

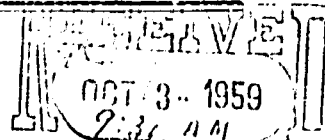
427-1

1. Considered 12-2, 1959
2. Name of Applicant Kiplinger & Son
3. Post Office Address Bella French
4. Amount of water claimed 2.95 240 max allowable
5. Source of water supply Indian Creek
6. Water to be used for Irrigation
Acres to be irrigated 2030
7. Water to be diverted and used in Butte County about
15 miles N of Bella French
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 427-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

District



STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Kiplinger & Son, (George Kiplinger & George Kiplinger Jr.)Postoffice address Ellie, Fourche, County Emery, State StateI. If a corporation X Y N X X(a) Name of same X X X X X(b) Date and place of incorporation X X X X X(c) Amount of capital stock X X X X X(d) Amount paid in X X X X X(e) Names and addresses of directors X 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 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 THE KIPLINGER IRRIGATION PROJECT3. Amount of water claimed 240 max allowable cubic feet per second 1327 GPM4. Source of water supply Indian CreekBetween a point S 90° E 462' from the W $\frac{1}{4}$ Cor. Sec. 28, T.11 N., R.3 E and a5. Location of point of diversion point S 90° W 1123' from the S $\frac{1}{4}$ Cor. Sec. 34, T.11 N., R.3 E. P.M. on Butte 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

NW-SW-23 Ac., NE-SW-10 Ac., SW-SW-7 Ac., SE-SW-25 Ac., SW-SE-6 Ac.

Sec. 28, T.11 N., R.3 E-BEM

Total 76 Ac.

NW-NE-26 Ac., SW-NE-23 Ac., NW-SE-10 Ac., SE-NE-21 Ac., NE-SE-25 Ac.,

SE-SE-7 Ac. Sec. 33, T.11 N., R.3 E-BHM

Total 42 Ac.

NW-SW-5 Ac., SW-SW-10 Ac., Sec. 34, T.11 N., R.3 E-BEM

Total 21 Ac.Grand Total 204 Ac.(b) Amount of power to be generated None horse power.Amount 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 X X X

Map No 371-1

3. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$-3,544.44

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

~~Pumping and spreading from the outlet of the ditch.~~

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.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....10.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Walla Fawcett Daily Post, Walla Fawcett, Wa. Id.

STATE OF SOUTH DAKOTA

County of Butte

I, Kiplinger & Son, (George Kiplinger and George Kiplinger) 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.....

Subscribed and sworn to before me this 17th day of September 1959.

Carl A. Cornell

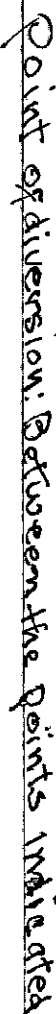
Notary Public (Notary Public)

*Each diversion must have a hydrographic or measuring device.

My Commission expires 4/18/59

PLAT
OF

Scale- 1 inch = 660 feet
8 inches = 1 mile.



Notary Public (SEAL

Remarks by State Water Resources Commission:

Your use of the water under this permit is contingent upon supplies being available to prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } is.

Pierre, South Dakota, December 10, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
A.m. upon the 3rd day of October, 1959.

State Water Resources Commission

By: J. E. Brinner
Chief Engineer, Executive Officer

Number of permit 477-1

Date of first receipt of application October 3, 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 October 3, 1959

Approved December 2, 1959, Recorded in Book 5 Page 280

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 June 2, 1962.
- 2nd. The whole of said work is to be completed on or before December 2, 1964.
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 2, 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 2.90 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 December 2, 1968; said water to be used during the following described annual period:

April 1 to November 1, inclusive

Witness my hand this 10th day of December, 1959.

State Water Resources Commission

By: J. E. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued August 19, 1963

Water License Issued August 19, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 427-1 ...

WHEREAS, On the 3rd day of October A. D. 1959

Kiplinger and Son

of Belle Fourche County of Butte and State of South Dakota

duly made application (No. 427-1) to us for a permit to use 290 cubic feet per second of the waters of Indian Creek County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 10th day of December A. D. 1959

Permit No. 427-1 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 2nd day of December A. D. 1964 and for the application to beneficial use of said water on or before the 2nd day of December A. D. 1968 and,

WHEREAS, On the 7th day of August A. D. 1963

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.90 cubic feet per second of said waters, as evidenced by our Certificate No. 427-1 dated August 19, 1963 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.90 cubic feet per second of water, with date of priority of October 3, 1959 and,

WHEREAS, On the 7th day of August A. D. 1963

proof was duly made of the application to beneficial use of 2.90 cubic feet per second of said water; for irrigating 204 acres in portions of Sections, 28, 33 and 34, T11N, R3E

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 Kiplinger and Son

of Belle Fourche the holder and owner of said permit No. 427-1
a water right, dating from October 3, 1959 to the use of 2.90

cubic feet per second of the waters of Indian Creek

in the County of Futte and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinafow mentioned, to be diverted ~~at~~ between a point S90°E 462' from

the W¹ corner, Section 23, and a point S90°W 1122' from the S¹ corner, Section 34,

T11N, R3E
and conducted to and upon 204 acres in portions of Sections 28, 33 and 34, T11N, R3E,

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 19th day of August A. D. Nineteen
Hundred and Sixty-Three

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. 427-1Water Division No. 1 Belle Fourche ^{River} Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Kiplinger and Son

of Belle Fourche, County of Butte, and State of South Dakota, the holder of Permit No. 427-1, issued upon Application No. 427-1, bearing date of priority of October 3, 1959, authorizing the diversion of 2.90 cu. ft. per second of the waters of Indian Creek

County of Butte, State of South Dakota, at between a point S90°E 462' from the W $\frac{1}{4}$ corner, Section 28, and a point S90°W. 1122' from the S $\frac{1}{4}$ corner, Section 34, T11N, R3E, for 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 Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.90 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 T11N, R3E

Section 28 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 23.0 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.0 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 25.0 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 "

Section 33 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 26.0 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 23.0 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21.0 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0 "

Section 34 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16.0 "

Total - 204.0 "

Witness my hand this 19th day of August A. D. 19 63

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 427-1BeckwithWater Division No. 21412 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 _____

I have this day made a thorough examination of the diversion works constructed by _____

Kiplinger & Son

of _____

ButteCounty, South Dakota, holder of Permit No. 427-1, issuedupon Application No. 427-1, bearing date of priority of Oct. 3, 1959, authorizing thediversion of 2.9 cu. ft. per second of the waters of Indian Creek for Irrigation purposes. I have to report on the condition of the same as follows:The diversion works comprise: Spreader system w/ 1200' of man-madedikes, 100' of 10" galv. pipe, 84' of 6" fiber pipe (Orangeburg)30' of 4" Orangeburg, 62' of 36" galv. pipe610' dike w/ a 6'x8' box culvert also. See Map for more
detailed description.and the system is in the following condition: GoodThe point of diversion is located Indian Cr. Between a pt. 570' E 442' E from NW 1/4 Cor.
Sec. 28 T11N R3E & a pt. 570' N 1122' E from the SW 1/4 Cor. Sec. 34 T11N R3EThe works are capable of diverting and conveying to the place of use 2.90 cu. ft. per second of water,
which is to be used for IrrigationThe legal sub-divisions to be irrigated are: NN 1/4 SW 1/4 5 ac. SW 1/4 SW 1/4 16 ac. Sec. 34 T11N R3ENN 1/4 SW 1/4 23 ac. }
NE 1/4 SW 1/4 10 ac. }
SW 1/4 SW 1/4 7 ac. }
SE 1/4 SW 1/4 25 ac. }
SW 1/4 SE 1/4 6 ac. }NN 1/4 NE 1/4 26 ac. }
SW 1/4 NE 1/4 23 ac. }
NN 1/4 SE 1/4 10 ac. }
SE 1/4 NE 1/4 21 ac. }
NE 1/4 SE 1/4 25 ac. }
SE 1/4 SE 1/4 7 ac. }

Sec. 28 T11N R3E

Sec. 33 T11N R3E

comprising a total of 204 acres of land.The domestic use intended comprises Stock watering

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

Witness my hand, this 7th day of August, A. D. 1959

—SEAL—

William H. Miller

Examining Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Belle Fourche } ss.Lawrence W. Jones being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to appropriate Water was taken from the

Daily Belle Fourche Post 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 Belle Fourche and State of South Dakota;

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

Oct 26, 1959Oct 27, 1959Nov 3, 1959Nov 10, 1959

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

publication being made on the 26 day of Oct1959 and the last publication on the 10 day ofNov 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 Lawrence W. Jones the printer and publisher of the said newspaper.No. 427-1
APPROPRIATION OF WATEROffice of State Water
Resources Commission,
Pierre, S. Dak.
October 13, 1959

Notice is hereby given that Kiplinger & Son whose post-office 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 2.95 cubic feet of water per second of time from Indian Creek through the Kiplinger Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 and a point in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34 Twp. 10N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

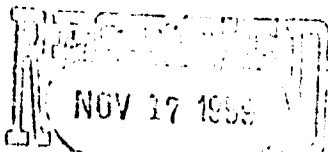
SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 28;
NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 33; and
SW $\frac{1}{4}$ Sec. 34, T 11 N, R 3E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 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 and all information presented.

State Water Resources
Commission
By: Burton F. Jones,
Water Resources Specialist

Subscribed and sworn to before me this 10 day of Nov A. D. 1959

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Notary Public, State of South Dakota, County, S. D.
My Commission Expires Sept. 29, 1965

(First Publication before October 28, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 13, 19 59

Notice is hereby given that Kiplinger & Son 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 2.95 cubic feet of water per second of time from xx Indian Creek through the Kiplinger Irrigation Project the point of diversion of which is to be located on xx both between a point in the NW 1/4 Sec. 28 and a point on the bank of said stream in the SE 1/4 of the SW 1/4 of Section 34 portions of Twp. 10 N Range 3 E Said water to be used for the purpose of providing irrigation of the following described land:

SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 33; and SW $\frac{1}{4}$, Sec. 34, T 11 N,

R 3 E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 19 59 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:

cc Lawrence Weyler, Publisher
Belle Fourche Post
Belle Fourche, South Dakota

~~CHIEF ENGINEER, STATE WATER RESOURCES COMMISSION~~
Burton F. Jones, Water Rights Specialist

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 427-1

April 29, 1985

George Kiplinger Jr.
P: 85N, Box 42
Belle Fourche SD 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,

KAREN SCHLAACK
Administrative Aide

DWNR-820A-8/83

NO. 427-1

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 Sections 28, 33 & 34, T11N, R3E

formerly owned by Kiplinger and Son
has been transferred to George Kiplinger Jr., Rt 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. 427-1 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 infor-
mation herein stated is true

George Kiplinger Jr.
(Signed)

Subscribed and sworn to before me this 9th Day of MAY, 1985.

JoAnn Nelson
(Notary Public)

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



WNR-320-5/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4-10037

Pierre, May 10, 1985

RECEIVED OF George Kiplinger, Route 85N, Box 42, 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 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. 427-1 _____	2	50
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	2	50

By John Hatch
Chief Engineer JOHN HATCH

May 20, 1985

George Kiplinger, Jr.
Route 85N, Box 42
Belle Fourche, South Dakota 57717

Dear Mr. Kiplinger:

Enclosed is receipt No. 4 10037 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 427-1.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

Water Rights Division - DWNH
Conversation or File Documentation

File No. 427-1

NAME OF PERSON OR FILE: George Kiplinger Jr

ADDRESS: Rt 85N, Box 42, Belle Fourche, SD COUNTY

DATE: June 5, 1985 TELEPHONE 892-3274

RE: type of system used under 427-1

COMMENTS:

The water right indicated a pump may be used in the water spreading system from Indian Creek--the water license inspection sheet indicated the system was entirely water spreading--- I called Mr. Kiplinger to find out if his system was all water spreading or whether he did use a pump (for purposes of sending the irrigation questionnaire).

Mr. Kiplinger stated at the present time he is utilizing only a water spreading system and has water only if there is a great deal of runoff. He further stated he had the capability to use a pump and may at times do so.

I explained to Mr. Kiplinger that water spreading systems were not sent an irrigation questionnaire since they were not able to measure the amount of water used. I indicated to him that since he may at times use a pump,

I would keep mailing the questionnaires to him. He stated this was fine, as he did not mind completing the sheets.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry Mamath



427-1
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

363-1
427-1

LoRayne Kiplinger
11450 Brooker Rd
Belle Fourche SD 57717

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, 20 03

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>427-1</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.

001030

By

Darland Ebel
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 427-1

Date: _____

I/We request that Water Right No. 427-1

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:

204 acres; SW ¼ & SW ¼ SE ¼ Section 28; W ½ NE ¼, SE ¼ NE ¼, N ½ SE ¼, SE ¼ SW ¼ Section
33; W ½ SW ¼ Section 34; all in T11N, R3E

I/We understand that the validity of Water Right No. 427-1 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



427-1
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



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



427-1

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

Reported Water Use

11/04/2014

Permit No	Year	Name	Not Irrig	Not Constr
427-1	1969	See PDF for water use	-	-
427-1	1970	See PDF for water use	-	-
427-1	1971	See PDF for water use	-	-
427-1	1973	See PDF for water use	-	-
427-1	1974	See PDF for water use	-	-
427-1	1975	See PDF for water use	-	-
427-1	1976	See PDF for water use	-	-
427-1	1977	See PDF for water use	-	-
427-1	1978	See PDF for water use	-	-
427-1	1979	See PDF for water use	-	-
427-1	1981	See PDF for water use	-	-
427-1	1983	GEORGEKIPLINGER & SON	X	
427-1	1984	GEORGEKIPLINGER & SON		
427-1	1985	GEORGEKIPLINGER JR	X	
427-1	1986	GEORGEKIPLINGER JR	X	
427-1	1987	GEORGEKIPLINGER JR	X	
427-1	1988	GEORGEKIPLINGER JR	X	
427-1	1989	GEORGEKIPLINGER JR		
427-1	1990	GEORGEKIPLINGER JR	X	
427-1	1991	GEORGEKIPLINGER JR	X	
427-1	1992	GEORGEKIPLINGER JR	X	
427-1	1993	GEORGEKIPLINGER JR	X	
427-1	1994	GEORGEKIPLINGER JR	X	
427-1	1995	GEORGEKIPLINGER JR	X	
427-1	1996	GEORGEKIPLINGER JR	X	
427-1	1997	GEORGEKIPLINGER JR		
427-1	1998	GEORGEKIPLINGER JR		
427-1	1999	GEORGEKIPLINGER JR	X	
427-1	2000	GEORGEKIPLINGER JR	X	
427-1	2001	GEORGEKIPLINGER JR	X	
427-1	2002	GEORGEKIPLINGER JR	X	

Permit No	Year	Name	Not Irrig	Not Constr
427-1	2003	LORAYNEKIPLINGER	X	
427-1	2004	LORAYNEKIPLINGER	X	
427-1	2005	LORAYNEKIPLINGER	X	
427-1	2006	LORAYNEKIPLINGER	X	
427-1	2007	LORAYNEKIPLINGER	X	
427-1	2008	LORAYNEKIPLINGER	X	
427-1	2009	LORAYNEKIPLINGER	X	
427-1	2010	LORAYNEKIPLINGER	X	
427-1	2011	LORAYNEKIPLINGER	X	
427-1	2012	LORAYNEKIPLINGER	X	
427-1	2013	LORAYNEKIPLINGER	X	



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



427-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: CURTIS WESTLAND, 10671 KIPLINGER RD, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



427-1
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



427-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: CURTIS WESTLAND, RENTER, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

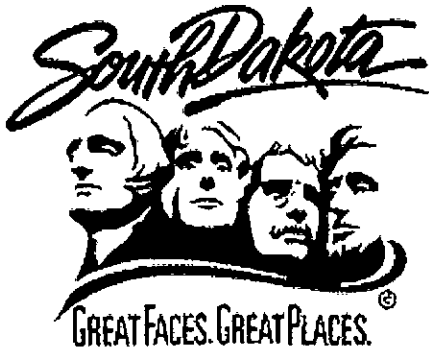
1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: SBUHY**

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

427-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mr. Westland:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "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.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, which appears to read "Genny McMath".

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

427-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: CURTIS WESTLAND, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: ZJHKVE**

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

427-1



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 16, 2021

427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mr. Westland:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "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.

On another matter, Lorraine Kiplinger notified us back in 2014 that she wanted both of her water rights transferred to you. To date we have not received anything from you. I am enclosing two more transfer forms for your use. Please complete and sign the forms. Return them to us with a \$50 fee for each one (total of \$100). If you do not wish to maintain the water rights or if you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosures



427-1

**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



427-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: CURTIS WESTLAND, RENTER, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DCAWWQ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 21, 2023

427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mr. Westland:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "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.

If you have any questions, please contact me.

Sincerely,

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

427-1



**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 Forche 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.

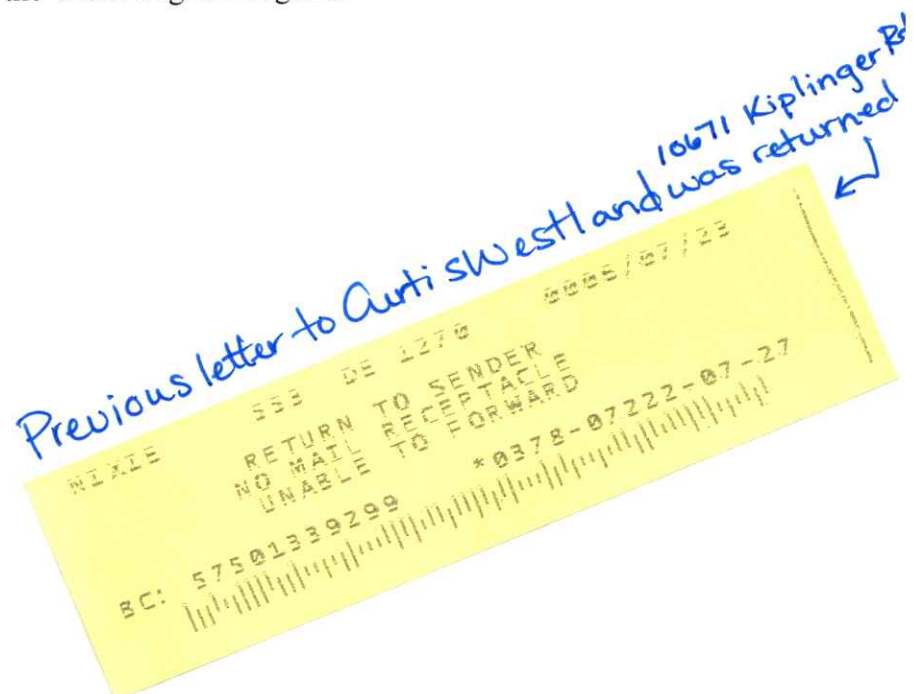
Water Right No. 363-1 authorizes the irrigation of 21 acres in the E ½ NW ¼, Section 8, T10N, R2E, and Water Right No. 427-1 authorizes the irrigation of 204 total acres within Sections 28, 33, and 34, T11N, R3E.

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: CURTIS WESTLAND, RENTER, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GPVOIH**

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



427-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2024

427-1

Curtis Westland, Renter
11450 Brooker Rd
Belle Fourche SD

Dear Mr. Westland:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 427-1. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTE: Lorayne Kiplinger notified our office that the property covered under Permit No. 427-1 was sold to you in 2014. I've enclosed a partially completed "Notice of Transfer of Ownership" form. Please complete the highlighted portions and return in the prepaid envelope with a payment of \$50.00. Checks can be made payable to SD Water Rights Program.

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2024

427-1

Curt & Cheryl Westland
11450 Brooker Rd
Bell Fourche SD 57717

Dear Mr. & Ms. Westland:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 427-1 previously owned by Lorayne Kiplinger is now listed under yourselves. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 21, 2024

RECEIVED OF Westland Ranch 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	\$ _____
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>427-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer me

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

FEB 21 2024
Ck# 2687
Rec't# 212124

No. 427-1
Date: 2/14/24

I/We request that Water Right No. 427-1

formerly owned by: Lorayne Kiplinger, 129 Washington St, Spearfish SD 57783

be transferred to: (name & address) Curt or Cheryl Westland
11450 Brooker Rd
Belle Fourche SD 57717 Telephone No. 605-210-3329

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

204.0 acres within SW ¼ & SW ¼ SE ¼ Sec 28, W ½ NE ¼ & Se ¼ Sec 33, and W ½ SW ¼ Sec 34

All in T11N-R3E

I/We understand that the validity of Water Right No. 427-1 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 Fifty Dollars (\$50.00) 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 Curt Westland, the new owner, certify that the above information is true and correct.

Curt Westland
(Signed by new owner)

RECEIVED

FEB 21 2024

OFFICE OF
WATER

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: CURTIS WESTLAND, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MBQIZZ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2025

427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche SD 57717

Dear Mr. Westland:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 427-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26th, 2026

427-1

Curtis Westland
11450 Brooker Rd
Belle Fourche, SD 57717

Dear Mr. Westland

I am writing to acknowledge receipt of your 2025 irrigation questionnaires.

You may disregard the January 20, 2026, "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.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us



427-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CURTIS WESTLAND, 11450 BROOKER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 427-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 427-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MVIDWZ**

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