of Use _____	_____
_____	_____
Purpose _____	_____
_____	_____
Date of Priority _____	_____
Recorded _____	_____
In Book _____ of _____	Page _____

Permit No. 273-1A

River

Water Division No. 1 Belle Fourche Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ruben and Esther Klingof Wislard, County of Butte, and State of South Dakota, the holder of Permit No. 273-1A issued upon ApplicationNo. 273-1A, bearing date of priority of August 26, 1959, authorizing the diversion of 1.54 cu. ft. per second of the waters of the Belle Fourche RiverCounty of Butte, State of South Dakota, ~~xx~~ between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T8N, R4Efor irrigation

purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: All in T8N, R4ESection 12 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.1 acresSW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.3 "Section 13 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 28.0 "NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 "SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 "Total - 100.4 "Witness my hand this 26thday of JuneA. D. 1967

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

273-114

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
832-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	95.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Seark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1025-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	416.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	<u>Diversion</u> Rate	<u>Acreage</u>	<u>Receipts</u> (total fee)	<u>Amount</u> <u>Returned</u>
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	423.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.39	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffray	1.05	73.70	33.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shelling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8360

PIERRE, July 1, 1981

RECEIVED OF Esther Kling, Nisland, SD 57762

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting 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 water master services on WR# 273-1A (any other work as provided by law)	47.25	
TOTAL	47.25	

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / bt



Department of Water & Natural Resources

Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

Euben & Esther Kling
Hiland, SD 57762

Dear Mr. & Mrs. Kling:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
273-1	0.46 cfs	32.60	\$ 16.25
273-1A	1.54 cfs	108.40	47.25
1177-1	3.30	231.00	97.75
TOTAL			\$163.25

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) ss.

IN CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF) FINAL DECREE OF DISTRIBUTION
RUBEN KLING, DECEASED.) CASE NO. PRO. 74-29

This matter having come on regularly before the Court upon the petition of Esther Kling, Administratrix of the estate of the above named decedent; and it appearing to the satisfaction of the Court that due notice of the time and place of this hearing has been given as required by law and order of this court; said Esther Kling, Administratrix of the above named estate, appearing in person and by Donn Bennette, one of her attorneys; and it being established on proofs adduced that the necessary expenses of funeral and of last sickness of said deceased have been fully paid; that due proceedings have been had upon the matter of inheritance and estate taxes and that there are no such taxes now chargeable or unpaid; and that all claims of the state for sales tax and all real and personal property taxes have been paid; and that due notice has been given to creditors as required by law, and that the time has expired within which claims may be presented against said estate, and that all debts existing against said deceased, or allowed by court pursuant to law, have been fully paid and satisfied; and that the final account of the said Administratrix has been herein filed and, upon due notice, that the same has been settled; and it appearing that said estate has been fully administered and is now ready for distribution;

IT IS NOW ORDERED, ADJUDGED AND DECREED upon proofs adduced, that said deceased died intestate, and that the following are the sole and only heirs at law, or devisees or legatees, as the case may be, who are lawfully entitled to the distribution of the said estate, pursuant to Assignments from the other heirs waiving their inheritance in said estate, and whose relationship to the deceased, if any, and whose respective last known post office address is as follows, to-wit:

Name:	Relationship:	Address:
Esther Kling	Spouse	Nisland, SD 57762

Now, therefore, upon the said petition for distribution;

IT IS ORDERED, ADJUDGED AND DECREED that there is due and owing to Mueller, Bennett & Hanson for legal fees, sales tax and costs advanced in the sum of \$3877.77 for the administration of this estate and the Administratrix is hereby ordered and directed to forthwith pay said sum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following described real and personal property, to-wit:

West Half of the Southwest Quarter of Section 12;
Northwest Quarter and the South Half of Section 13;
and, the South Half of the Southeast Quarter of Section 14, except Lot "A" of the South Half of the Southeast Quarter of Section 14 which has been conveyed to the United States of America by deed recorded in Book 165 at Page 535 in the office of the Register of Deeds, Butte County, South Dakota, all in Township 8 North, Range 4 East, B.H.M., Butte County, South Dakota.

1972 Pontiac automobile

301 shares of Federal Land Bank stock

prior to the death of Ruben Kling, Deceased, was owned by the deceased and Esther Kling as joint tenants with right of survivorship and not as tenants in common; and, that all right, title or claim of the said deceased, joint tenant, as aforesaid, be and the same is hereby terminated and concluded, and that Esther Kling be and she is determined to be the survivor in said joint tenancy and the owner in fee simple of the property included in said joint tenancy.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all and singular of the residue of the estate of Ruben Kling, Deceased, being hereinafter fully described and set forth, shall be and the same is hereby assigned and vested in the said person, so lawfully entitled to the same, in the following proportions, that is to say:

ALL TO ESTHER KLING

in the following described personal property, to-wit:

30 shares of Patron Oil Company plus accrued capital credits
19 shares Preferred stock in Farmers Ranchers Cooperative
plus any accrued capital credits
5 shares Common stock in Farmers Ranchers Cooperative plus
any accrued capital credits

Money due and owing on cattle feeding contract

1970 Forage Harvester
1970 Mixer Feeder Wagon
1972 GMC 3/4 T. Pickup
Richardson Dump Wagon
2 Electric Irrigation Pumps
Homelite Riding Mower
1961 Chevrolet Truck
Rototiller
John Deere 9 ft. blade
Air tank
150 Gallon Tank
JD 4320 Diesel Tractor
Whetmore Mill w Feeder Bale
6 row bean planter
Electric pump & fittings
Box trailer
JD 520 tractor
Harrow Disc attachment
3 Section Harrow and Dunbar
6 row bean cutter
N Liquid applicator
U Weed burner
Air Compressor
Battery Charger
Jack
Brand Certificate #61769
Cash in the sum of \$1,316.55

together with any other property not now known or discovered which may belong to the estate or in which the said estate may have any interest.

To have and to hold the same with all the hereditaments and appurtenances thereunto belonging and in anywise pertaining, to the above named person and her heirs and assigns forever.

Dated this 14th day of November, 1975.

BY THE COURT:

RA
R. E. Brandenburg, Circuit Judge

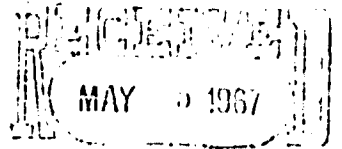
ATTEST:

RA
Gladys Rothermel, Clerk of Courts
(CLERK'S SEAL)

STATE OF SOUTH CAROLINA, COUNTY OF BETHLEHEM

I, Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court of Common Pleas for the County of Bethlehem, South Carolina.

Nov 14 1975 Gladys Rothermel

Location No. 273-1AWater Division No. 1 Belle Fourche River Water DistrictSTATE WATER RESOURCES COMMISSION
SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Rueben Kling, Farmer, Nisland, S.D.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. August 26, 1959

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Belle Fourche River as shown on water right
Map 353-1

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 10 H.P. Electric motor, 25 H.P. Electric motor, two pumps - 5" x 6"
and 10" x 6", 1000' 12" pipes, several miles of ditches can pump
1250 gpm through system. Completed in 1963

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. used for irrigation of 168.9 acres as shown
on water right map No. 353-1

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2 c.f.s

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Used as described above every year since
completely

(Sign) Ruben K. Lewis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of May 3 - A. D. 1917

~~_____~~

Witnesses, George Meyer

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

George (Jack) Tied
Lamar, Ark

Location No.-----

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source

County -----

Purpose

Place of Use -----

Date of recording

Received and filed -----

Permit No. 273-1ABelle Fourche RiverWater Division No. 1

Water District

Certificate of Examination of Works**Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify ~~that in accordance with your letter of authorization dated~~1957, I have this day made a thorough examination of the diversion works constructed byRuben Kling, of NislandButte County, South Dakota, holder of Permit No. 273-1A, issuedupon Application No. 273-1A, bearing date of priority of August 26, 1957, authorizing thediversion of 154 cu. ft. per second of the waters of Belle Fourche River for irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Berkley Pump, 8" x 6", Gravel Elevator 10 H.P.
Motor, Berkley Pump 10" x 5", 25 H.P. Electric Motor, 33
thirty foot long at 12 in. aluminum pipe and about 1 1/2
miles of ditch.

and the system is in the following condition: GoodThe point of diversion is located As shown on water right map No. 353-1

The works are capable of diverting and conveying to the place of use 2 cu. ft. per second of water,
 which is to be used for irrigation

The legal sub-divisions to be irrigated are: 108.4 acres as shown on
water right map 353-1

comprising a total of 108.4 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 6th day of April, A. D. 1967.

—SEAL—

Ronald Wassel
 Examining Engineer,
 Deputy Chief Engineer
 Water Resources Commission

1. Considered _____, 19____
2. Name of Applicant _____
3. Post Office Address _____
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
Acres to be irrigated _____
7. Water to be diverted and used in _____ County about
_____ miles _____ of _____.
8. Proof of Publication Received ☒
 Not Received _____
9. Application Approved ☒
 Subject to _____
 Not approved _____
 Action deferred _____
10. Remarks:

The Stream pro. rights

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }

County Butte } ss.Laurence H. Hays being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

The Belle Fourche Rev a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Sept. 10, 1959Sept. 17, 1959Sept. 24, 1959Oct. 1, 1959

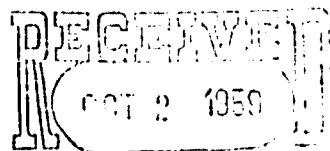
in each and every issue of the full number thereof, the first

publication being made on the 10 day of Sept.1959 and the last publication on the 1st day ofOct. 1959, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was ----- the printer and publisher of

the said newspaper.

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

No. 273-1A

Office of State Water
Resources Commission
Pierre, S. Dak.

September 3, 1959

Notice is hereby given that the Alex Kling Est. by William Kling Adm. whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from the Belle Fourche River through the Kling Irrigation Project, the point of diversion of which is to be located on the southeasterly bank of said stream between a point in the NW 1/4 SW 1/4 and a point in the SW 1/4 of the SW 1/4 of Section 12 Twp. 8N Range 4E. Said water to be used for the purpose of providing irrigation on parts of the following described land:

W 1/2 SW 1/4 of Sec. 12 and the NW 1/4 Sec 13, All in T 8N, R. 4E, BHM.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission,

By Les Wyborny,
Water Rights Engr.

B44 9/10-17-24 10/1

Subscribed and sworn to before me this 1st day of Oct A. D. 1959Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 22, 1966

(First Publication before September 11, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 3, 1959

Notice is hereby given that the Alex Kling Est. by William Kling Adm. whose postoffice address is Belle Fourche S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from the Belle Fourche River through the Kling Irrigation Project, the point of diversion of which is to be located on the northeastly bank of said stream between a point in the NW 1/4 SW 1/4 and a point in the SW 1/4 of the SW 1/4 of Section 12 Twp. 8N Range 4E Said water to be used for the purpose of providing irrigation on parts of the following described land:

W 1/2 Sec. 12 and the NW 1/4 Sec. 13 All in T. 8N, R. 4E, N.D.

~~and for~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~
Leo Wyborny, Water Right Engineer

cc Mr. Laurence Weyler, Publisher
The Belle Fourche Bee
Belle Fourche, South Dakota

Relicense

Permit No. 273-1AIncorporate # 273-1
into # 273-1ABelle Fourche River Water District 10120202**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Esther Klingof Hisland, S.D. 57762 holder of
Permit No. 273-1A, bearing the priority of 0.22 cfs from July 17, 1932; 0.24 cfs from April 28, 1956
1.54 cfs from Aug. 1st 2-6 1959 authorizingthe diversion of 2.00 cu. ft. per second of the waters of Belle Fourche River
for Irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Motor = GE, 50 HP, Model 5K326XAM202, Ser #AGJ113349, 1760 RPM
Pump = Cornell, Model 6NW50, Ser #9955, Pumps 1500 gpm

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

10" Dia 80' PVC Underground pipe to fields with Risers
3000 ft long

C. Works used to apply water to beneficial use:

1 1/2 miles of Gated pipes for furrow and flood irrigation,
10" diameterThe system is in the following condition: ExcellentThe point of diversion is located 1500 ft N and 350 ft E of the SW corner
of section 12 T8N R4EThe works are capable of diverting and conveying to the place of use 3.33
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T8N R4E

<u>NW 1/4 SW 1/4 of Sec. 12 = 11 Ac.</u>	<u>SW 1/4 NW 1/4 of Sec. 13 = 16 Ac.</u>
<u>SW 1/4 SW 1/4 " " 12 = 31 Ac.</u>	
<u>NW 1/4 NW 1/4 " " 13 = 36 Ac.</u>	
<u>NE 1/4 NW 1/4 " " 13 = 29 Ac.</u>	

comprising a total of 123 acres of land and the license should be issued for 1.76 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date August 13, 1955

Priority dates:

0.22 cfs from July 17, 1932
0.24 cfs " April 28, 1956
1.30 cfs " August 26, 1959

LeRoy J. McLaughlin
 (signature)

State of South Dakota
RIGHT
REISSUANCE OF PARTIAL VESTED Water License No. 273-1A

(1) Esther Kling
of Box 166, Misland, South Dakota 57762 was issued Water License No. 273-1A
made Application No. , June 26, 1967 for a ~~water permit~~ ^{right} to appropriate
1.54 cubic feet per second of water from the Belle Fourche River
Butte County, South Dakota for irrigation purposes.
Water License 273-1A, with a priority date of August 26, 1959
~~Permit~~ No. 273-1A, was approved ~~and~~ issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~ completed .

Water License No. 273-1A dated June 26, 1967 was issued for diversion of 1.54 cfs from the Belle Fourche River to irrigate 108.4 acres. No. 273-1A carried a priority date of August 26, 1959.

Partial Vested Water Right License No. 273-1 dated February 4, 1958 was issued for diversion of 0.46 cfs from the Belle Fourche River to irrigate 32.6 acres. No. 273-1 carried the following priority dates: July 17, 1932 for 0.22 cfs & April 28, 1956 for 0.24 cfs.

Based on an August 13, 1985 inspection of the water use system, the licenses are being reissued to reflect what is actually being irrigated.

The applicable portions of Partial Vested Water Right License No. 273-1 are being incorporated into this License No. 273-1A. Priority dates are as follows: July 17, 1932 for 0.22 cfs; April 28, 1956 for 0.24 cfs and August 26, 1959 for 1.30 cfs.

and

(2) It is certified that the application 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 1.76 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 1500'N and 350'E of the SW Corner of

Section 12, T8N, R4E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T8N-R4E

Section 12	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11 Acres	(CB)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31 Acres	(CC)
Section 13	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29 Acres	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16 Acres	(BC)
123 ACRES			

(4) Pursuant to §46-5-30.1 Esther Kling

of Box 166, Hisland, South Dakota 57762

Partial Vested Water Right
the holder(s) and/or owner(s) of Water Permit No. 273-1A is issued a license to appropriate water, the right to use 1.76 cubic feet per second of water from the Belle Fourche River with a priority date of 0.22 cfs from July 17, 1932; 0.24 cfs from April 20, 1956 and 1.30 cfs from August 26, 1959 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

Partial Vested Water Right

This license is subject to any limitations or qualifications listed in Water Permit No. 273-1A and subject to South Dakota State Law.


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

JOHN HATCH

NOV 5 1985

South Dakota Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 5 1986

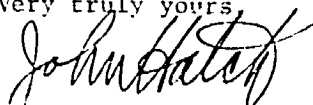
Esther Kling
Box 166
Husland, South Dakota 57762

Dear Mrs. Kling:

Enclosed is your ^{Partial Vested Right} Water Right License No. 273-1A. The water license has been reissued to the extent of what is actually being used. The relicense is based on a August 13, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

 **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.

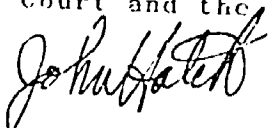
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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.



JOHN HATCH, 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 57501-3181

1233-1
273-1A
1177-1

SEP 12 1989

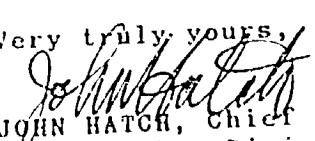
Esther Kling
P.O. Box 166
Nisland, SD 57762

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.



SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 273-1A
FOR IRRIGATION

Date Claim Accepted For Filing August 26, 1959.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 273-1A for irrigation purposes for Esther Kling, Box 166, Nisland, South Dakota 57762 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 273-1A appropriates 0.22 cubic feet of water per second from the Belle Fourche River to irrigate 15.8 acres. The diversion point is located in the NW 1/4 SW 1/4, Section 12 and the irrigated acres are located in the W 1/2 SW 1/4, Section 12 and N 1/2 NW 1/4, SW 1/4 NW 1/4, Section 13; all in T8N, R4E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - November 30.
3. The priority date of the Vested Water Right is July 17, 1932.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

REMARKS

The applicable portions of Partial Vested Water Right No. 273-1A have been incorporated into Water License No. 1233-1.

WATER MANAGEMENT BOARD

By: John H. Hatch
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991
date



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Esther Kling
Box 166
Nisland SD 57762

Dear Ms. Kling:

The Water Management Board has validated the enclosed Vested Water Right No. 273-1A. This validation gives legal status to the claim and is the final document for your vested right.

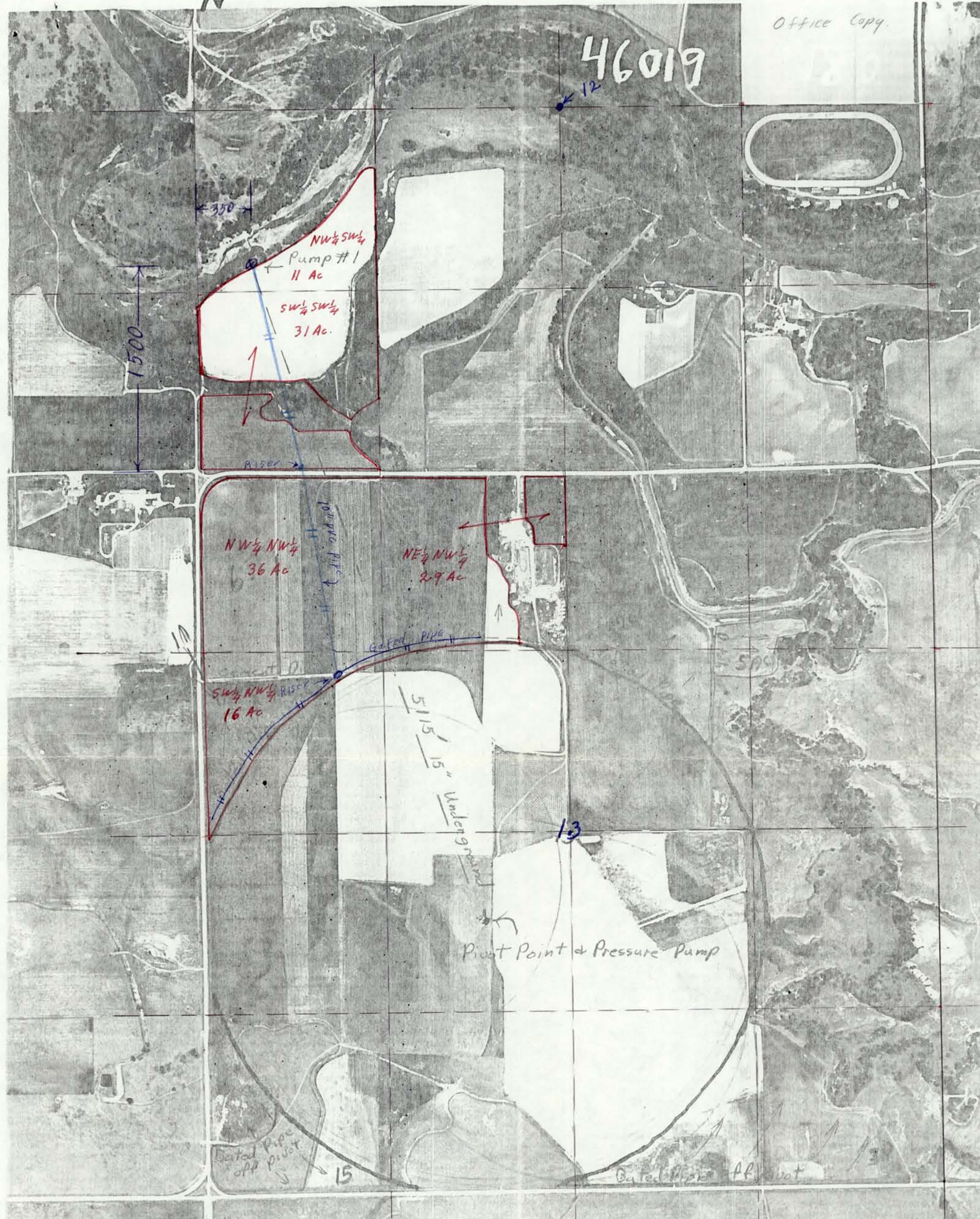
As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


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

enclosure

46019



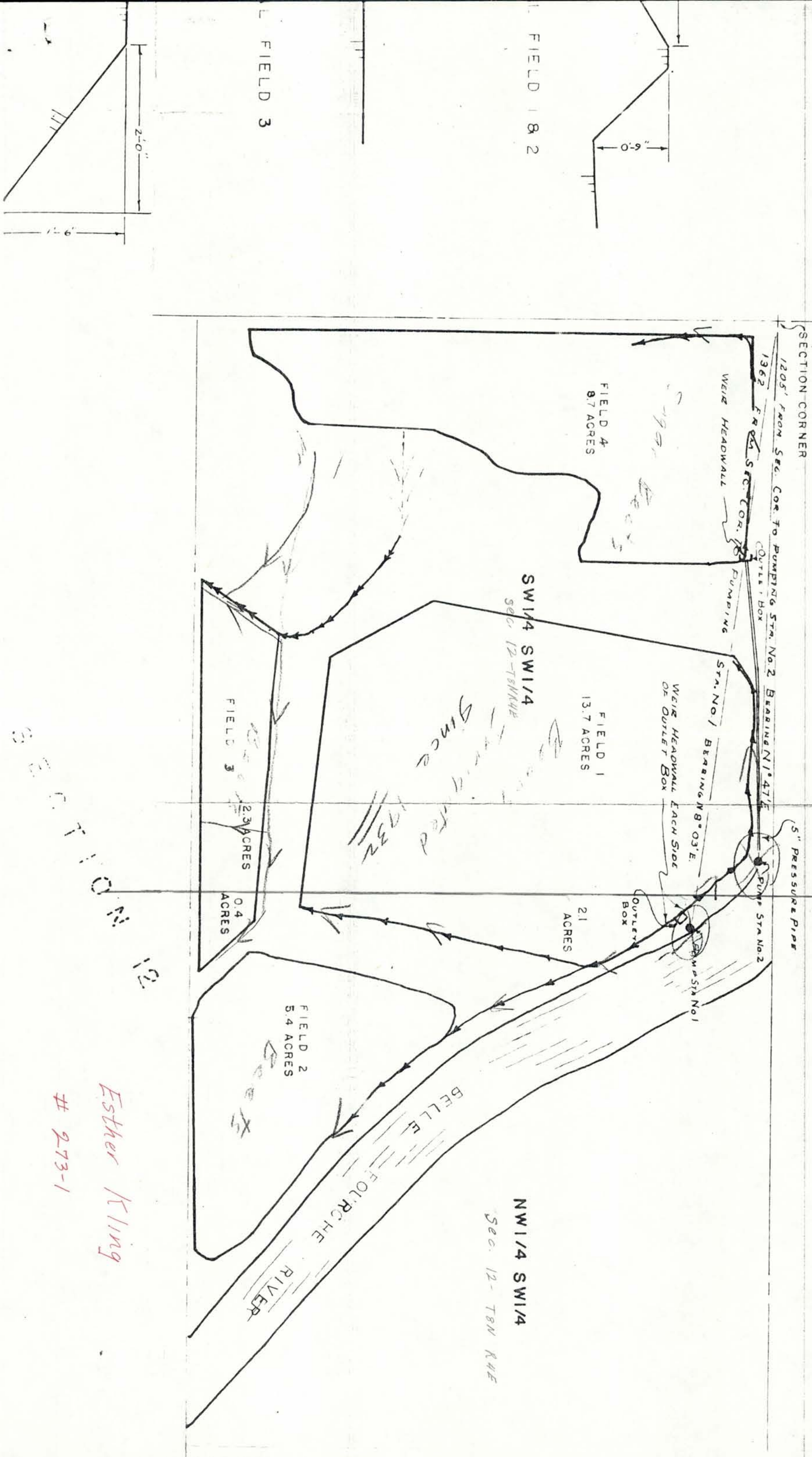
Esther Kling #273-1A

U.S. DEPARTMENT OF AGRICULTURE This map Incorp #273-1 Into #273-1A SCS-CPA-16
SOIL CONSERVATION SERVICE 2-81

CONSERVATION PLAN MAP

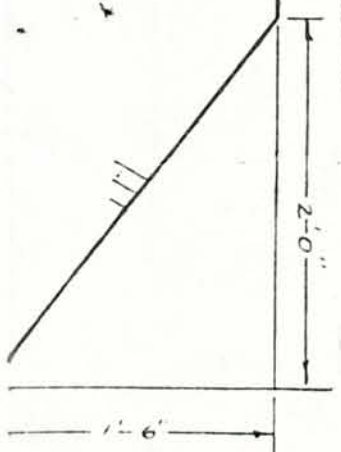
Owner Esther Kling & Richard Reder Operator Edward Kling & Richard Reder
County Butte State South Dakota Date 10/81
Approximate acres 478 Approximate scale 8" = 1 mile
Cooperating with Butte Conservation District
Plan identification _____ Photo number _____
Assisted by Charles J. Logan USDA Soil Conservation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

NE



FIELD 1 & 2

FIELD 3



Esther Kling

273-1