

No. 531-1Water Division No. 1 Belle Fourche River
(Blanks to be filled by the Engineer for the W. R. C.)

District

JAN 31 1961
8:15 AMSTATE WATER RESOURCES BOARD
BUREAU OF WATER CONTROLAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota1. Name of applicant M. J. C. Jerry J & Kathie J Dillinger
RK
Newell SD 57760

Postoffice address

BillingsState MontanaI. If a corporation No

(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)

Completed

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Klinkner Irrigation Project3. Amount of water claimed 267.87 acre feet cubic feet per second 1.27 MAX allowable 1.25 cu. ft./sec.4. Source of water supply Belle Fourche River5. Location of point of diversion 75.5 rods on a bearing of S30° 50' E from NW cor.
Sec. 24, T8N, R5E, BHM on Butte County.6. Annual period or periods during which water is to be used Mar. 1 to Sept. 30

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity and Pump.(a) Number of acres to be irrigated 89.29 acres.(b) Legal subdivisions to be irrigated See remarks section.

(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.) None

XXXXXXXXXX

17. Stock raising, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use
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

MAP NO 448-1

8. Estimated cost of work: **Completed**

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(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.)

5" DUMP and spreader dikes

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 0 (completed) years.

11. Time required for complete application of water to the proposed beneficial use 0 years. Completed

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

Worrell, Belle Fourche Post, Belle Fourche,

STATE OF SOUTH DAKOTA

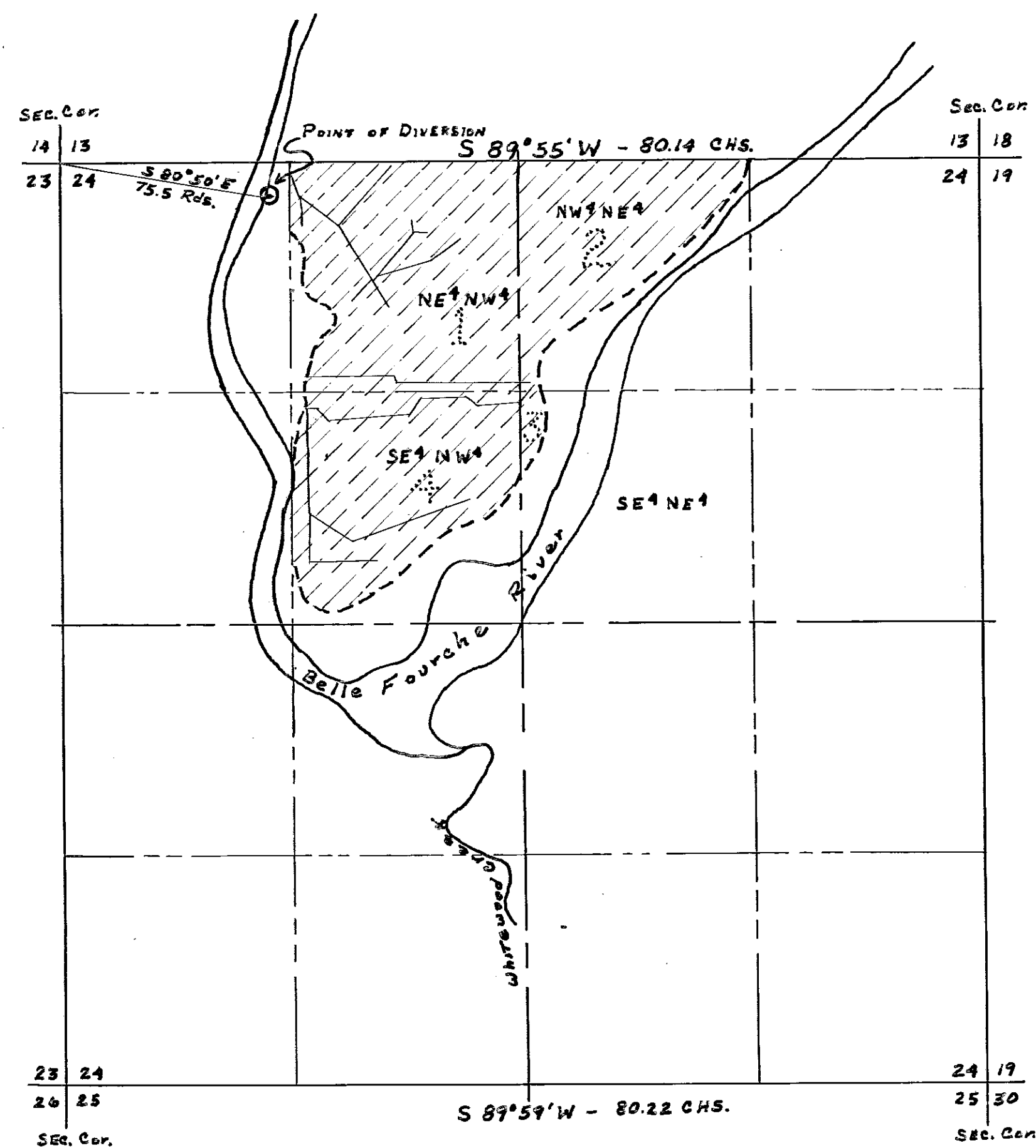
County of BUTTE } ss.

I, M. F. Klinkner, 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 M. F. Klinkner

Subscribed and sworn to before me this 20th day of December 19 60

James B. Kinney
Notary Public (or other qualified officer.)
James B. Kinney



765" = 1 MILE
(TAKEN FROM AERIAL PHOTO)

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SEC.	T&R	RANGE	ACRES
1	NE 1/4 NW 1/4	24	8N	5E	37.02
2	NW 1/4 NE 1/4	24	8N	5E	21.77
3	SE 1/4 NE 1/4	24	8N	5E	1.44
4	SE 1/4 NW 1/4	24	8N	5E	29.06
TOTAL					89.29

LEGEND

SEC. LINE _____

1/4 LINE _____

1/6 LINE _____

DIKES _____

IRRIGABLE AREA

KLINKNER IRRIGATION PROJECT

All lands described herein are owned by M. F. Klinkner.
State of South Dakota) ss
County of Meade

I, Meric D. Gigeat, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photos of the area, and to the best of my knowledge it correctly represents the lands involved and the locations indicated.

In witness whereof I have hereunto set my hand and seal on this 19th day of December, 1960.

Meric D. Gigeat
Registered Land Surveyor #1007

State of South Dakota) ss
County of Meade

On this 19th day of December, 1960, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Gigeat, known to me to be the person whose name is subscribed to the above written instrument and acknowledged that he executed the same for purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal. My Commission expires Dec. 7, 1963.

James B. Kinney
Notary Public

Remarks by State Water Resources Commission:

"VESTED RIGHT CLAIMED"

Your use of water under this permit is contingent upon supplies being available for downstream domestic use and prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, June 21, 1961

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock A. m. upon the 31st day of January, 1961.

State Water Resources Commission

By: Burtin

for Chief Engineer, Executive Officer

Number of permit 531-1

Date of first receipt of application January 31, 1961

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 1951, 19____

Approved June 21, 1961, Recorded in Book 6 Page 210

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~~ _____, 19____

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 19____

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.27 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 was

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

March 1 to September 30, inclusive

Witness my hand this 21st day of June, 1961

State Water Resources Commission

By: Alb

Chief Engineer, Executive Officer

Certificate of Construction Issued June 21, 1961

Water License Issued June 21, 1961

Remarks by the Applicant:

LOCATION OF THE LAND TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	NE NW	24	8N	5E	37.02
2	NW NE	24	8N	5E	21.77
3	SW NE	24	8N	5E	1.44
4	SW NW	24	8N	5E	29.06

TOTAL 89.29

STATE OF SOUTH DAKOTA

WATER LICENSE No. 531-1.

WHEREAS, On the 31st day of January A. D. 1961

M. F. Klinkner

of Nevel County of Butte and State of
South Dakota duly made application (No. 531-1) to us for a permit to use 1.27
cubic feet per second of the waters of the Belle Fourche River
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 31st day of June A. D. 1961
vested right Permit No. 531-1 was issued to said applicant for the diversion of said water, recognizing
completion of the work of diversion therein described as indicated day of
XXXXXX and for the application to beneficial use of said
water XXXXXX day of XXXXXX
and,

WHEREAS, On the 31st day of January A. D. 1961
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.27
cubic feet per second of said waters, as evidenced by our Certificate No. 531-1
dated June 21, 1961 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.27 cubic feet per second of water, with date of
priority of 1951 and,

WHEREAS, On the 31st day of January A. D. 1961
proof was duly made of the application to beneficial use of 1.27 cubic feet per second of said water;
to be used for irrigating 89.29 acres in Section 24, T 8 N, R 5 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 **M. F. Klinknor**

of **Nowell** the holder and owner of said permit No. **531.1**

a water right, dating from **1951** to the use of **1.27**

cubic feet per second of the waters of **the Belle Fourche River**

In the County of **Butto** and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at **A point S 80° 50' E**

75.5 rods from the NW corner Section 24, T 8 N, R 5 E

and conducted to and upon **portions of Section 24, T 8 N, R 5 E, 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 **21st** day of **June** A. D. Nineteen
Hundred and **sixty-one**

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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. 531-1Belle FourcheWater Division No. 1 River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That M. F. Klinkner

of Newell, County of Butte, and State of South Dakota, the holder of vested right of Permit No. 531-1, issued upon Application No. 531-1, bearing date of priority of 1951, authorizing the diversion of 1.27 cu. ft. per second of the waters of the Belle Fourche River County of Butte, State of South Dakota, at a point S 90° 50' E, 75.5 rods from the NW corner, Section 24, T 6 N, R 5 E 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 recognized as satisfactory ~~work~~ for diverting and conveying to the place of intended use 1.27 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 Section 24, T 6 N, R 5 ENE 1/4 NW 1/4 37.02 acresSE 1/4 NW 1/4 29.06 acresSW 1/4 NE 1/4 1.44 acresNW 1/4 NE 1/4 21.72 acresTotal 89.29 acresWitness my hand this 21st day of June A. D. 1961

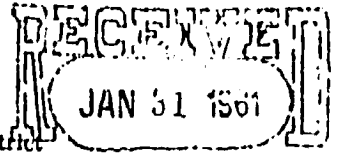
State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRINES

Location No.

Water Division No. Water District


 STATE WATER RESOURCES AGENCY
 DEPT. OF AGRICULTURE

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

 Ans. M. F. Klinkner, Sec. 25, T8N, R5E, BHM, Butte County, Newell,
S. Dak. Farming and Ranching

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. Does not apply.

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

 Ans. Not posted.

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

 Ans. 75 1/2 R. 1/2 from NW Cor Sec 21, T8N, R5E BHM
ON A BEARING of S 80°50'E

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. Gravity flooding with use of a 5" pump.

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. Irrigation.

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

 Ans. Does not apply.

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

 Ans. 267.8 acre feet or 1.28 cu. ft. / sec.

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. Land acquired by purchase. No permit issued.

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

ANS. Pumping started in 1951. Has been used since to the fullest extent available and necessary.

(Sign) M. J. Hlinkner

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

State of South Dakota, on this 20th day of Dec A. D. 1960

James Kinney
My Commission Expires Dec 7, 1968
NIGHTLY
WARRANT
L. H. Heidrich
Lawrence Bent

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

Location No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RETENTION OF HCLUFER

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

2015

County

Purpose

Place of Use

Date of recording

Received and filed

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

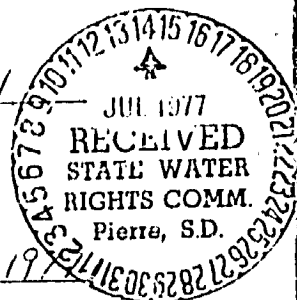
Form 20.

No. 531-1

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: July 13, 1977



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

97.29 acres in SEC. 24. TWP. 8 RANGE 5.

formerly owned by MRS EMMET McDERMOTT
has been transferred to WILLIAM AND RUBY BILLINGER
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 531-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Butte)

I, Mrs Emmet Mc Dermott being first duly sworn on my oath despose 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.

Mrs Emmet Mc Dermott
(Signed)

Subscribed and sworn to before me this 13 day of July
19 77.

Robert D. Worick
(Notary Public)

MY COMMISSION EXPIRES
JULY 13, 1984

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6038

PIERRE, JULY 14, 1977

RECEIVED OF W. R. Dillinger
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw No. _____		
Fee for filing <u>transfer of Water Permit No. 531-1</u>	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Ruby Dillinger
Newell, SD 57760

Ms. Dillinger:

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

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

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
531-1	1.27	89.29	\$42.50
TOTAL			\$42.50

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer



531-1
1218-1

Department of Water & Natural Resources

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

June 25, 1981

Ruby & William Dillinger
Newell,
South Dakota 57760

Dear Sirs: 4 8335 & \$42.50 &
Enclosed is your Receipt No. 4 8334 in the amount of 20.75
which you paid for water master services on the Belle Fourche River.

For your information, the name, address and telephone number of the
water master is as follows:

Marlin Lee
Newell, SD 57760
PH: 456-2321

Very truly yours,

JAMES E WINTERTON
Water Resources Engineer IV

JEW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8335

PIERRE, June 25, 19 81

RECEIVED OF Mrs. W.R. (Ruby) Dillinger, Newell, SD 57760

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 531-1 (any other work as provided by law)	42	50
TOTAL	42	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / C.E.

NO. 531-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Dec. 1, 1981

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

Portions of E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24, T8N, R5E (89.29 acres)

formerly owned by William and Ruby Dillinger (W R Dillinger)
has been transferred to Jerry Dillinger and or Ruthie J. Dillinger
RR, Newell, SD 57760

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 531-1 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 Office 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, William R. Dillinger 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.

William R. Dillinger
(Signed)

Subscribed and sworn to before me this 1st Day of December 1981



Ernest Wolf
(Notary Public)

Notary Public, BUTTE COUNTY, S. DAK.
Commission Expires Oct. 6, 1983

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8564

PIERRE, December 2, 1981

RECEIVED OF Jerry J. and Kathie J. Dillinger, RR, Newell, SD 57760

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling <u>transfer of WR# 531-1</u>	2.50	
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2.50	

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / (bt)

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

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

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

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. (Eddie)(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	86.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acres Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	162.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lestar Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Hennberg	2.20	155.00	68.75	60.86
912-1	Glenn A. Allen	1.46	101.00	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.67
1190-1	Neil Shuck	3.53	247.00	101.75	90.00
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.50
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.38	132.00	53.00	46.31
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay(Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmeyer)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
930-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

Do not use this space.

AGENCY VOUCHER No.	DATE
11-5-81	11-5-81

PAYEE • Ruby Dillinger
Wetwell, SD 57760DEPT. • DWR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

AGENCY • ADDRESS •

Agency	Fund	Sub Fund	Prog - Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		37.62	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 37.62	

Warrant # 82079305
AC # 077406
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 531-1 Ruby Dillinger		37.62	
TOTAL					37.62	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in federally assisted programs.

Claimant's Signature

Date

11-5-81

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

DIVISION APPROVAL

DATE

APPROVAL SIGNATURE

DATE

11-5-81

 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 531-1

Jerry & Kathie Dillinger
PO Box 308
Newell SD 57760

Dear Mr. & Mrs. Dillinger:

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



Water Rights Division - DWNR
Conversation or File Documentation

File No. 531-1

NAME OF PERSON OR FILE: Jerry + Kathy Dillinger (x-owner) - Lawrence Braun

ADDRESS: Box 846 Newell S.D. 57760 COUNTY Butte

DATE: 5/5/89 TELEPHONE 456-2791

RE: VR inspection

COMMENTS:

On Wednesday, April 19, 1989, Vested Right # 531-1
was inspected. Accompanied by Mr. Lawrence Braun (Present owner)
The area was inspected. It seemed that the irrigated land matched
the original map # 448-1 for Application No. 531-1. Mr. Braun
stated that his pump needed some repairs before this irrigation
season. Mr. Braun's pump was sitting next to a shed by the land.

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: NTS Kusch

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 531-1 FOR IRRIGATION

Date Claim Accepted For Filing January 31, 1961.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 531-1 for irrigation purposes for Lawrence Braun, P O Box 846, Newell, South Dakota 57760 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 531-1 appropriates 1.27 cubic feet of water per second from the Belle Fourche River to irrigate 89.29 acres. The diversion point is located in the NW 1/4 NW 1/4 and the irrigated acres are located in the E 1/2 NW 1/4 and W 1/2 NE 1/4; all in Section 24, T8N, R5E.
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: March 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1951.
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. Hatcher
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date

 **Department of
Water & Natural Resources**

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

March 28, 1991

Lawrence Braun
PO Box 846
Newell SD 57760

Dear Mr. Braun:

The Water Management Board has validated the enclosed Vested Water Right No. 531-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,



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

enclosure



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

October 5, 1992

531-1

Dale Hogen
HC 76 Box 5
Newell, SD 57760

Dear Mr. Hogen:

I am contacting you in regard to ownership of Vested Water Right No. 531-1. It is my understanding that you now own the land described in the Vested Right.

The vested right was validated under the name Lawrence Braun. Prior to the time Mr. Braun leased or owned the land, our records show Jerry and Kathie Dillinger owned the land.

Enclosed is a partially completed "Notice of Transfer" of ownership form. The form is for use in filing an ownership change on Vested Right No. 531-1. Please complete the form by signing in the presence of a notary. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure: transfer form

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 531-1

Date: Oct 21 1992



I/We request that Vested Water Right No. 531-1

formerly owned by: Jerry & Kathie Dillinger (validated under Lawrence Braun)

be transferred to: (name & address) Dale & Kathy Hagen
HC 76 Box 5 Newell SD 57701 (Telephone No.) 451-2841

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

89.29 acres, E 1/2NW 1/4 and W 1/2NE 1/4 Section 24, T8N, R5E

I/We understand that the validity of Vested Water Right No. 531-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Butte)

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

Dale Hagen Kathy Hagen
(Signed)

Subscribed and sworn to before me this 21 day of Oct, 19 92.

Karen Hanson
(Notary Public)

KAREN HANSON, Notary Public
My Commission Expires 8-8-1998

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

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

RECEIPT

413492

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 20, 19 92

RECEIVED OF Kathy Hogen, RC 76 Box 5, Niwells, SD 57050
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 _____ Vested Water Right No. 531-1	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. H. H. H.*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 1992

No. 531-1

Dale and Kathy Hogen
HC 76, Box 5
Newell, SD 57760

Dear Mr. and Mrs. Hogen:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 531-1.

Our records now show you as the owner of Water Right No. 531-1.

Sincerely,

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

enclosure

531-1



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

WTR 4.10
BF-430

AUG 13 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)

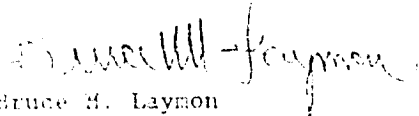
Dear Mr. Hatch,

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) 456-2695.

Sincerely,


Bruce M. Laymon
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 SD 57760



January 9, 1998

NOTICE

531-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DALE & KATHY HOGEN, HC 76 BOX 5, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1218-1, 531-1. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 531-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1218-1 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1218-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 531-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



531-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1998

531-1

1218-1

Dale & Kathy Hogen
HC 76 Box 5
Newell, SD 57760

Dear Mr. & Mrs. Hogen:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 531-1 and 1218-1.

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

If you have any questions, please contact me.

Sincerely,

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