

Water Division No. 22 District 1
(All blanks to be filled by the Engineer for the W. B. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

I. Name of applicant George E. Kiplinger
Postoffice address Belle Fourche, County Boutte, State S. D.

2. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(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)

Contractor plus own work

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work George E. Kiplinger Spreader Hreg3. Amount of water claimed 2.3 cubic feet per second4. Source of water supply Dry Draw5. Location of point of diversion 109 rods E & 146 rods S of NW corner of Sec 8 - T10N R2E on _____ bank _____ County.6. Annual period or periods during which water is to be used April 1 - Oct 30

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity - Waterpressing(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated 160 ac in 1/4 of Sec 8 - T10N R2E

(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.)

(c) Statement as to domestic use (giving location, etc.) _____

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 _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$-----
 (e) Other structures ----- \$-----
 (b) Pumping plant, \$-----
 Reck, \$-----
 Total, \$ 345.00

9. Description of diversion works:

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

Diversion Dam & Ditch

II. Dimensions of works:

(a) Dam: Height 9 feet; length at bottom 322 feet; length at top 322 feet; thickness at bottom 22 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1
 material used in construction earth
 (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	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 completed 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 -----

STATE OF SOUTH DAKOTA

County of Battle } ss.

I, George Kiplinger of Battle, 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, George Kiplinger

Subscribed and sworn to before me this 10th day of October 1958

Theresa Steagant
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 7.2 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

November 19, 1958

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

9 a.m. upon the 8 day of November, 1958

State Water Resources Commission

By:

J. W. Brimer

Chief Engineer, Executive Officer

Number of permit 363-1

Date of first receipt of application November 8, 1958

Date of return to applicant for correction, amendments or changes required as follows: 1958

Date of receipt of corrected application 1958

Date from which applicant may claim right April 1957

Approved November 19, 1958, Recorded in Book 5, Page 52

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

Completed, 1958

2nd. The whole of said work is to be completed on or before Completed, 1958

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

Completed, 1958

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 2.28 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 Completed, 1958; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 1 day of December, 1958

State Water Resources Commission

By:

J. W. Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 1, 1958

Water License Issued

December 1, 1958

STATE OF SOUTH DAKOTA

WATER LICENSE No... 363-1...

WHEREAS, On the 8th day of November A. D. 1958George E. Kiplinger

of Belle Fourche County of Butte and State of South Dakota duly made application (No. 363-1) to us for a Vested Right 2.3 cubic feet per second of the waters of a dry draw County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 1st day of December A. D. 1958 Vested Right of 2.28 cubic feet per second Permit No. 363-1 was issued to said applicant for the diversion of said water, and ~~providing for the~~ recognizing completion of the works of diversion therein described ~~on or before~~ in April 1957 and ~~from~~ from application to beneficial use of said water ~~on or before~~ in April 1957 and,

WHEREAS, On the 8th day of November A. D. 1958 the holder Vested Right of said permit duly made proof of the completion of adequate works for the diversion of 2.28 cubic feet per second of said waters, as evidenced by our Certificate No. 363-1 dated December 1, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.28 cubic feet per second of water, with date of priority of April 1, 1957 and and.

WHEREAS, On the 8th day of November A. D. 1958 proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water; on 150 acres located in the W $\frac{1}{2}$, Sec. 8, T 10 N, R 2 E

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 George E. Kiplinger

of Belle Fourche the holder and owner of said Vested Right Permit No. 363-1
a water right, dating from April 1957 to the use of 2.28

cubic feet per second of the waters of a dry draw

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 at 109 rods east and 145 rods
south of the NW Cor., Sec. 8, T 10 N, R 2 E
and conducted to and upon W $\frac{1}{2}$, Sec. 8, T 10 N, R 2 E

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 1st day of December A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, 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. 363-1Water Division No. 1 Belle Fourche River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

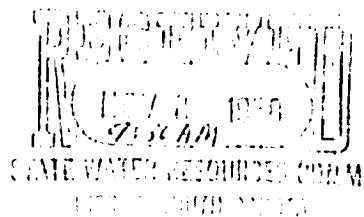
This is to Certify, That George E. Kiplingerof Belle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 363-1, issued upon Application No. 363-1, bearing date of priority of April 1957, authorizing the diversion of2.28 cu. ft. per second of the waters of a dry draw County of Butte, State of South Dakota, at 109 rods east and 146 rods south of the NW Cor., Sec. 8, T 10 N, R 2 Efor irrigation purposes, has 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 Vested Right Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.28 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: W^{1/2}, Sec. 8, T 10 N, R 2 E 160 acresWitness my hand this 1st day of December A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 5163-1Water Division No. 1Water District Belle Fourche River

Proc. of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. GEORGE E. KIPLINGER - BELLE FOURCHE, S. DAK.

RANCHER

RANCHER

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. _____

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

Ans. DRY DRAW - 109 RD. E. & 176 RD. S. of NW CORNER of Sec 8-10-2

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. ONE (1) DIVERSION ACROSS CHANNEL 9' 0" IN HEIGHT & 377' LONG - 2:1 3:1 SLOPES

TWO (2) SPREADER DITCHES 1.0 DEEP - 1:1 SLOPES - 10.0 Bottom - 2995' LONG

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. WATER SPREADING ON 160 ACRES

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. NECESSARY FOR GROWING OF HAY

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. _____

permit has been used.

Ans. CONSTRUCTION WAS COMPLETED APRIL 1957 - WATER USE began
Spring of 1957 - ACRES SPREAD ON - 160

(Sign) George Kiplinger

me, at my office in _____, County _____,
State of South Dakota, on this 10th day of October, A. D. 1958
Ruth G. Hallinger }
W. H. H. H. H. } Witnesses.

WITNESSES

Offt. Erierson
Paul Litzner

Location No.-----

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OF HOLDER,

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

သိပ္ပံနိဂုံး

Column:

nsodni;

Place of Use

Date of recording

Received and filed

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

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

No. 363-1

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

May 27, 1985

George Kiplinger, Jr.
Route 35 N., Box 42
Belle Fourche, South Dakota 57717

Dear Mr. Kiplinger:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

Portions of the W $\frac{1}{2}$ of Section 8, T10N, R2E, as described in the Water License.

formerly owned by George E. Kiplinger
has been transferred to George Kiplinger Jr., Route 85N, Box 42, Belle Fourche, SD 57717
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 363-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, George Kiplinger Jr. 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 I know of my own personal knowledge that the information herein stated is true.

George Kiplinger Jr.
(Signed)

Subscribed and sworn to before me this 19th Day of June, 1985



Judene Nelson
(Notary Public)

Notary Public, BUTTE COUNTY, S. Dak.
My Commission Expires JULY 27, 1989

RECEIPT

Division of Water Rights

Nº 4.10084

South Dakota Department of Water and Natural Resources

Pierre, June 20, 1985

RECEIVED OF George Kiplinger, Jr., Route 85N Box 42, Belle Fourche, S 57717

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. _____

Fee for Filing Transfer Form No. 363-1 _____

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

\$100.00

50.00

By

Chief Engineer

JOHN HATCH

ms

No. _____

363-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

June 20, 1

George Kiplinger, Jr.
Route 85H, Box 42
Beile Fourche, South Dakota 57717

Dear Mr. Kiplinger:

Enclosed is receipt No. 4 10084 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 363-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

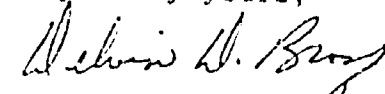
George Kiplinger, Jr.
Rt 85N, Box 42
Belle Fourche SD 57717

Dear Mr. Kiplinger:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 363-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



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

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

December 1, 1988

Vested Water Right
Claim No. 363-1

George Kiplinger, Jr.
Rt 85N, Box 42
Belle Fourche SD 57717

Dear Mr. Kiplinger:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Vested Right ~~XXXX~~ No. 363-1

_____ Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by George E. Kiplinger (x-owner)George Kiplinger, Jr. of HCR 64, Box 42, Belle Fourche, SD 57717 holder ofPermit No. 363-1, bearing the priority of April 1 1957 authorizingthe diversion of 2.28 cu. ft. per second of the waters of a dry drawfor irrigation purposes, in Butte County.

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

A. Works used to divert the water:

A dyke, approximately 300 feet long, 7 feet high, 6 feet wide

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

Irrigation ditch: 6 feet wide, 2 feet deep, 1000 feet long

C. Works used to apply water to beneficial use:

Gravity system of irrigation

The system is in the following condition fair to goodThe point of diversion is located Approximately 2230 feet south, 1716 feet east from the Northwest corner of Section 8, T10N-R2E (SE $\frac{1}{4}$ NW $\frac{1}{4}$)The works are capable of diverting and conveying to the place of use 0.3⁺cu. 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: _____

All in Section 8, T10N-R2ENE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0 ac.SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 ac.comprising a total of 21.0 acres of land and the license should be issued for 0.3 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 4/17/89MR Had

(signature)

LICENSE FOR PERMIT NUMBER 363-1

1. Legal location of wells: NA

~~XXXXXX~~ structures: SEA NW 1/4 Section 8, T10N-R2E

2. Well Information: Well Drilling Firm _____

Completion Report Yes _____ No _____ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals:

a) size 6 feet wide, 2 feet deep

b) type Earthen

c) length 1000 feet

A dyke: 300 feet long, 7 feet high, 6 feet wide.

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun: (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles

- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___NA___	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
___X___	___	2. Special qualifications to permit being abided by?
___X___	___	3. All structures, wells and lands on map?
___NA___	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	___X___	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

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

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

March 28, 1991

George Kiplinger, Jr
HCR 64, Box 42
Belle Fourche SD 57717

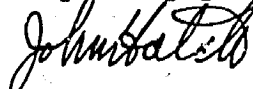
Dear Mr. Kiplinger:

The Water Management Board has validated the enclosed Vested Water Right No. 363-1. This validation gives legal status to your claim.

The diversion rate and the number of acres validated are based on an inspection that was conducted by the Division of Water Rights. If you do not agree with these numbers, please contact us immediately.

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

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 363-1 FOR IRRIGATION

Date Claim Accepted For Filing November 8, 1958.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 363-1 for irrigation purposes for George Kiplinger Jr, HCR 34, Box 42, Belle Fourche, South Dakota 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 363-1 appropriates 0.3 cubic feet of water per second from a dry draw to irrigate 21 acres. The point of diversion is located in the SE 1/4 NW 1/4 and the irrigated acres are located in the E 1/2 NW 1/4, all in Section 8, T10N, R2E..
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 - October 31.
3. The priority date of the Vested Water Right is April 1, 1957.
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.

WATER MANAGEMENT BOARD

By: _____

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

MAR 28 1991

date

South Dakota

GREAT FACES. GREAT PLACES.

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

OCT 10 1991

363-1

George Kiplinger, Jr
HCR 64 Box 42
Belle Fourche, SD 57717

Dear Mr. Kiplinger:

Enclosed is your Vested Water Right License No. 363-1. The license is based upon the April 17, 1989 inspection of the water use system and the March 28, 1991 validation of the vested right claim.

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

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

enclosure

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 363-1 FOR IRRIGATION

(1) George E Kiplinger, Belle Fourche, SD originally filed Vested Water Right Claim No. 363-1, November 8, 1958, to appropriate 2.28 cubic feet of water per second (cfs) from a dry draw in Butte County, South Dakota for irrigation purposes.

On June 19, 1985, Vested Right Claim No. 363-1 was transferred to George Kiplinger, Jr, Belle Fourche, South Dakota.

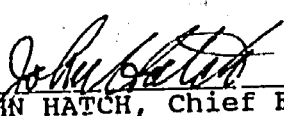
Vested Water Right Claim No. 363-1, was validated March 28, 1991, with a priority date of April 1, 1957. Construction of the described water supply system and application of water to beneficial use was completed and complied with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.30 cfs of water for beneficial use. The location of the diversion point is approximately 2,230 feet south and 1,716 feet east of the NW corner of Section 8, T10N, R2E (SE 1/4 NW 1/4).

The location of the irrigated acreage is:

T10N, R2E Section 8	NE 1/4 NW 1/4	12.0 acres
	SE 1/4 NW 1/4	9.0 "
	Total	21.0 acres

(3) Pursuant to Section 46-5-30.1, George Kiplinger, Jr, of HCR 64 Box 42, Belle Fourche, SD 57717, the holder and owner of Vested Water Right No. 363-1 is issued a license to appropriate 0.30 cfs from a dry draw, with a priority date of April 1, 1957, from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 363-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Dept. of Environment & Natural Resources

OCT 10 1991

363-1



United States Department of the Interior



BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

7-11-93

WTR 4.10

BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 656-2695.

Sincerely,

Bruce M. Laynon

Bruce M. Laynon
Project Manager

cc Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SE 57760



363-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 2003

LoRayne Kiplinger
11450 Brooker Rd
Belle Fourche SD 57717

363-1
427-1

Dear Mrs. Kiplinger:

I am contacting you in regard to ownership of Vested Water Right No. 363-1 and Water Right No. 427-1. On your 2003 irrigation questionnaire you made a notation that the water rights should be changed.

Vested Water Right No. 363-1 is for irrigation from a dry draw and Water Right No. 427-1 authorizes irrigation from Indian Creek. Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I am including a postage paid envelope for your convenience in returning the transfer forms and filing fee. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 31, 2003

RECEIVED OF Lorayne Kiplinger, 11450 Brooker Rd., Belle Fourche SD 57717

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	2	50
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>36301</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	2.50	

No.

001031

By

Darland Elbe
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 363-1

Date: _____

I/We request that Vested Water Right No. 363-1

formerly owned by: George E Kiplinger

be transferred to: (name & address) LoRayne Kiplinger, 11450 Brooker Rd,
Belle Fourche SD 57717

Telephone No. 605 892-3274

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

21 acres in the E ½ NW ¼ Section 8, T10N, R2E

I/We understand that the validity of Vested Water Right No. 363-1 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We LoRayne Kiplinger, the new owner, certify that the above information is true and correct.

LoRayne Kiplinger
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED
DEC 31 2003
WATER RIGHTS
PROGRAM



363-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 2004

363-1
427-1

LoRayne Kiplinger
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mrs. Kiplinger:

Thank you for following up on the ownership changes for Vested Water Right No. 363-1 and Water Right No. 427-1. The transfers have been completed. Vested Water Right No. 363-1 and Water Right No. 427-1 are now listed in your name.

Enclosed are your Receipt Nos. 001030 and 001031 in the amount of \$2.50 each. You may keep these for your records.

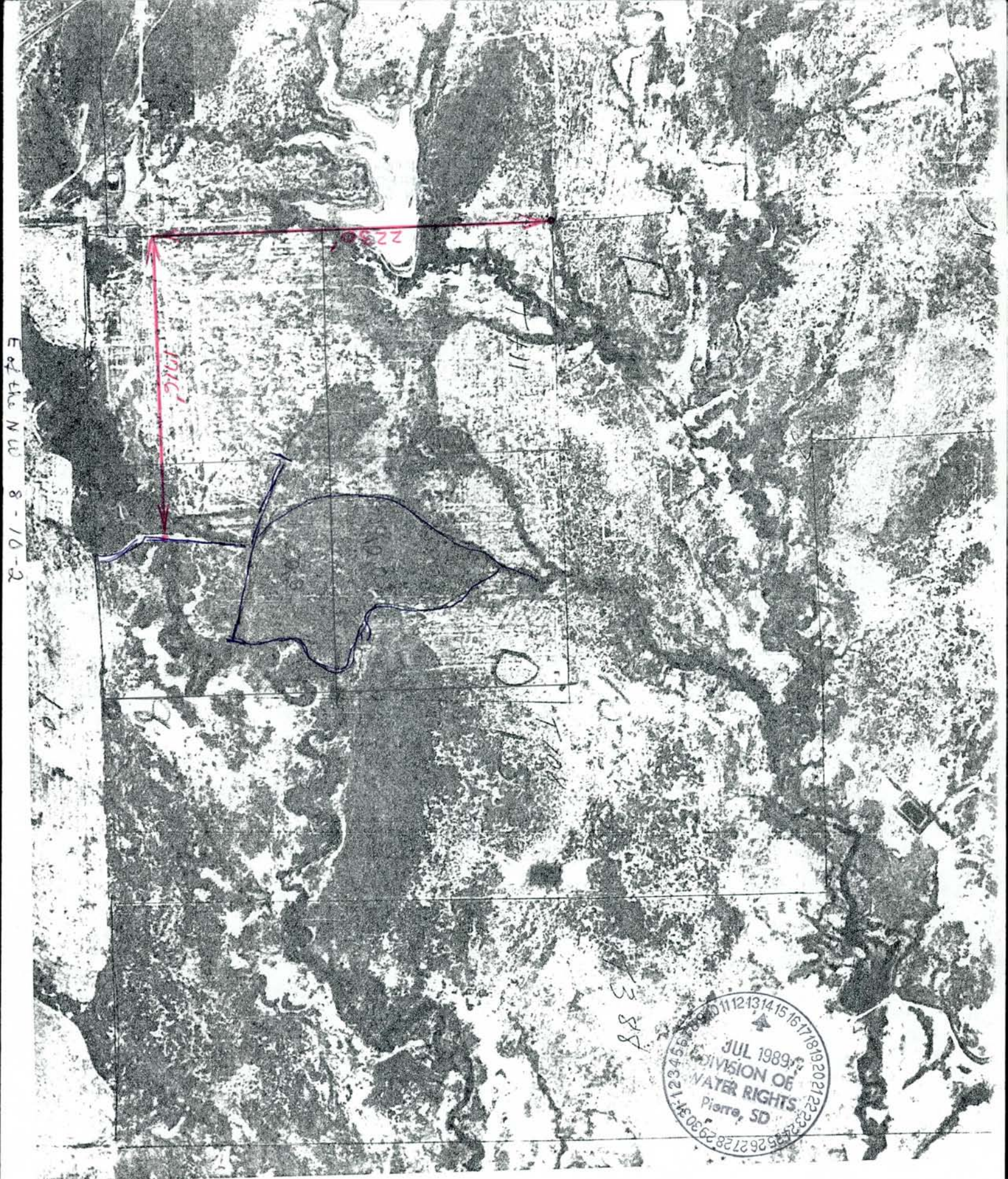
If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

E of the NW 8-10-2



Location of Diversion Point - 2230' South and 1716' West of NW Corner of Sec 8, T10N-R2E
Drawing By: Thomas D. Ver Helst / *Thomas D. Ver Helst*
Ag. Engr., SCS

363-1



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



363-1

November 6, 2014

363-1
427-1

Curtis Westland
10671 Kiplinger Rd
Belle Fourche SD 57717

Dear Mr. Westland:

Recently, LoRayne Kiplinger notified us that she wished to have Water Right No. 427-1 changed over to your name. She actually had another water right listed in her name. I am enclosing a copy of both for your records.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (\$100 total). The check or money order for the fee can be made payable to the Water Rights Program.

Irrigation Questionnaire records on file with Water Right No. 427-1 show the land was last irrigated in 1998. Irrigation questionnaires are not required for Vested Water Right No. 363-1 due to the source of water being a dry draw and the system basically a water spreading system.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Prior to transferring Vested Water Right No. 363-1 and Water Right No. 427-1 to your name, I want to caution you that changing ownership does not protect a water right or give it legal standing. If you have any questions, please give me a call.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures: copy of water rights, transfer forms, excerpts of water laws & rules



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 4, 2015

363-1
427-1

Curtis Westland
10671 Kiplinger Rd
Belle Fourche SD 57717

Dear Mr. Westland:

On November 6, 2014, based on a request from LoRayne Kiplinger, transfer forms were mailed to you concerning ownership changes to Vested Water Right No. 363-1 and Water Right No. 427-1 (copy of letter enclosed). To date, we have not heard back from you regarding the ownership changes.

In the event you do not have the original forms, I am enclosing another partially completed set for use in filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (\$100 total). The check or money order for the fee can be made payable to the Water Rights Program.

One of the issues addressed in the November, 2014 letter was whether or not legal excuse existed for the years of non-use for Water Right No. 427-1. A review of the file indicates the owner prior to Ms. Kiplinger indicated the system was basically a water spreading system however he had the capability to use a pump when needed. This capability was the reason annual irrigation questionnaires were mailed.

Please contact me as to whether or not you own the land and if you feel the water rights have been maintained. It is important to keep ownership records up to date. Thank you in advance for your help in updating the water rights.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



363-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 10, 2017

427-1

Curtis Westland
10671 Kiplinger Rd
Belle Fourche SD 57717

Dear Mr. Westland:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 427-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As a reminder, the water right is still listed in the name of Lorayne Kiplinger. We were notified in November, 2014 that Water Right Nos. 363-1 and 427-1 should be transferred to your name. Forms for filing ownership changes were sent to you in the past. If you no longer have the original forms, I am enclosing an additional set. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

363-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 16, 2022

363-1
427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mr. Westland:

Thank you for visiting with me about the irrigation questionnaire, transfers and of course the mail delivery. I completed a questionnaire for Water Right No. 427-1 based on our phone conversation.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on each water right. Please review and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a postage paid envelope for your use in returning the forms and filing fee. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



363-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 1, 2023

Curtis Westland
10671 Kiplinger Rd
Belle Fourche SD 57717

363-1
427-1

Dear Mr. Van Dyke:

I am contacting you regarding the ownership of land authorized in Water Right Nos. 363-1 and 427-1, currently listed to Lorayne Kiplinger.

It is my understanding that you own both parcels of land authorized in these water rights. Our office sent you partially completed "Transfer of Ownership" forms in February 2017, February 2021 and again in February 2022. To date, we have not received a response from you.

Enclosed is another set of forms, partially completed. Please review and complete as needed.

A \$50.00 fee is required for the filing of each ownership change (total of \$100.00). A check or money order can be made payable to the South Dakota Water Rights Program.

If an ownership change is no longer needed and the water right should remain in the name of Lorayne Kiplinger, please let me know.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



363-1 +
427-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 17, 2023

LoRayne Kiplinger
11480 Fogelsong Rd
St. Onge SD 57779

Dear Ms. Kiplinger

I'm writing you today in regard to your Water Right Nos. 363-1 & 427-1. In 2017 we were informed of a potential transfer of ownership, however no action to transfer these water rights was ever taken.

Water Right No. 363-1 authorizes the irrigation of 21 acres in the E ½ NW ¼, Section 8, T10N, R2E, and Water Right No. 427-1 authorizes the irrigation of 204 total acres within Sections 28, 33, and 34, T11N, R3E.

Are you still the owner of these acres and water rights? Has the ownership changed? And if it has changed, who have you sold them to?

If you have any questions or simply wish to discuss the ownership of the above acres and rights, I would love to take your call. My direct line is 605-910-5187, or you can call the main office at 605-773-3352 and ask for Amanda with the Water Rights Program.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

