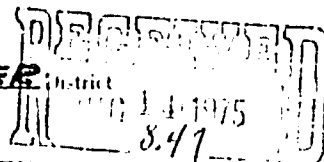


Water Right Number 1072-1

1. Considered SEPTEMBER 10, 1975
2. Name of Applicant REX L. BURGH DUFF
3. Post Office Address CAMP CROOK
4. Amount of Water claimed 2.7
5. Source of Water supply LITTLE MISSOURI RIVER & ROCKY BUTTE CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 189.1
7. Water to be diverted and used in HARDING County
about 15 N miles of CAMP CROOK
8. Proof of Publication Received SEP 9-12-75
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application

10. Remarks:

No. 1072-1
 Map No. 885-1 Water Division No. 1 LITTLE MISSOURI RIVER District
 (Blanks to be Filled by the Engineer for the W. P. C.)



APPLICATION FOR PERMIT

STATE WATER RIGHTS OFFICE
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant L. Burghdoff
 Postoffice address Camp Creek State South Dakota 57724
 If corporation state date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
 3. Name of diversion work Rex. L. Burghdoff Watershedding System
 4. Amount of water claimed (cubic feet per second) 2.7
 5. Source of water supply Little Missouri River & Rocky Butte Creek
 6. Location of point of diversion FROM ROCKY BUTTE CREEK - 300'S & 50' W OF THE NE CORNER, SECTION 29;
See attached plat for description of location.
FROM LITTLE MISSOURI RIVER - BETWEEN POINTS 1450'E & 440'S OF THE NW CORNER, SEC. 28;
175'S & 220'E OF THE NW CORNER, SEC. 21, ALL IN T21N, R2E County Harding
 7. Annual period or periods during which water is to be used WHEN AVAILABLE
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
See attached plat showing
 9. For irrigation use description & acreages. Total number of acres to be irrigated 189.1

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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system two (2) years. Additional time required to complete application of water to the proposed beneficial use five (5) years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Buffalo Times Herald
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Irrigation pump from Little Missouri River and diversion dam from Rocky Butte Creek.

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

C. Works proposed to apply water to beneficial use.

Earthen dikes with corrugated metal pipe and low pressure control gates.

Estimated Total Cost \$ 27,000.00

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 Harding

I, Rex L. Burghdoff, 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 Rex L. BurghdoffSubscribed and sworn to before me this 12 day of June, 1975

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1072-1
REX L. BURGHDOFF CAMP CROOK
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57724 With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS, SHALL BE-PASSED.

Date of first receipt of application AUGUST 14 19 75
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved SEPTEMBER 10 19 75 Recorded in Book 14 Page 20

WATER RIGHT PERMIT NO. 1072-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1072-1 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 AUGUST 14 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 10 76
3. The whole of said work is to be completed on or before SEPTEMBER 10 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 10 19 80
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 2.7 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 SEPTEMBER 10 19 80; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 12TH day of SEPTEMBER 19 75

WATER RIGHTS COMMISSION

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

REX L. BURGHDOFF WATERSPREADING AREA

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NE ¹ / ₄ NE ¹ / ₄	21	21-N	2-E	2.4
NW ¹ / ₄ NE ¹ / ₄	21	21-N	2-E	15.5
NE ¹ / ₄ NW ¹ / ₄	21	21-N	2-E	3.0
NW ¹ / ₄ NW ¹ / ₄	21	21-N	2-E	12.8
NE ¹ / ₄ NE ¹ / ₄	20	21-N	2-E	4.9
SE ¹ / ₄ NE ¹ / ₄	20	21-N	2-E	8.9
SW ¹ / ₄ NW ¹ / ₄	21	21-N	2-E	9.8
NE ¹ / ₄ SE ¹ / ₄	20	21-N	2-E	.7
NW ¹ / ₄ SW ¹ / ₄	21	21-N	2-E	30.4
NE ¹ / ₄ SW ¹ / ₄	21	21-N	2-E	15.0
NW ¹ / ₄ SE ¹ / ₄	21	21-N	2-E	1.4
SW ¹ / ₄ SE ¹ / ₄	21	21-N	2-E	10.8
SE ¹ / ₄ SW ¹ / ₄	21	21-N	2-E	35.5
SW ¹ / ₄ SW ¹ / ₄	21	21-N	2-E	17.6
NW ¹ / ₄ NW ¹ / ₄	28	21-N	2-E	13.7
NE ¹ / ₄ NW ¹ / ₄	28	21-N	2-E	.7

TOTAL 189.1

Sept 4, 9

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

No. _____

(200)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, George Michalov, Vice Pres. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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

September 4, 1975 & September 5, 1975

George Michalov
(Signature)

Vice Pres.
(Title)

September 11, 1975
(Date Signed)

Sept. 4, 9 L200
NOTICE OF INTENT
TO APPROPRIATE WATER
I, George Michalov, of South Dakota 57501
August 29, 1975
Notice is hereby given that Rex L.
Burghdoff whose post office address is
Camp Creek, 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 2.7 cubic feet of water per
second at a time from the Little Missouri
River and Rocky Butte Creek through the
Rex Burghdoff Waterspreading System,
the point of diversion of which is to be
located from the Little Missouri River
between points to the NE1/4NW1/4, Section
27, and in the NE1/4NW1/4, Section 28, and
from Rocky Butte Creek in the
NE1/4NE1/4 of Section 27, Twp. 21N,
Range 2E. Said water to be used for the
purpose of providing irrigation on the
following described land: E1/4NW1/4,
NE1/4SE1/4, Section 10; W1/4NW1/4,
NE1/4NW1/4, NE1/4SE1/4, SW1/4, NW1/4SE1/4,
Section 27; NE1/4NW1/4, Section 28, all in
T21N, R2E.
This application No. 1072-1 will be con-
sidered by the Water Rights Commission
at the Burghdoff Room at the Skyline
Motel, Yankton, South Dakota on the
10th day of September, 1975, at 2:30 p.m.
All interested persons may appear and be
heard.
WATER RIGHTS COMMISSION
By: Barton F. Jones
Water Rights Specialist

Form 6. - Notice of Intent to Appropriate Water

No. 1072-1

Publish first publication, on or before

September 2, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 29, 1975

Notice is hereby given that Rex L. Burghduff

whose post office address is Camp Crook, 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 2.7 cubic feet of water per second of time from the Little Missouri River and Rocky Butte Creek through the Rex Burghduff Waterspreading System, the point of diversion of which is to be located ~~XXXXXX~~ from the Little Missouri River between points in the NE 1/4, Section 21, and in the NE 1/4, Section 28, and from Rocky Butte Creek in the NE 1/4

of Section 27, Twp. 21N, Range 2E. Said water to be used for the purpose of providing irrigation on the following described land:

portions of

E 1/2, NE 1/4, Section 20; W 1/2, NE 1/4, N 1/2, SW 1/4, W 1/2, Section 21; N 1/2, Section 28, all in T21N, R2E

This application No. 1072-1 will be considered by the Water Rights

Commission at the Burgandy Room at the Skyline Motel, Yankton, South Dakota.

upon the 10th day of September, 1975 at 2:30 p. .M. All interested persons may appear and be heard.

cc: Rex Burghduff
Camp Crook, S.D. 57724

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

December 23, 1982

Rex Burghduff
Camp Crook,
South Dakota 57724

Dear Mr. Burghduff:

The inspection of your water system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 1072-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the certificate of construction as required by statute.

On form of payment, please include the number of the water permit. This insures proper handling of the fee.

In regards to the 25 acres of waterspreading west of the farmstead in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 20 that is supplied water from the diversion ditch, this office has no record of filing for a permit on this land. We would appreciate you sending us information or evidence of a water permit for this area. If there has been no permit filed, then according to the South Dakota Statutes it will be necessary for you to file for a permit with this office. If you can tell us the year this system was constructed we can then determine whether you should file for a Vested Right or for a new permit to cover that area. When we receive this information we will send you the proper forms.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LEROY J HERNAUGH
Water Resources Engineer

LJM:ks

Permit No. 1072-1Water Division 1 Little Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Rex L. Burghdoff of Camp Crook, S. Dak. 57724 holder of Permit No. 1072-1, bearing date of priority of August 14, 1975 authorizing the diversion of 2.7 cu. ft. per second of the waters of Little Missouri River and Rocky Butte Creek for Irrigation purposes, in Harding 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: Portable Pump and motor.
Morrison 30 H.P. Electric Motor
Berkeley Pump Model. BSGP, Ser # 7578857. pumps 2000 gpm.
Rocky Butte Dam with 36" Waterman Control Gate on dam.

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

10" Flexible Hose and 12" Aluminum pipe from pump sites to supply ditches

C. Works used to apply water to beneficial use.

Detention System. All dikes have CMP with control gates.

The system is in the following condition: Good.

The point of diversion is located On Little Missouri River Between a point 1500' E & 450' S of the NW cor Sec 28 and a point 2500' E and 175' S of the NW cor Sec 21.
On Rocky Butte Creek. 300' S and 50' E of NW cor Sec. 28 All in T21N R2E

The works are capable of diverting and conveying to the place of use 30 (est) 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:

See Reverse Side of This Form

comprising a total of 166 acres of land.

Rocky Butte Creek Dam.

Height 16 ft.Slopes 2:1 & 4:1 / 10' Berm on Back SideFree board 4.5 ft.Em. Spillway 50' wide

Waterman Control Gate

36" diameter / GateDate October 7-1, 1983

Erney J. McManis
 Signature

NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 20,	T21N R 2E	4 Ac.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 20	" "	7 Ac.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 21	" "	17 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 21	" "	3 Ac.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 21	" "	5 Ac.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 21	" "	16 Ac.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 21	" "	3 Ac.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 21	" "	26 Ac.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 21	" "	14 Ac.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 21	" "	10 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 21	" "	36 Ac.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 21	" "	1 Ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 21	" "	6 Ac.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 28	" "	13 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 28	" "	2 Ac.
Total		166 Ac.

Water Rights Division - DWN
Conversation or File Documentation

File No. 1072-1

NAME OF PERSON OR FILE: Rex Burghduff

ADDRESS: _____ COUNTY _____

DATE: 10-27-82 TELEPHONE _____

RE: _____

COMMENTS: _____

Marathon 30 HP Elec, Pump-Berkeley, Model-B8GP, Ser # 7578857, Pump-3000 gpm,
Portable on Wheels can move to different site

Dam on Rocky Butte Creek

Waterman control gate on 24" CMP culvert

Waterman 36" control gate thru dam

Height of dam est 16' - 2:1 & 4:1

16 ft top, 4.5 freeboard, 50' Em spill

10' berm at back

Detention system, all dikes have CMP W head gates

VR or Location Notice West of house. These detention dikes have 12 CMP/Ad rate
along pickup-diversion is used to fill the system and diversion about 1 mile
long

10" flexible hose & aluminum pipe enough to go from river to ditches for #1072-1

File in Permit or other if necessary. Use to document conversations and
what the other party v. action or decision was made.

4/82

NAME: LeRoy Merriugh

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1072-1

(1) WHEREAS, On the 14th day of August A. D. 19 75
Rex L. Burghdoff

made Water Right Application No. 1072-1 for a permit to use 2.70 cubic feet per second of the waters of the Little Missouri River and Rocky Butte Creek
 County of Harding, State of South Dakota, for Irrigation
 purposes; and

(2) WHEREAS, On the 10th day of September A. D. 19 75
 Permit No. 1072-1, with a date of priority of _____
 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 10th day of September A. D. 19 77 and for the application to beneficial use of said water on or before the 10th day of September A. D. 19 80

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 2.30 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 T21N, R2E

Section 20 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 acres (AA)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 " (AD)

Section 21 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 17 " (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3 " (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 8 " (BC)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 16 " (AB)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 " (AA)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26 " (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14 " (CA)

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 10 " (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36 " (CD)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 " (DB)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6 " (DC)

Section 28 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 13 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2 " (BA)

TOTAL 166 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 Rex L Burghduff

_____ of Marmarth Rt, Camp Crook SD 57724
the holder _____ and owner _____ of said permit No. 1072-1 a water right, dating from August 14, 1975
_____ to use of 2.30 cubic feet per second of the waters
of the Little Missouri River and Rocky Butte Creek
in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at on Little Missouri River between a point 1500'E &
450'S of the NW corner (BA), Section 28 and a point 2200'E & 1751'S of the NW
corner (BA) Section 21, on Rocky Butte Creek - 300'S and 50'E of NW corner (BB)
Section 28, all in T21N, R2E

and conducted to and upon portions of Sections 20, 21 and 28, T21N, R2E more fully
described on the face of this license

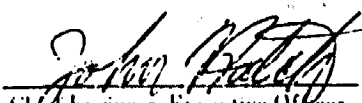
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1072-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of January A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:


Civil Engineer, Executive Officer
JOHN HATCH

Permit No. 1072-1

Water Diversion No. 1 Little Missouri R. Water District
10110201

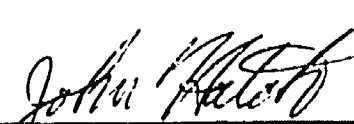
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Rex L. Burghduff

_____ the holder _____ of
Permit No. 1072-1, issued upon Application No. 1072-1, bearing date of priority of August 14,
1975 authorizing the diversion of 2.70 cu. ft. per second of the waters of the
Little Missouri River and
Rocky Butte Creek County of Harding, State of South Dakota at _____
on Little Missouri River between a point 1500'E & 450'S of the NW corner (BA),
Sec 28 and a point 2200'E & 1751'S of the NW corner (BA) Section 21, on
Rocky Butte Creek -300'S, and 50'E of NW corner (UB) Section 28, all in
T21N, R2E 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 30 (est) cu. ft. per second of water.

Date January 20, 1983



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9111

PIERRE, January 12, 1983

RECEIVED OF Rex Burghduff, Marmarth Route, Camp Crook, SD 57724
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>1072-1</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1072-1</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 (ms)

No. 1072-1

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

January 20, 1983

Rex Burghduff
Marmarth Route
Camp Crook SD 57724

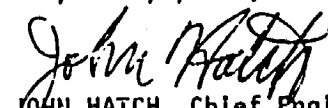
Dear Mr. Burghduff:

Enclosed herewith are, Water License No. 1072-1 and Certificate of Construction.

Water License No. 1072-1 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 Division

JH:ks

enclosures

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

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

April 15, 1985

Rox Burghdoff
Marmarth Rt
Camp Crook SD 57724

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

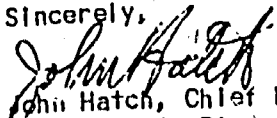
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing 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 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1072-1 to the Irrigation Water Use Questionnaire to be submitted
2. Postpone any action;
3. 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,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15, 1985 hearing date, your name will be deleted from the agenda for the hearings.

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

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Rex Burghdoff
Marmarth Rt.
Camp Crook, SD 57724

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 1072-1.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1072-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 1072-1

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1072-1 to add the following qualification:

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

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

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

February 9, 1990

REX BURGHDOFF
MARMARTH RT
CAMP CROOK, SD 57724

NOTICE

RE: Violation of Water Permit No(s). 1072-1

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1072-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1072-1 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SE.

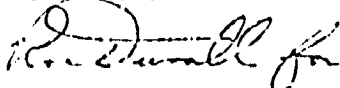
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1072-1 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

 **Department of
Water & Natural Resources**

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

February 23, 1990

1072-1

Rex Burghduff
Marmarth Rt
Camp Crook SD 57724

Dear Mr. Burghduff:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1072-.. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



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

April 26, 1991

1072-1

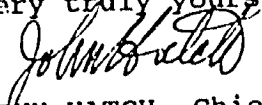
REX L BURGHDIFF
MARMARTH RT
CAMP CROOK, SD 57724

Dear Mr. BURGHDIFF:

I am writing to follow up on Montana Water Permit Application No. 76844-S39F, Charles Oleson, for irrigation from the Little Missouri River, in Montana. During the April 16, 1991 informal hearing in Camp Crook by the Montana Department of Natural Resources and Conservation, Mr. Oleson agreed to a minimum flow bypass to protect of downstream water right holders, including those in South Dakota. Mr. Oleson agreed to condition his permit so that he can only pump when at least 30 cubic feet of water per second (cfs) is flowing at the U.S. Geological Survey (USGS) gaging station at Camp Crook. We have checked with USGS concerning the April 10 flow that was discussed April 16. The USGS inspected the gage April 11 and the April 10 flow was actually 11 cfs. On April 25, 1991, the flow at the Camp Crook gage was 7.5 cfs.

I have enclosed a list of South Dakota Water Rights on the Little Missouri River. The list includes priority dates. If at any time you wish to know the flow at the Camp Crook gage or have any questions, contact either Del Brosz or Mark Rath, Water Rights Division, telephone number (605) 773-3352.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

1072-1

SOUTH DAKOTA WATER RIGHTS/PERMITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			MOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.85
178-1				4/25/1946	1.40
1072-1	REX L	BURGHDIFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		9/01/1951	1.97
265-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGEN		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
236-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TORBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 18, 1991

1072-1
REX JURCHDUFF
HARMARTH RT
CAMP CROOK
SD 57724

HR/LH



NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE
AND REPORT CHEMIGATION

Please complete the enclosed 1991 Irrigation Water Use Questionnaire(s) and return them in the postage paid envelope by December 20, 1991. Submission of the Irrigation Questionnaire(s) each year is required. The addition of chemicals through an irrigation system must also be reported. If you reported chemigation in the past, form(s) are enclosed. If you chemigated only in 1991, please indicate this on the questionnaire and a chemigation form(s) will be sent to you.

If you have multiple permits, you may receive more than one questionnaire and chemigation form. Please complete each individual questionnaire and chemigation form, if possible. Otherwise, place all of the water use information on one questionnaire and return ALL of the questionnaires and chemigation forms. Make any necessary corrections to your mailing address or include a new owner's name and mailing address on the bottom of the questionnaire(s). Also please indicate on the questionnaire if your land is in a federal acreage reserve or production quota program.

PLEASE NOTE: A WATER RIGHT OR PERMIT CAN BE SUSPENDED FOR UP TO ONE YEAR IF THE IRRIGATION QUESTIONNAIRE IS NOT RETURNED OR THE USE OF CHEMIGATION IS NOT REPORTED.

If you have questions or need assistance with the questionnaire or chemigation reporting, please contact Genny McMath at (605)773-2352.

For the Water Management Board

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

*Please read a letter I explain
what this means I do have
641 acres in the CRP if this is a federal acreage
reserve program. Please write back if you need more info.*

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 1991

1072-1

Rex Burghduff
Marmarth Route
Camp Crook, SD 57724

Dear Mr. Burghduff:

Thank you for the prompt return of you 1991 irrigation questionnaire. In your letter, you inquired about what our intent was relative to the federal acreage reserve program. The federal acreage reserve program we referred to would be the CRP Program you indicated you have 641 acres enrolled in.

Under State Law, you have to irrigate at least once every three years for your water permit or water right to remain valid, unless you have a legal excuse for not irrigating. One of the legal excuses for not irrigating is if the land is in a federal acreage reserve program. We have asked irrigators to let us know if their irrigated land, covered by their water permit, is in this type of program so we do not count "no irrigation" for that specific year towards the three year period of nonuse.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOT TO SCALE

R2E

T
21
N

Center
19

Rex Burghduff

Map by J. J. Mernagh
Scale 8" = 1 Mi.

Office Copy

17B 37.5 Rex Burghduff
21-2 Dup

2-6R

20-21-2

Diversion Ditch

2-6R

Detention Dikes
with 12" CAP
5 with Gates
3 SE 1/4 SE 1/4
2.5 AC.

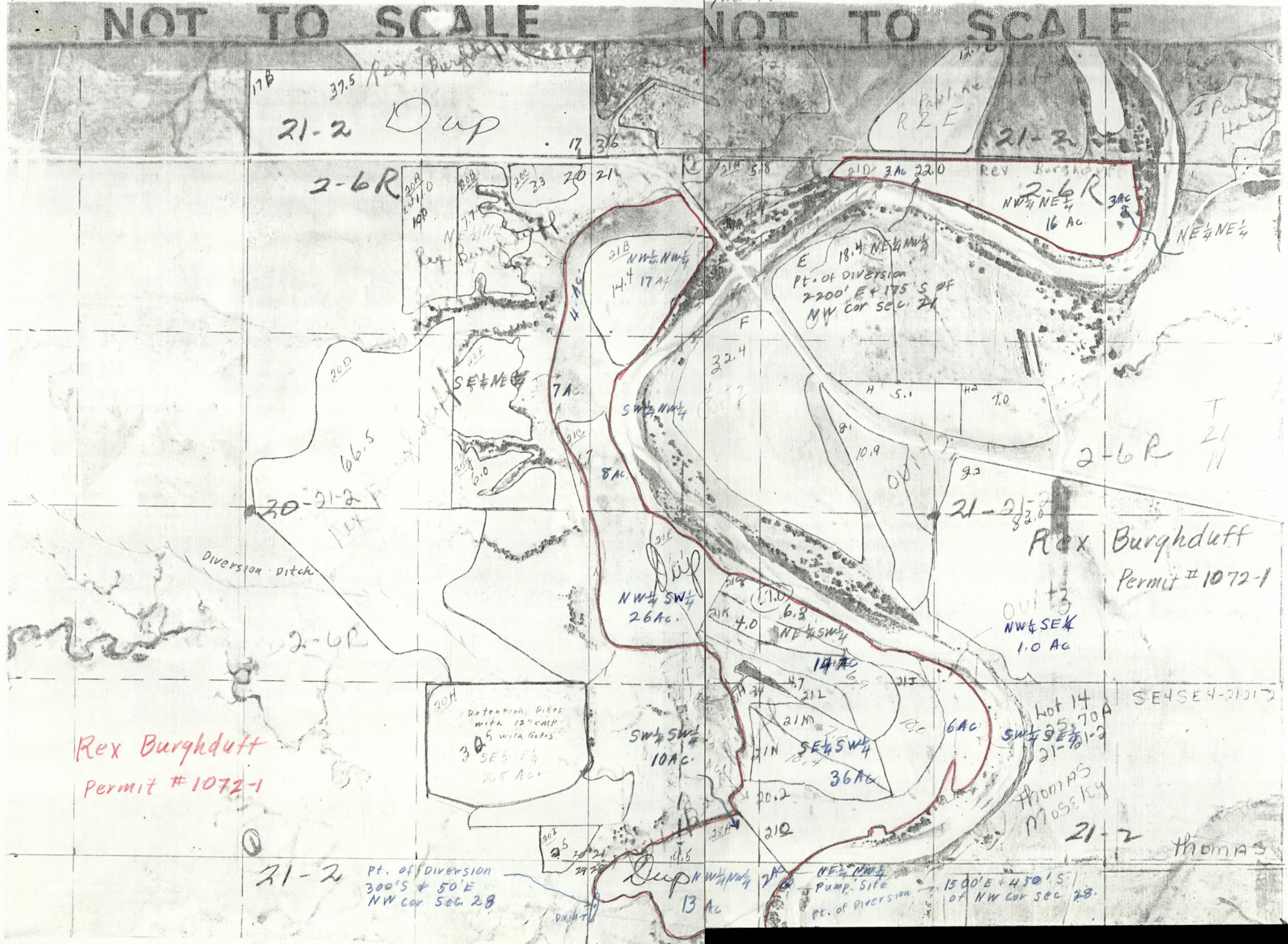
21-2

Pt. of Diversion
300 S 50 E 0
NW cor. Sec. 28

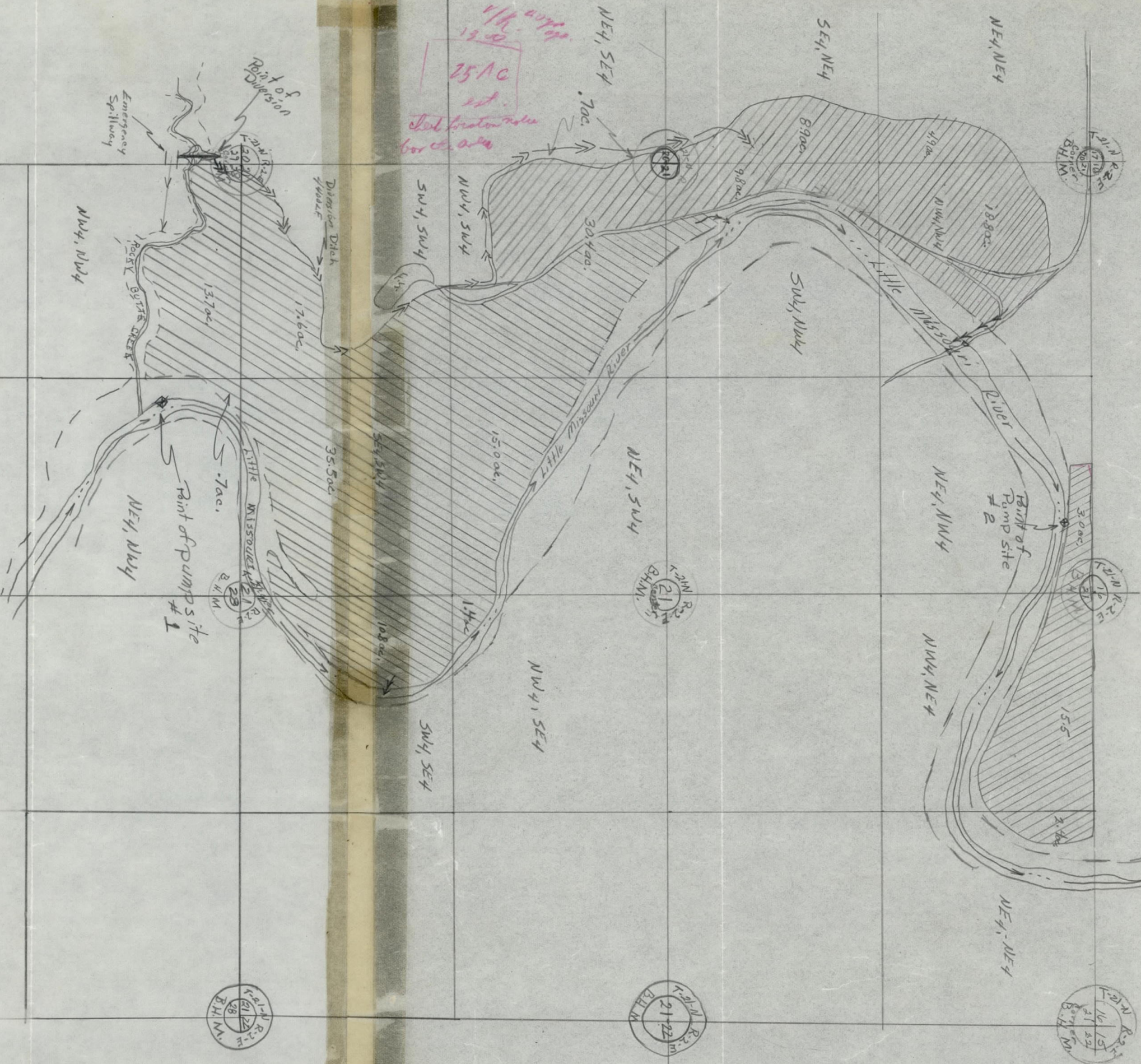
Dup

rgkduft

NOT TO SCALE



In all area covered by this



Rex Burghdoff Water Spreading Area

Location of Diversion Point:
300' South & 50' West of the NE corner of
Section 29 T-21-N R-2-E B.H.M.

Location of Pump Site #1:
1450' East & 490' South of the NW
corner Section 28 T-21-N R-2-E B.H.M.

Location of Pump Site #2:
175' South & 2220' East of the NW
corner Section 21 T-21-N R-2-E B.H.M.

Scale 1" = 660' or 8" = 1 mile

- Diversion Ditch
- Drainage Ditch
- ⊕ Pump site
- ⊕ Embankment-Diversion
- ▨ Land to be watered
- Road
- ⊕ Farmstead

Location	Section	Township	Range	Acres
NE4 NE4	21	21-N	2-E	2.4 ac.
NW4 NE4	21	21-N	2-E	15.5 ac.
NE4 NW4	21	21-N	2-E	3.0 ac.
NW4 NW4	21	21-N	2-E	18.8 ac.
NE4 NE4	20	21-N	2-E	4.9 ac.
SE4 NE4	20	21-N	2-E	8.9 ac.
SW4 NW4	21	21-N	2-E	9.8 ac.
NE4 SE4	20	21-N	2-E	7.9 ac.
NW4 SW4	21	21-N	2-E	30.4 ac.
NE4 SW4	21	21-N	2-E	15.0 ac.
SW4 SW4	21	21-N	2-E	1.4 ac.
SE4 SW4	21	21-N	2-E	10.8 ac.
SW4 SW4	21	21-N	2-E	35.5 ac.
NE4 SW4	21	21-N	2-E	17.6 ac.
NW4 NW4	21	21-N	2-E	13.7 ac.
NE4 NW4	28	21-N	2-E	7.9 ac.
Total				189.1 ac.

1072-1

HD

1

NOVEMBER 1978

Rex L. Burghduff
Camp Crook, S.D. 57724R
S

This is the Water Rights Commission data sheet for recording 1978 irrigation estimates. Please fill out and return at once.

Please mark (X) on appropriate answers:

1. Source of water: Ground _____ Surface X
 2. Type of Power: Electric X Gasoline _____ Diesel _____ Propane _____
 Gravity X Natural Gas Pipeline _____ Other _____
 3. Type of System:
 Hand moved sprinklers _____ Side wheel _____ Siphons _____
 Portable booms _____ Towlines _____ Other _____
 Center pivots (number of) _____ Gun type _____
 Gated pipes X Hydromatic _____
 4. Well Information if known:
 Static water level beginning of Season _____
 Static water level end of Season _____

Month	Estimate No. of Days Pumped	Average No. of Hours Per Day	Average Pumping Rate (GPM)	Acres of Crop Irrigated and Proportion of Water Used		
				Crop	Acres	Estimated Water Use
April	20	24	1700 2700 gal per min from pump	alfalfa	200	
May	20	10		alfalfa	200	
June	20	10		alfalfa	200	
July	20	10		alfalfa	200	
August				alfalfa		
September				alfalfa		
October				alfalfa		
Other Months						

If you did not irrigate during 1978 please check box ☐
 Additional Comments:

PLEASE RETURN THIS COMPLETED DATA SHEET TO:

WATER RIGHTS COMMISSION
 Joe Foss Building
 Pierre, South Dakota 57501



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: REX BURGHEDUFF, 11279 N CAMP CROOK RD, CAMP CROOK, SD 57724 5009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 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 10, 2010** 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

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Label/Receipt Number: 2303 2160 0000 0802 8566

Service(s): **Signature Confirmation™**Status: **Delivered**

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- Delivered, January 23, 2010, 12:23 pm, CAMP CROOK, SD 57724
- Arrival at Post Office, January 23, 2010, 11:06 am, CAMP CROOK, SD 57724

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FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8566REX BURGHDIFF
11279 N CAMP CROOK RD
CAMP CROOK SD 57724 5009Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811**CHOOSE ONE (POSTAL USE ONLY)**

- ☐ Priority Mail™ Service
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PS Form 153, May 2002

(Use Reverse)



**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 28, 2010

1072-1

Rex Burghduff
11279 N Camp Crook Rd
Camp Crook SD 57724 5009

Dear Burghduff:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1072-1.

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

The information reported by irrigators is one of the tools we use to tell if a specific water source may be nearing full appropriation. It is difficult to make any determinations if the data is not provided. The amount of water used can be calculated if the pump rate, days per month and average hours per day are reported.

Thank you for sending in the questionnaire. The next one you will receive will be next October. If you have any questions, please contact me.

Sincerely,

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

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



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: REX BURGHEDUFF, 11279 N CAMP CROOK RD, CAMP CROOK, SD 57724 5009

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 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 9, 2011** 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

1072-1

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Label/Receipt Number: 2303 2160 0000 0803 0170

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Status: Delivered

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Detailed Results:

- Delivered, January 25, 2011, 11:52 am, CAMP CROOK, SD 57724
- Notice Left, January 24, 2011, 11:08 am, CAMP CROOK, SD 57724
- Arrival at Post Office, January 24, 2011, 11:08 am, CAMP CROOK, SD 57724

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0803 0170

REX BURGHDIFF
11279 N CAMP CROOK RD
CAMP CROOK SD 57724 5009

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

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**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 27, 2011

1072-1

Rex Burghduff
11279 N Camp Crook Rd
Camp Crook SD 57724 5009

Dear Mr. Burghduff:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1072-1. 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
email: genny.mcmath@state.sd.us

RECEIVED

JAN 27 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1072-1

Date: 1-20-12

I/We request that Water Right No. 1072-1

formerly owned by: Rex L Burghduff

be transferred to: (name & address) Cheryl Burghduff

11279 N. Camp Creek Rd

Camp Creek, SD 57724

Telephone No. 605-797-4588

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

166 acres in portions of the E ½ NE ¼ Section 20; Section 21; N ½ NW ¼ Section 28 T21N, R2E

I/We understand that the validity of Water Right No. 1072-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Cheryl Burghduff
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1-27, 20 12

RECEIVED OF Cheryl Burghduff, 11279 N Camp Crook Rd, Camp Crook SD 57724

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	50	00
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 1027-1 <u>1072-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **05309**

By Garland Erbeley
Chief Engineer 1/25



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2012

Cheryl Burghduff
11279 N Camp Crook Rd
Camp Crook SD 57724 5009

RE: Vested Water Right Nos. 1282-1, 1298-1 & 1299-1 and Water Right No. 1072-1

Dear Mrs. Burghduff:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on all water rights held by Rex Burghduff.

The ownership changes have been completed. Vested Water Right Nos. 1282-1, 1298-1 & 1299-1 and Water Right No. 1072-1 are now listed in your name.

Receipts for the filing fees are enclosed. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: CHERYL BURGHDIFF, 11279 N CAMP CROOK RD, CAMP CROOK, SD 57724 5009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

1072-1

Cheryl Burghduff
11279 N Camp Crook Rd
Camp Crook SD 57724 5009

Dear Mr. Burghduff:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1072-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: CHERYL BURGHDIFF, 11279 N CAMP CROOK RD, CAMP CROOK, SD 57724 5009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2015

1072-1

Cheryl Burghduff
11279 N Camp Crook Rd
Camp Crook SD 57724 5009

Dear Ms. Burghduff:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1072-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1072-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 12, 2016

Jesse Bail
11267 River Rd
Camp Crook SD 57724

RE: Water Right No. 1072-1 and Vested Water Right Nos. 1282-1, 1296-1, 1298-1, 1299-1

Dear Mr. Bail:

I am writing in follow-up to our phone conversation concerning land described in water rights held by Cheryl Burghduff. I have enclosed copies for your review.

If the land described under each is now under your ownership, please complete the enclosed transfer forms and return them to our office with a required filing fee of \$50 each (total of \$250). The check or money order for the fee can be made payable to the Water Rights Program.

If, during your review, you find you do not own some of the land, make a notation on the form and send it back so I can keep everything straight.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 02 2017

WATER RIGHTS
PROGRAM

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

No. 1072-1

Date: _____

I/We request that Water Right No. 1072-1

formerly owned by: Cheryl Burghdoff

be transferred to: (name & address)

Jesse Bail
11267 River Rd, Camp Crook, SD 57724

Telephone No. 605 797-4446

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

E ½ NE ¼ Section 20; N ½ NW ¼, SW ¼ NW ¼, N ½ NE ¼, SW ¼, W ½ SE ¼ Section 21;

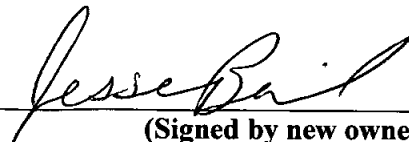
N ½ NW ¼ Section 28, all in T21N, R2E (166 acres)

I/We understand that the validity of Water Right No. 1072-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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



(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 2, 20 17

RECEIVED OF

Jesse Bail, Inc. 11267 River Road Camp Crook 57724-5014

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	50	00
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>1282-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08344**

By

Jeanne Goodman
Chief Engineer

vm



1282-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 2, 2017

1072-1

1282-1

Jesse Bail
11267 River Rd
Camp Crook SD 57724

Dear Mr. Bail:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 1072-1 and Vested Water Right No. 1282-1.

The ownership changes have been completed. Nos. 1072-1 and 1282-1 formerly held by Cheryl Burghduff and now listed in your name.

For informational purposes, Water Right No. 1072-1 carries a requirement to report water use each year. The annual irrigation questionnaires are scheduled to be mailed out to irrigators October 20th. You will only need to report the use from the Little Missouri River and Rocky Butte Creek as authorized under No. 1072-1.

Enclosed for your records are Receipt Nos. 08344 and 08345 in the amounts of \$50 each. 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

enclosures



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: JESSE BAIL, 11267 RIVER RD, CAMP CROOK, SD 57724 5014

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** 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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70173380000059185195

Remove X

Your item has been delivered to an agent at 11:50 am on January 28, 2019 in CAMP CROOK, SD 57724.

✓ Delivered

January 28, 2019 at 11:50 am
Delivered, To Agent
CAMP CROOK, SD 57724

Get Updates ✓**Text & Email Updates****Tracking History****Product Information**

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	1-28-19
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ _____
☐ Return Receipt (electronic)	\$ _____
☐ Certified Mail Restricted Delivery	\$ _____
☐ Adult Signature Required	\$ _____
☐ Adult Signature Restricted Delivery	\$ _____
Postmark Here	
JESSE BAIL 11267 RIVER RD CAMP CROOK SD 57724 5014	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

See Less ^**Can't find what you're looking for?**



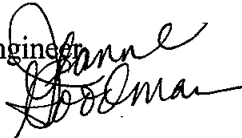
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Jesse Bail, 11267 River Rd, Camp Crook SD 57724 5014

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 1072-1

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right No. 1072-1 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaire.

If the 2018 irrigation questionnaire is received prior to April 6, 2019, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2018 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2019

1072-1

Jesse Bail
11267 River Rd
Camp Crook SD 57724-5014

Dear Mr. Bail:

On March 6th the Water Management Board ordered Water Right No. 1072-1 suspended if the 2018 irrigation questionnaire was not received prior to April 6, 2019. The questionnaire information for your water right was received March 11, 2019.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352



1072-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: JESSE BAIL, 11267 RIVER RD, CAMP CROOK, SD 57724 5014
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 qualification:

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

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

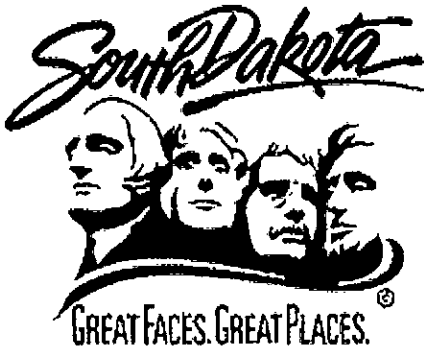
1. Suspend or cancel Permit No(s) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

1072-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

1072-1

Jesse Bail
11267 River Rd
Camp Crook SD 57724-5014

Dear Mr. Bail:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 1072-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1072-1



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

January 20, 2022

NOTICE

TO: JESSE BAIL, 11267 RIVER RD, CAMP CROOK, SD 57724 5014

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1072-1. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1072-1 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 1072-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AOZOTJ**

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 14, 2022

1072-1

Jesse Bail
11267 River Rd
Camp Crook SD 57724-5014

Dear Mr. Bail:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1072-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

File No. 1072-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jesse / Kimberly Bail, 11267 River Rd, Camp Crook SD 57724

DATE: November 7, 2022

TELEPHONE: 605 797-4446

RE: irrigation system under Water Right No. 1072-1

COMMENTS:

The 2022 irrigation questionnaire submitted for Water Right No. 1072-1 indicated irrigation of 96.4 acres with a pump rate of 1 gpm. I contacted the Bail's to find out if this was in error at kimberly@jessebail.com

Kimberly called and indicated they do not have any pumping equipment, so she didn't know how to fill out the report. She talked about a big wheel, headgates and ditches.

I told her if they do not have any pumping equipment or any way to measure the water they divert, they may not need to submit annual irrigation questionnaires. We discussed having a staff engineer stop by and view the system to update the water right. Once this is done, we may be able to remove the water right from the list of those to get an irrigation questionnaire.

Ms. Bail was okay with this and just wanted to make sure they didn't lose any water rights in the process. If nothing has changed other than the type of system, no additional permitting would be required.



Genny McMath
Water Rights Program