

- 1237-2
1. Considered 3-19 1975
2. Name of Applicant BILLY JOE KIRK
3. Post Office Address CODY, NEBRASKA
4. Amount of water claimed 2.00 1.78'
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 144
7. Water to be diverted and used in BENNETT county  
about 45.13E miles of MARTIN
8. Proof of Publication Received 3-18-75  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

No. 1257.2Map No. 1047.2

Water Division No.

2 LITTLE WHITE RIVERDistrict 1375

(Blanks to be Filled by the Engineer for the W. H. C.)

STATE WATER RIGHTS DEPT.  
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 Billy Joe Kirk  
 Postoffice address Cody, State Nebraska  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Kirk Well No. 1
4. Amount of water claimed (cubic feet per second) 800 gal./min.
5. Source of water supply Well
6. Location of point of diversion Center of NE $\frac{1}{4}$  of Sec 30, 36-34

- County Bennett, South Dakota
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, \_\_\_\_\_ Total number of acres to be irrigated 160 acres

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

| Land Description                                      | No. Acres Irr. | Land Description | No. Acres Irr. |
|-------------------------------------------------------|----------------|------------------|----------------|
| NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 30, 36-34 | 40             |                  |                |
| NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 30, 36-34 | 40             |                  |                |
| SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 30, 36-34 | 40             |                  |                |
| SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 30, 36-34 | 40             |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for notice of Intent to Appropriate Water publication Bennett County Booster
12. Principal Features of the Proposed Water Supply System.

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

High volume pump

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

8" pipe

C. Works proposed to apply water to beneficial use.

Automatic circular sprinklerEstimated Total Cost \$ 49,600.00

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

STATE OF SOUTH DAKOTA )

County of BENNETTI, Billy Joe Kirk

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Billy Joe KirkSubscribed and sworn to before me this 24day of Jan1925

Notary Public (or other qualified officer)

Wm H Engellbert  
Notary Public

## WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1237-2 635-6230  
BILLIE JOE KIRK COPY  
 (Applicant) (Post Office Address)  
NEBRASKA 69211 With the following modifications:  
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application FEBRUARY 4, 19 75  
 Date of return to applicant for correction, amendments or changes required FEBRUARY 4, 19 75  
 Date of receipt of corrected application FEBRUARY 28, 19 75  
 Approved MARCH 20, 19 75, Recorded in Book 13 Page 198

WATER RIGHT PERMIT NO. 1237-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1237-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 4, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20, 19 77
3. The whole of said work is to be completed on or before MARCH 20, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20, 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have required a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.78 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 20, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21<sup>ST</sup> day of MARCH, 19 75

WATER RIGHTS COMMISSION

By:

Donald D. Divil  
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 18, 19 79

Water License Issued DECEMBER 18, 19 79

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued)

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 230 ft.

(2) Casing, Type steel Diameter 18" Thickness 3/4"  
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type steel, Diameter 18", Length 170 ft.

(4) Gravel Pack, Thickness 6", Length of gravel pack 230 ft.

E. Dugout Information or Estimates.

(1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Coarse sand, limestone, medium sand,  
clay layers to coarse sand.

Depth to top of water bearing material 12 ft.

Depth to bottom of water bearing material 230 ft.

Thickness of water bearing material 118 ft.

Depth to water (ground surface to water level) 12 ft.

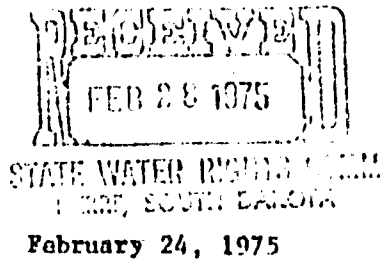
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 30 rds. On property owned by others 20 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Billy Joe Kirk  
Signature of Applicant



Mr. Billy Joe Kirk  
Cody, Nebraska 69201

Dear Mr. Kirk:

The water sample received here February 10 has been analyzed with the results as recorded on the attached original report of analysis for your use and keeping. The quality of this water for irrigation purposes is excellent and is designated by the encircled red cross on the outside back cover of Extension Circular 654 which is enclosed for your use and information.

The WI-1 form, a copy of the water analysis and a copy of this letter are being forwarded to the State Conservation Commission. I wish you success in your irrigation venture.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:NRB

Enclosures

CC: / State Conservation Commission  
Mr. Gary Nies, Bennett County Agent  
Darrel Pahl

Conservation  
Commission  
Form WL #1

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE

Irrigation System: \_\_\_\_\_

Water Quality: \_\_\_\_\_

Soils Capability: \_\_\_\_\_

Approved: ALB KAP  
5/28/75

Disapproved: \_\_\_\_\_

NAME: Billy Joe Kirk

ADDRESS: Cody, Nebraska 69211

COUNTY: Bennett

LEGAL DESCRIPTION

1. WELL LOCATION: Center of NE $\frac{1}{4}$  of Sec 30, 36-34
2. AREA TO BE IRRIGATED: NE $\frac{1}{4}$  of Sec 30, 36-34

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Automatic circular sprinkler
4. CROPS TO BE IRRIGATED: corn, alfalfa and grass

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-5%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Valentine fine sand with areas of Dunday and Elsmere loamy fine sands, and Tuthill and Anselmo fine sandy loams.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 95-077
8. SALINITY: EC = 341 (low-medium)
9. SODIUM: Sodium Adsorption Ratio: 0.28 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:  
the land capability for irrigation information has been acquired from  
**Soil Conservation Service personnel**

and: **Gary Nies, Bennett County Extension Agent**

that the legal description for the location of the well and land to be irrigated is true and correct.

*Billy Joe Kirk*

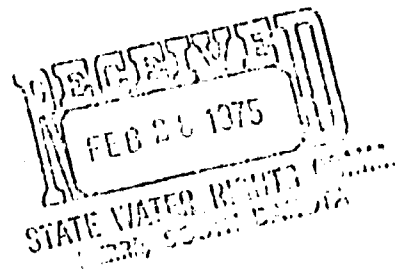
Subscribed and sworn before me this

24 day of Jan. 1975

Ann B. Engelbert

Reg of Deeds

(Title)



**REPORT OF ANALYSIS**  
 Water Quality Laboratory  
 Water Resources Research Institute  
 South Dakota State University  
 Brookings, South Dakota 57006

Submitted by: Bill Joe Kirk  
 Address: Cody, Nebraska 69211

Date Rec'd February 10, 1975  
 Sample No. 75-077  
 Identification Well-  
NE1, Sec. 30, T 36N, R 34W

**WATER ANALYSIS**

|                                       |      |                             |      |           |
|---------------------------------------|------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 52   | ppm*                        | 2.60 | me/l**    |
| Magnesium (Mg)                        | 7    | ppm                         | 0.57 | me/l      |
| Sodium (Na)                           | 8    | ppm                         | 0.35 | me/l      |
| Potassium (K)                         | 11   | ppm                         | 0.29 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 10   | ppm                         | 0.20 | me/l      |
| Nitrate (as N)                        |      | ppm                         |      | me/l      |
| Chloride (Cl)                         | 5    | ppm                         | 0.13 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 151  | ppm                         | 2.43 | me/l      |
| Carbonate (CO <sub>3</sub> )          |      | ppm                         |      | me/l      |
| Iron (Fe)                             |      | ppm                         |      | me/l      |
| Fluoride (F)                          |      | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |      | ppm                         |      | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 124  | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0    | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 341  | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 0.28 |                             |      |           |
| Sodium                                | 9.18 | % of cations                |      |           |
| Residual sodium carbonate             | 0.00 | me/l                        |      |           |
| pH                                    | 7.46 |                             |      |           |
| Others:                               |      |                             |      |           |

\*ppm=parts per million

\*\*me/l=milliequivalents per liter

\*\*\*g.p.g.=grains per gallon

COMMENTS: Total cations 3.81 me/l  
 Total anions 2.81 me/l

By: Shirley Litten

| Service Performed   | Amount Due |
|---------------------|------------|
| Irrigation analysis | \$64.00    |

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-077

Amount Enclosed \$

Signed

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1237-2

(1) WHEREAS, On the 4th day of February A. D. 1975  
Billie Joe Kirk

made Water Right Application No. 1237-2 for a permit to use 1.78 cubic feet per second of the waters  
 of groundwater (one well)

County of Bennett, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of March A. D. 1975

Permit No. 1237-2 with a date of priority of February 4, 1975

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water  
 supply system therein described on or before the 20th day of March A. D. 1980 and for the  
 application to beneficial use of said water on or before the 20th day of March A. D. 1982

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet  
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in Section 30 - T36N - R34W

|                                   | acres     |
|-----------------------------------|-----------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33        |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 33        |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33        |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 33        |
| Total                             | 132 acres |

(5) 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 Billie Joe Kirk

\_\_\_\_\_ of Cody, Nebraska

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 1237-2 a water right, dating from February 4, 1975

\_\_\_\_\_ to use of 1.78 cubic feet per second of the water

of groundwater (one well)

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

purposes hereinkbelow mentioned, to be diverted at a point 1240 ft. South and 1320 ft. West

of the NE Corner Section 30-T36N-R34W

and conduct<sup>ed</sup> to and upon portions of land in Section 30 - T36N - R34W more fully

described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1237-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 18th day of December A. D.

Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch

Chief Engineer

JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 1237-2

Publish first publication, on or before March 6, 1975

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1975

Notice is hereby given that Billy Joe Kirk

whose post office address is Cody, Nebraska, ~~Nebraska~~ South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.78 cubic feet of water per second of time from the ground water through the Kirk Well #1, the point of diversion of which is to be located in the \_\_\_\_\_

Center of the NE 1/4

of Section 30, Twp. 36N, Range 34W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 30, T36N, R34W

This application No. 1237-2 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw

cc: Billy Joe Kirk, Cody, Nebraska 69211

Permit No. 1237-2

Water Diversion No. 2 Little White River Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify That Billie Joe Kirk

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1237-2, issued upon Application No. 1237-2, bearing date of priority of February 4,  
1975 authorizing the diversion of 1.78 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Bennett, State of South Dakota at a  
point 1290 ft. South and 1320 ft. West of the NE Corner Section 30 -  
1 R34W  
\_\_\_\_\_ for irrigation

\_\_\_\_\_ purposes has \_\_\_\_\_ 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 2.22 cu. ft. per second of water.

Date December 18, 1979

John Hatch  
JOHN HATCH, Chief Engineer  
Water Rights, WND

Permit No. 1237-2Water Division 2 Little White River Water District

# REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Billy Joe Kirk  
 of Cody, Nebraska 69211 holder  
 of Permit No. 1237-2, bearing date of priority of February 4, 1975  
 authorizing the diversion of 1.75 cu. ft. per second of the waters of one Well  
 for Irrigation purposes, in Beauregard County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor: - G E, Model 5K 6255X M502A, Ser # ENJ525436  
 75 HP. 1765 RPM  
 Pump: - Western Land Reeller, Ser # KB 77463,  
 Hedd 8A1-4-12KBH-8 1/2. Pumping 1000 gpm

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

30' 3" Pipe to Center Pivot from Well

C. Works used to apply water to beneficial use.

Zinnatic Center Pivot, Model 410, Ser # L 67624

The system is in the following condition: GoodThe point of diversion is located 1290 ft S and 1320 ft W of the NE Cor.  
Sec. 30, T36N R34WThe works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 30, T36N R34W

NW 1/4 NE 1/4 - 33 ac NE 1/4 NE 1/4 - 33 ac SW 1/4 NE 1/4 - 33 ac.  
SE 1/4 NE 1/4 - 33 ac.

comprising a total of 132 acres of land.

Well data:

Depth 220 ftStatic 20 ftPumping 1000capacity 1400

Date May 3, 1979  
Leroy J. Meneugh  
 (Signature)

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

No. 1237-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Bennett ) ss.

I, Mary E. Long hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Bennett County Booster II

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

\_\_\_\_\_ City \_\_\_\_\_ of Martin

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

\_\_\_\_\_ March 6, 1975 \_\_\_\_\_

\_\_\_\_\_ March 13, 1975 \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date Signed)

NOTICE  
INTENT TO  
APPROPRIATE WATER

No. 1237-2

February 28, 1975  
Pierre, South Dakota 57501  
Notice is hereby given that  
Billy Joe Kirk whose post office  
address is Cody, Nebraska, has  
made an application in accor-  
dance with the provisions of the  
water laws of South Dakota for  
a permit to appropriate for  
beneficial use 1.78 cubic feet of  
water per second of time from  
ground water through the Kirk  
Well No. 1, the point of diversion  
of which is to be located in the  
Center of the NE 1/4 of Section 30,  
Twp. 36N, Range 34W. Said  
water to be used for the purposes  
of providing irrigation on the  
following described land:  
NE 1/4, Section 30, T36N,  
R34W.

This application No. 1237-2  
will be considered by the Water  
Rights Commission at its office  
at Pierre upon the 19th day of  
March, 1975, at 2:30 p.m. All  
interested persons may appear  
and be heard.

WATER RIGHTS  
COMMISSION  
BURTON F. JONES  
Water Rights Specialist

21-37

RECORDED  
MAR 18 1975

STATE OF SOUTH DAKOTA



## Department of Water & Natural Resources

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

December 28, 1979

Billie Joe Kirk  
Cody, Nebr. 69211

Dear Mr. Kirk:

Enclosed herewith are, Water License No. 1237-2 and Certificate of Construction.

Water License No. 1237-2 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights, WMD

JH: bt

enclosures

NOTE: Your pump capacity is 2.22 cfs (997 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.78 cfs (799 gpm). Any diversion in excess of 1.78 cfs would be a violation of your Water Right.

WNR-817-7/79  
Transmittal of Water License

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7175

PIERRE, December 18, 1979

RECEIVED OF Billy Joe Kirk, Cody, NE 69211  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                        |  |       |
|------------------------------------------------------------------------------------------------------------------------|--|-------|
| Fee for Application for Permit to Appropriate Water No. _____ (examination,<br>processing, recording and filing) _____ |  |       |
| Fee for inspecting Construction, and issuing Cert. of Construction No. 1237-2                                          |  | 50.00 |
| Fee for inspecting Beneficial Use, and issuing Water License No. 1237-2                                                |  |       |
| 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 _____<br>(any other work as provided by law)                                                                   |  |       |
| TOTAL                                                                                                                  |  | 50.00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH (89)

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
January 29, 1988

BILLY JOE & VIASTA KIRK  
BOX 18  
CODY, NE 69211

**NOTICE**

Re: Violation of Water Permit No(s). 1767-2 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1767-2. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1767-2 qualification:

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

The hearing will also be to determine if Permit No(s) 1237-2 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

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

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 1767-2 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 1237-2 also held by BILLY JOE & VIASTA KIRK to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
1. Take no action.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer  
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-2151

February 9, 1988

1237-2  
1767-2

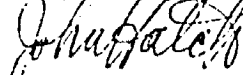
Billy Joe & Vlasta Kirk  
Box 18  
Cody SF 59211

Dear Mr. & Mrs. Kirk:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1237-2 & 1767-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

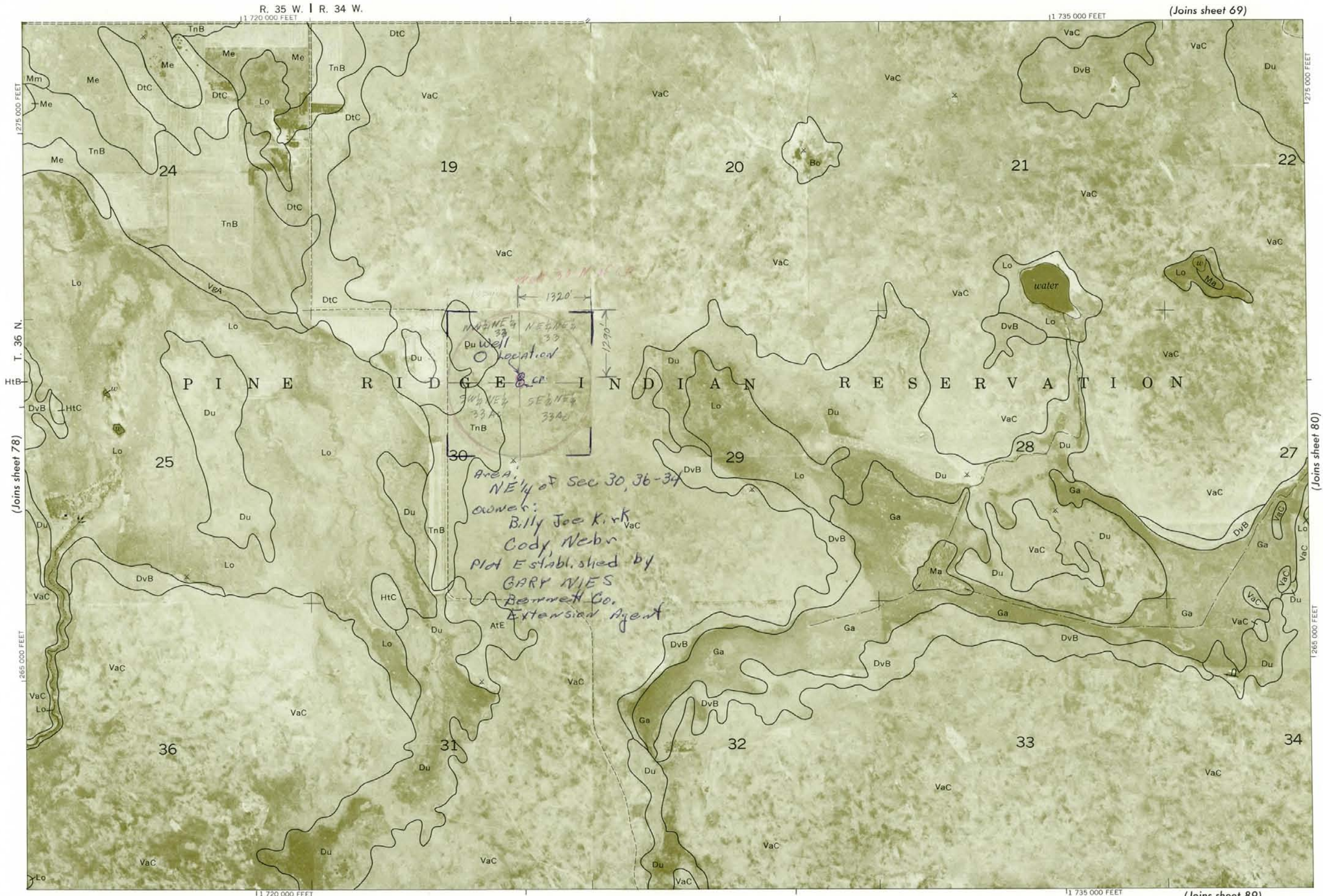
Very truly yours,



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

This map is one of a set compiled in 1969 as part of a soil survey by the United States Department of Agriculture, Soil Conservation Service, the United States Department of the Interior, Bureau of Indian Affairs, and the South Dakota Agricultural Experiment Station. Land division corners are approximately positioned on this map.

BENNETT COUNTY, SOUTH DAKOTA NO. 79



Plane coordinate projection, 1927 North American datum.  
5,000-foot grid ticks based on South Dakota coordinate system,  
south zone. Mosaic compiled from 1961 aerial photographs.

Point of Diversion 1290' S + 1320' E of the  
NE Cor of Sec. 30, T36N R34W

MAP NO 1047-2 APPL NO 1237-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

November 6, 2019

1237-2

Rod Kirk  
23648 298<sup>th</sup> St  
Cody NE 69211

Dear Mr. Kirk:

I am contacting you regarding ownership of land described in Water Right No. 1237-2, listed in the name of Billy Joe Kirk. On the 2019 irrigation questionnaire, a notation was made indicating you now own the land.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a copy of the water right for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT  
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November 6, 2019

1237-2

Rod Kirk  
23648 298<sup>th</sup> St  
Cody NE 69211

Dear Mr. Kirk:

In November 2019 we contacted you regarding ownership of land described in Water Right No. 1237-2, listed in the name of Billy Joe Kirk. Our correspondence included a transfer form for filing the ownership change and a copy of the water right. To date, we have not received anything back from you.

In the event you do not have the original form, I have included an additional one for your use. Please review and complete as needed. Upon completion, return the transfer form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

PAID

MAR 19 2020

Ck# 17622

NOTICE OF TRANSFER OF OWNERSHIP  
RECEIVED

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

MAR 19 2020

PETROLEUM RELEASE FUND

No. 1237-2

Date: \_\_\_\_\_

I/We request that Water Right No. 1237-2

formerly owned by: Billy Joe & Vlasta Kirk

be transferred to: (name & address) Kirk Ranch LLC

23648 298<sup>th</sup> St

Cody NE 69211

Telephone No. 605-285-6618

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

132 acres - NE 1/4 Section 30, T36N, R34W

I/We understand that the validity of Water Right No. 1237-2 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 Kirk Ranch LLC, the new owner, certify that the above information is true and correct.

Kirk Ranch LLC by Rod Kirk - member  
(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.

1237-2

**RECEIPT****WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 19, 2020RECEIVED OF Roddy Kirk/Beberly Kirk 23648 298<sup>th</sup> St cody NE 69211

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>1237-2</u>                                                                     | \$50.00 |
| 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                                                                         | \$50.00 |

By Eric Gronlund  
Chief Engineervm



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

May 12, 2020

1237-2

Rod Kirk  
Kirk Ranch LLC  
23648 298<sup>th</sup> St  
Cody NE 69211

Dear Mr. Kirk:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change on Water Right No. 1237-2.

The ownership change has been completed. Water Right No. 1237-2, formerly listed under Billy Joe and Vlasta Kirk is now listed under Kirk Ranch LLC.

Enclosed is your receipt in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Genny McMath". The signature is written in a cursive, flowing style.

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