

2487-3

1. Considered 1-22 1976
2. Name of Applicant HARVEY KLOSS
3. Post Office Address TULARE
4. Amount of water claimed 1.95
5. Source of water supply GROUND WATER (108' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 139
7. Water to be diverted and used in SPINK county
about 4.5 miles of TULARE
8. Proof of Publication
Received 1-12-76
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2487-BMap No. 1861-B Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Harvey Kloss
Post-office address Box 16 Tulara, State South Dakota 57476
- If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
3. Name of diversion work Harvey Kloss Unit No. 1
4. Amount of water claimed (cubic feet per second) 1.95
5. Source of water supply Ground Water
6. Location of point of diversion A POINT IN THE SW⁴ NE⁴, SECTION 16, T114N, R64W

- County Spink
7. Annual period or periods during which water is to be used April - 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 139 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.
<u>NE¹ S16 114-64</u>	<u>139</u>		

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 Daily Plainsman, Harlan, S. Dak.
12. Principal Features of the Proposed Water Supply System.

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

Bowl Pump

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

Main line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

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 SpinkI, Harvey Kloss 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 Harvey KlossSubscribed and sworn to before me this 5 day of November 1975James A. Gehring
Notary Public (or other qualified officer)Commission expires 11-6-76

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2487-3HARVEY KLOSS

(Applicant)

Box 16, TULARE

(Post Office Address)

SOUTH DAKOTA 57476

(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 19 19 75Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved JANUARY 23 19 76, Recorded in Book 14 Page 243WATER RIGHT PERMIT NO. 2487.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2487.3 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 DECEMBER 19 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23 19 78
3. The whole of said work is to be completed on or before JANUARY 23 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23 19 83
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 acquired 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 1.95 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 JANUARY 23 19 83; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 30TH day of JANUARY 19 76

WATER RIGHTS COMMISSION

By:

John R. Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued January 4 19 77Water License Issued January 4 19 77

PAGE NO.

Lloyd Peterson
FOREMAN

PI No.	DEPTH	TIME	Test Hole # 1	REMARKS	DESCRIPTION
1	20		3-15	Yellow Clay	
2	35		15-20	Blue Clay	N.E. 16-114-64
3	50		20-35	Blue Clay Some Gravel Streaks	Spink County
4	65	85 Td	35-50	Blue Clay Some Gravel Streaks	
5	80	Cased Up	50-60	Blue Clay Some Gravel Streaks	
6	95		60-65	Real Coarse Sand Lotsa Coal	
7	110		65-80	Real Coarse Sand Lotsa Coal Some Clay at End	1
8	115	TD Test Hole	80-95	Fine Sand	
			95-106	Whitish Sand Medium	
			106-108	Pea size Gravel	
			108-110	Blue Clay	
			110-115	Blue Clay	
				45 ft. Slotted 4" PVC	
				40 ft. Blank 4" PVC	
				Pumped 25 GPM	
				Water head 22 ft.	
				2500 lbs. Concrete Sand	
				1 Used 5" Drag Bit	
				1 Used 7 7/8" Roller Bit	

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

Driller will furnish log.

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property ~~50~~ 0 rds. On property owned by others 96 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.

X9 James H. Brown
Signature of Applicant

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

Submitted by: Harvey Kloss
 Address: Tulare, SD
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd: December 8, 1975
 Sample No.: 75-1114
 Identification: 41 c11-
Net, Sec. 16, T 114N, R 64E

WATER ANALYSIS

Calcium (Ca)	130	ppm*	6.50	me/l**
Magnesium (Mg)	47	ppm	3.85	me/l
Sodium (Na)	105	ppm	4.57	me/l
Potassium (K)	20	ppm	0.51	me/l
Sulfate (SO ₄)	300	ppm	6.24	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	25	ppm	0.70	me/l
Bicarbonate (HCO ₃)	471	ppm	7.72	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	386	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1247	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.01			
Sodium	29.61	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	9.72			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 15.43 me/l
 Total anions 14.66 me/l

By: Shirley Witten

Service Performed	Amount Due
Irrigation analysis	\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-1114

Amount Enclosed \$

Signed

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: [Signature]
Disapproved: _____

NAME: Harvey Kloss
ADDRESS: Tulare, Box 16, So. Dakota 57776
COUNTY: Spink

LEGAL DESCRIPTION

1. WELL LOCATION: E 1/2 NE 1/4 S-16-114-64
2. AREA TO BE IRRIGATED: 1.39 acres

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Pivot
4. CROPS TO BE IRRIGATED: Corn, small grain

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: attached sheet
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 75-1114
8. SALINITY: EC = 1247 μ mhos/cm (high)
9. SODIUM: SAR = 2.01 (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 Scientist (SCS)

and:

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

K. J. Harvey

Subscribed and sworn before me this

3 day of December 1975.

Gene A. Aubrey

Secretary, Natural Resources

(Title) - Comm. Rep. N.R.

DEC 19 1975





December 12, 1975

Mr. Harvey Kloss
Box 16
Tulare, SD 57476

Dear Mr. Kloss:

We have completed the analysis of your water sample submitted here about a week ago and the original copy of the report of analysis is enclosed here for your use and keeping. Also enclosed is a copy of extension circular 654, on the outside back cover of which I have designated the approximate quality of this water for irrigation purposes by a red cross. It is fairly good water with a low sodium content and a high total salt load.

The northeast quarter of section 16 has considerable depressional areas in it with soils which are basically unsuited for irrigation. These are marked as 103 on the original field sheets and this is the Tetonka silt loam, a depressional soil with restricted drainage. The bulk of the quarter, however, is Houdek-Bonilla silt loam and loam undulating, and Houdek-Bonilla fine sandy loam, undulating. These soils are suitable for irrigation if certain precautions are used in the application of water. By this, I mean that the water should be applied as infrequently as possible and in large amounts. It should not be applied in 1 inch or 1 1/2 inch amounts and frequently. The technique of applying water in small amounts frequently allows for maximum rate of accumulation of salt within the upper part of the soil profile and a very early appearance of salinity problems in a subhumid area or semi-arid area. Thus, if you go ahead and develop this land for irrigation with this water, I strongly urge you to consider these recommendations very carefully.

A copy of this letter, and of the water analysis, and the WI-1 form and other application materials are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LGF:ckb
Enclosures

cc: State Conservation Commission, D. Pahl, Dick Padgen, Huron Drilling, Co.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2487-3.

(1) WHEREAS, On the 19th day of December A. D. 19 75

Harvey Kloss

made Water Right Application No. 2487-3 for a permit to use 1.95 cubic feet per second of the waters of groundwater (one well)

County of Spink, State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS, On the 23 day of January A. D. 19 76

Permit No. 2487-3, with a date of priority of December 19, 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 23 day of January A. D. 19 81 and for the application to beneficial use of said water on or before the 23 day of January A. D. 19 83

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 1.73 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 a 136 acre circle in the NE1/4, Section 16, T116N, R64W

(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 Harvey Kloss

_____ of Tulare, South Dakota
_____ of 2487-3 _____ December 19, 1975
the holder _____ and owner _____ of said permit No. _____ a water right, dating from _____
_____ to use of _____ cubic feet per second of the waters
of groundwater (one well)

in the County of Spink _____ and State of South Dakota, or so much thereof as may be necessary, for the
purpose hereinbefore mentioned, to be diverted at 90 feet East of the center of the NE 1/4, Section 16,
T116N, R64W

_____ a 136 acre circle in the NE 1/4, Section 16, T116N, R64W
and conduct to and upon _____

_____ Irrigation
for the purpose of _____

Subject to any limitations listed in Water Right Permit No. 2487-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of January _____ A. D.
Seventy-nine
Nineteen Hundred and _____

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 2487-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harvey Kloss

_____ the holder of
Permit No. 2487-3, issued upon Application No. 2487-3, bearing date of priority of December 19, 1975,
authorizing the diversion of 1.95 cu. ft. per second of the waters of groundwater (one well)
County of Spink, State of South Dakota, at
90 ft. East of the center of the NE 1/4, Section 16, T116N, R64W

_____, 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 1.78 cu. ft. per second of water.

Date January 4, 1979

By: WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

No. 2437-3

Publish first publication, on or before January 5, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~December 22~~, 1975

Notice is hereby given that Harvey Kloss
whose post office address is Tulare, 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
1.95 cubic feet of water per second of time from the ground water through the
Harvey Kloss Unit No. 1, the point of diversion of which is to be located in the _____

SW 1/4 NE 1/4
of Section 16, Twp. 114N, Range 64W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

NE 1/4, Section 16, T114N, R64W

This application No. 2437-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 1976, 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: Harvey Kloss

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

No. 2487-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy hereby

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

Water was taken from the Huron Daily Plainsman

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 Huron

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

December 30, 1975

January 6, 1976

Dorothy Murphy
(Signature)

Beadle Plainsman
(Title)

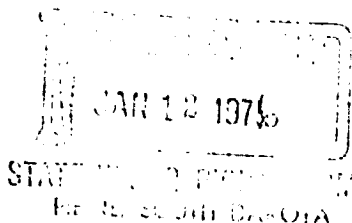
1-6-76
(Date Signed)

F.P. 12-30-75 L.P. 1-6-76
**NOTICE INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
December 22, 1975

Notice is hereby given that
Harvey Kloss whose post office
address is Tulare, 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 1.95
cubic feet of water per second of
time from the ground water through
the Harvey Kloss Unit No. 1, the
point of diversion, of which is to be
located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
16, Twp. 114N. Range 64W. Said
water to be used for the purpose of
providing irrigation on portions of
the following described land: NE $\frac{1}{4}$,
Section 16, T114N, R64W.

This application No. 2487-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 22nd day of January, 1976,
at 2:30 P.M. All interested persons
may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
No. 668 (ad r.)



Permit No. 2481-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by HARVEY
KLOSE of TULARE holder
of Permit No. 2481-3, bearing date of priority of DECEMBER 19, 1975
authorizing the diversion of 1.95 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPINK 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:

110' DEEP WELL - 16" PLASTIC CASING
BYRON JACKSON 10" PUMP, MODEL 771H 7010, POWERED
BY 75HP GE ELECTRIC MOTOR

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

90' 10" ALUMINUM MAINLINE

C. Works used to apply water to beneficial use.

TL CENTER PIVOT SPRINKLER SYSTEM MODEL #1759,
WITH END GUN

The system is in the following condition: EXCELLENT

The point of diversion is located 90' E OF THE CENTER OF THE NE⁴
SECTION 16, T116N, R64W

The works are capable of diverting and conveying to the place of use 1.75 (800 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE NE⁴,
SECTION 16, T116N, R64W

comprising a total of 136 acres of land.Date OCTOBER 18, 1978

[Signature]
(Signature)
WATER RIGHT SPECIALIST

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6612

PIERRE, December 17, 1911

RECEIVED OF Harvey Kloss, Tulare, SD
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. <u>2487-3</u>		50 00
Fee for inspecting Beneficial Use, and Issuing Water License No. <u>2487-3</u>		
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 _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 97

State of South Dakota

REISSUED Water License No. 2487-3

(1) Harvey Kloss
of RR#1, Box 16, Tulare, South Dakota was issued Water License No. 2487-3
~~with~~ Application No. _____, January 4, 1979 for a right water permit to appropriate
1.78 cubic feet per second of water from groundwater (one well)
Spink County, South Dakota for irrigation purposes.

Water License
No. 2487-3, with a priority date of December 19, 1975
was ~~approved~~ not issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ _____ and for the application to beneficial use of said
water ~~on or before~~ completed _____.

Water License No. 2487-3 dated January 4, 1979 authorized irrigation of a 136 acre circle in the NE $\frac{1}{4}$ Section 16, T116N, R64W from a point of diversion also listed as the NE $\frac{1}{4}$ of Section 16, T116N, R64W. A review of the file found the township of 116N was in error. The correct township is 114N.

Water License No. 2487-3 is being reissued to correct the township described in the diversion point and the lands irrigated from T116N to T114N.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 90 feet east of the center of the NE $\frac{1}{4}$ Section 16, T114N-R64W.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T114N-R64W

Section 16	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
TOTAL		136 ACRES

land is irrigated as a 136 acre circle

(4) Pursuant to §46-5-30.1 Harvey K lows
of RR 1, Box 16, Tulare, South Dakota 57476

the holder(s) and/or owner(s) of Water ^{Right} Permit No. 2487-3 is issued a license to appropriate water, the right to use 1.78 cubic feet per second of water from groundwater (one well) with a priority date of December 19, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} Permit No. 2487-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
NOV 26 1985

WATER RIGHTS DIVISION
(605) 773-3352

NOV 26 1986

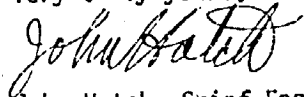
Harvey Kloss
Route 1, Box 16
Tulare, South Dakota 57476

Dear Mr. Kloss:

Enclosed is your Water License No. 2487-3. The license was reissued to correct an error in the legal description on the original license.

If you have any questions, please contact our office.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division

JH:ms
Enc.

RAYMOND A. CALLEHER
JULIUS H. BARTLEY

(1) $\{ \alpha_i \}_{i=1}^n$ are linearly independent over F .

Water & Natural Resource Department
Joe Foss Building
Pierre, SD 57501

Gentlemen:

sincerely,

GALLAGHER & BATTEY

Raymond A. Gallagher

RAG: r j





DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 21, 1991 .

Raymond A Gallagher
GALLAGHER & BATTEY
PO Box 19
Redfield, SD 57469

Dear Mr. Gallagher:

I am writing in response to your February 27, 1991 letter in which you inquired about a permit listed in the name of Harvey Kloss for Section 11, T114N, R64W. I have reviewed our files and was unable to find a permit for Section 11 under any name.

The only water right we have on file for Harvey Kloss is No. 2487-3. Water Right No. 2487-3 is for irrigation of 136 acres in the NE 1/4 Section 16, T114N, R64W from a well within the same description. If you are able to obtain a copy of the irrigation permit for the land in Section 11, please forward a copy of it to our office and I will recheck our files.

If you have any questions, please contact me.

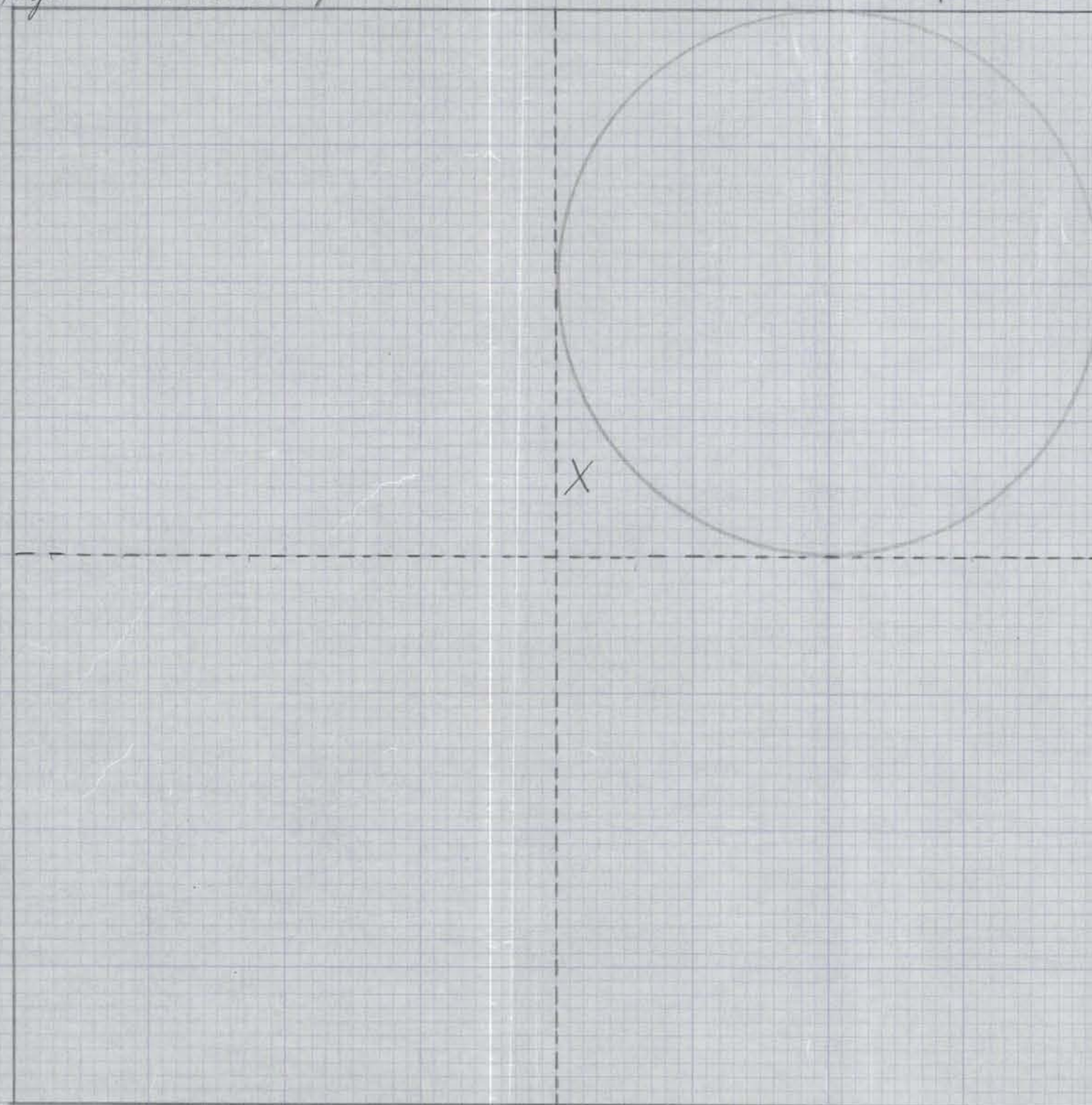
Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

Prepared by Dick Fadgen, Beadle Co. Extension Agent
Dick Fadgen E. 1/2 N.E. 1/4 S-16

Harvey Klass Unit No. 1.
R-64

T-114



X-Proposed Well
Location



2487-3

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 26, 2007

NOTICE

TO: CLAYTON H KLOSS, 38857 183RD ST, TULARE, SD 57476

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 2487-3 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) 2592A-3 & 3162A-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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. 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) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2487-3 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 questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

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Label/Receipt Number: 2303 2160 0000 0799 7221

Status: **Delivered**

Your item was delivered at 9:48 AM on January 27, 2007 in TULARE, SD 57476. The item was signed for by C KLOSS.

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United States Postal Service® Signature Confirmation™ Receipt	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7221	Post CLAYTON H KLOSS 38857 183RD ST TULARE SD 57476
	Waiver of signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811 CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2007

Clayton H Kloss
38857 183rd St
Tulare SD 57476

RE: Water Right Nos. 2487-3, 2592A-3 and 3162A-3

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2487-3, 2592A-3 and 3162A-3.

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



2487-3

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 16, 2015

NOTICE

TO: CLAYTON H KLOSS, PO BOX 185, TULARE, SD 57476 0185

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 2487-3 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) 2592A-3 & 3162A-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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. 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) 2592A-3 & 3162A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2487-3 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 questionnaire(s) is (are) received in this office before the **March 4, 2015** 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.

2487-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 21, 2015

2487-3
2592A-3
3162A-3

Clayton Kloss
PO Box 185
Tulare SD 57476 0185

Dear Mr. Kloss:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2487-3, 2592A-3 and 3162A-3. 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
email: genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 2487-3

August 4, 2016

Clayton H Kloss, Operator
PO Box 185
Tulare SD 57476

Dear Mr. Kloss:

On July 25, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the NE 1/4 Section 16-T114N-R64W onto the adjacent north/south road (see attached photo). This irrigation system is covered by Water Right No. 2487-3, Harvey Kloss with you listed as operator.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/25/016

County: Spink

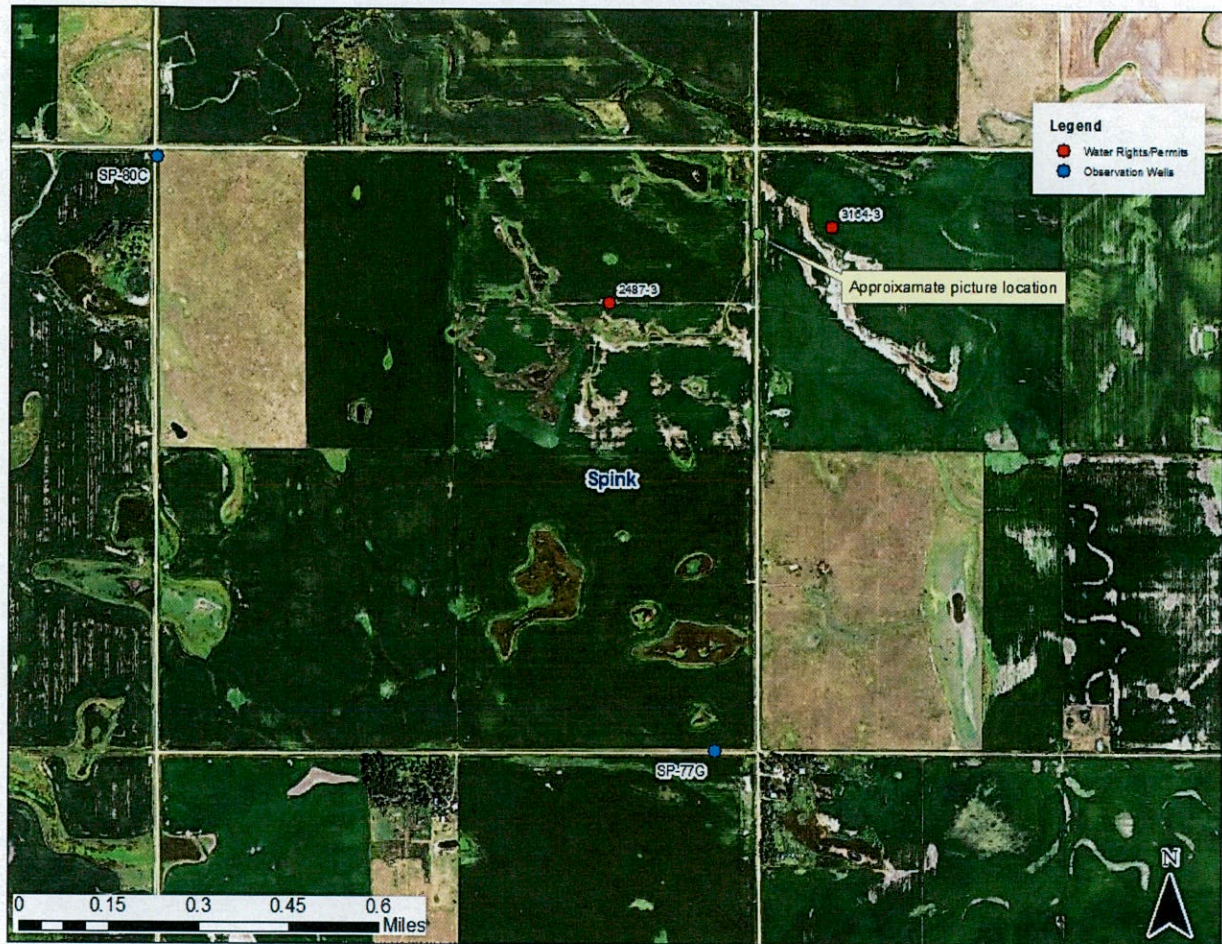
Water Right/Permit No.: 2487-3

Reported by: Watertown Seasonal Observation Well Technician



Description from summer help: overspray pic facing south

Notes: picture location/GPS information used to determine location, time on picture indicates it was taken between observation wells SP-80C and SP-77G which matches location information





**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: CLAYTON H KLOSS, PO BOX 185, TULARE, SD 57476 0185

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 2487-3 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) 2592A-3 qualification:

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

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. 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) 2592A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2487-3 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 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 questionnaires 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: LVGUIP**

CC: Harvey Kloss, 204 Kansas Apt 7, Tulare, SD 57476

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 9, 2026

Lisa Haigh
38857 183rd St
Tulare, SD 57476

2592A-3

2487-3

Dear Ms. Haigh:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

Thank you for contacting the Water Rights program regarding transferring ownership of Water Right Nos. 2592A-3 & 2487-3. For your convenience I have enclosed partially completed "Transfer of Ownership" forms for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$100.00 (\$50.00) each, made payable to "SD Water Rights Program" to cover the transfer fees for both Water Rights. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

RECEIVED

MAR 16 2026

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAR 13 2026

Ck# 1175

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2487-3 Rec't#

Date: 3-9-26

I/We request that Water Right/Permit No. 2487-3 formerly owned by:
Harvey Kloss be transferred to:

New Owner Name: Briar Kloss
Address: 102 3rd Ave mobile: (605) 468-9819
City, State, Zip Tulare, SD 57476 email:

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

136 acre circle in the NE1/4, Section 16-T116N-R64W

☒ I understand that the validity of Water Right/Permit No. 2487-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Briar Kloss, the new owner, certify that the above information is true and correct.

Briar Kloss
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

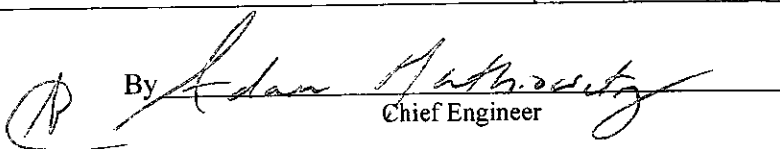
Date March 13, 2026

RECEIVED OF Briar Kloss 102 3rd Ave Tulare, SD 57476

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 #2487-3	\$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


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2026

2487-3

Briar Kloss
102 3rd Ave
Tulare, SD 57476

Dear Mr. Kloss:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fee you submitted for Water Right No. 2487-3. Enclosed is the receipt of payment for your records.

Water Right No. 2487-3, previously held by Harvey Kloss, is now listed under your name. 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 Permit/License (copies enclosed), 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 Permit/License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 3487-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure