

Considered: April 25

VESTED RIGHT .

WATER PERMIT NO. 1298-1

MAP No. 1298-1

Name of Applicant Rex Burghduff

Post Office Address Marmarth Route, Camp Crook, SD 57724

Amount of Water Claimed 1.76 Total Acres 123.00

Source of Water Supply Dry Draw

Water to be used for IRR County Harding

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 4-25-84 Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 2/15/84 Fee 10.50 Remarks _____

June 24, 1903

Corrected Application Received _____ Period of Annual Use 3/1 to 10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

vested right not applicable

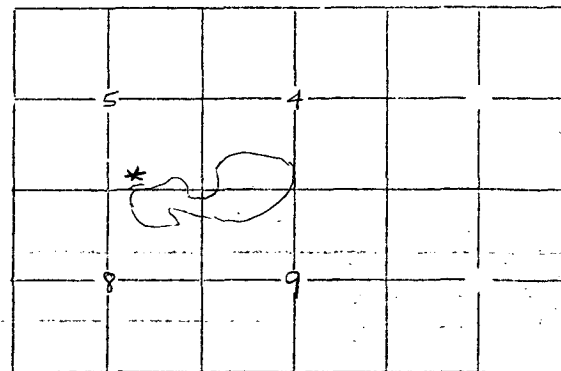
Diversion Point _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5-20N-2E

Land to be Irrigated _____

S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 5; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 8;

N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9; all in T20N-R2E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial/drawn PREPARED BY LeRoy Mernaugh Reviewed and the Number

assigned on 2/16/84 By Betty Westlund

No. _____ Hydrologic Unit 10110201
 Map No. _____ Basin Little Missouri R
 Newspaper _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Rex Burghdoff Phone No. 797-4463Post Office Address Marmarth Route, Camp Crook, South Dakota State 57724
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 1.76 Total acres irrigated 1233. Source of Water supply Dry Draw4. Location of point of diversion 170 ft N and 1850 ft W of SE Corner Section 5, T20N R2ECounty Harding5. Counties where water will be used Harding

6. Annual period during which water is to be used _____

7. 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.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 T20N R2E	26
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 T20N R2E	30
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 T20N R2E	2
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 T20N R2E	12

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 T20N R2E	19
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9 T20N R2E	23
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9 T20N R2E	11

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

NOTE: Upon approval of this application the applicable portions of Water Right Filing No. 0112-1 have been incorporated into this Vested Right and the abandoned portions of Filing #0112-1 have been cancelled.

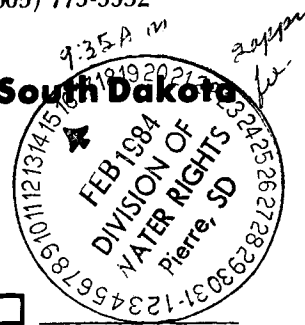
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Harding ss

I, Rex Burghdoff the applicant, certify that I have read the foregoing application, 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 BurghdoffSubscribed and sworn to before me this 10 day of FEB 19 84

Lyne Sainbury
 Notary Public (or other qualified officer)



VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1298-1

Rex Burghdoff
(applicant)

Marmarth Route Camp Crook
(post office address)

South Dakota
(state)

57724
(zip code)

Date of receipt of Application February 15, 1984.

Recognized April 25, 1984.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is June 24, 1903.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of Irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby recognized shall not exceed _____

1.76 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. For irrigation purposes said appropriation must be limited to not more than 2 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period March 1st to October 31.

WATER MANAGEMENT BOARD

By: John H. Heston
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

May 21, 1984.

State of South Dakota
Water License No. 1298-1

(1) Rex Burghduff
of Marmarth Route, Camp Crook, South Dakota

made Application No. 1298-1, February 15, 1984 for recognition of Vested Right ~~for a water permit~~ to appropriate

1.76 cubic feet per second of water from dry draws,

Harding County, South Dakota for irrigation purposes.

Vested Right
Permit No. 1298-1, with a priority date of June 24, 1903

recognized April 25, 1984 and issued to applicant(s) for diversion of water **recognizing** ~~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~~.

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 1.76 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is 170'N and 1850'W of SE corner, Section

5, T20N, R2E (DC)

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 land all in T20N, R2E

Section 4 SW 1/4 SW 1/4 26 acres (CC)

SE 1/4 SW 1/4 30 " (CD)

Section 5 SE 1/4 SE 1/4 2 " (DD)

Section 8 NW 1/4 NE 1/4 12 " (AB)

NE 1/4 NE 1/4 19 " (AA)

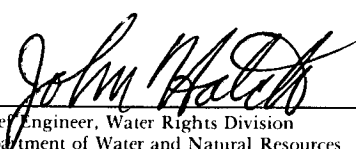
Section 9 NW 1/4 NW 1/4 23 " (BB)

NE 1/4 NW 1/4 11 " (BA)

TOTAL 123 acres

(4) Pursuant to §46-5-30.1 Rex Burghduff
of Marmarth Route, Camp Crook, South Dakota
the holder(s) and/or owner(s) of Vested Right Water Permit No. 1298-1 is issued a license to appropriate water, the right to use
1.76 cubic feet per second of water from dry draws with a priority date
of June 24, 1903 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 Vested Right Water Permit No. 1298-1 and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources

July 9, 1984

**This Water License No. 1298-1 is based upon a Vested Right claim filed with the
Water Management Board**

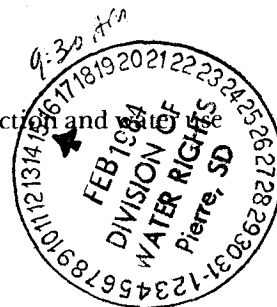
Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use system and water already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Rex Burghduff
 Post Office Address Marmarth Route, Camp Crook, South Dakota 57724
 (Street, RR or Box) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting June 25, 1903
 Date of recording June 25, 1903 Recording date Butte County now Harding County
 Where Book Page
- B. Date of start of construction of water supply system June 24, 1903
- C. Date that water was first applied to beneficial use 1903
- D. Name of owner of original water supply system R. V. Divine
- E. Amount of water originally applied to beneficial use 20 cfs
- F. Present Use of Water - Amount of water now being used 20 cfs
 Date that this water was first used 1903

G. Chronological History of Water Use

1903 R.V. Divine constructed and used system
 Paul Peterson owned land and used system
 1945 Kenneth Burghduff acquired property and used system
 1981 Rex Burghduff acquired property and used system

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of HARDING) ss

I, REX L Burghduff the applicant, certify that I have read the foregoing
 (print or type)
 and that the matters therein stated are true.

Signed Rex L BurghduffSubscribed and sworn to before me FEB. 10, 19 04
Lyle Sainsbury
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

REX L Burghduff
 (Print name)

 _____ 19____
 (Print name)

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

LeRoy J. Monaghan
(signature)

RECEIPT

Division of Water Rights

No 4 9548

South Dakota Department of Water and Natural Resources

Pierre, February 15, 1984

RECEIVED OF Rex Burghduff, Marmarth Road, Camp Crook, SD 57724

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

Fee for Application for Permit No. 1290-1 to Appropriate Water, to construct works and to put water to beneficial use Vested Right	8	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.	2	50
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	10	50

By John Hatch
Chief Engineer
JOHN HATCH/ms



No. 1298-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

July 9, 1984

Rex Burghduff
Marion Route
Camp Crook SD 57724

Dear Mr. Burghduff:

Enclosed herewith are your Vested Right Permit, Water License No. 1298-1.
This Water License is the final water right document completing your
process of obtaining a vested 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

The applicable portions of Water Right Filing No. 0112-1 have been
incorporated into this Vested Right and the abandoned portions of
Filing No. 0112-1 have been cancelled.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1298-1 FOR IRRIGATION

Date of Receipt of Claim February 15, 1984.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1298-1 for irrigation purposes for Rex Burghduff, Marmarth Rt, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1298-1 appropriates 1.76 cubic feet of water per second from a dry draw to irrigate 123 acres. The point of diversion is located in the SW1/4 SE1/4 section 5 and the irrigated acreage is located in the S1/2 SW1/4 section 4; SE1/4 SE1/4 section 5; N1/2 NE1/4 section 8; N1/2 NW1/4 section 9; all in T20N-R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 - October 31.
3. The priority date of the Vested Water Right is June 24, 1903.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The applicable portions of Water Right Filing No. 0112-1 have been incorporated into this Vested Right and the abandoned portions of Filing No. 0112-1 have been cancelled.

WATER MANAGEMENT BOARD

By:  MAR 11 1993
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1282-1
1298-1
1299-1

Rex Burghduff
Marmarth Route
Camp Crook SD 57724

Dear Mr. Burghduff:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1282-1, 1298-1, and 1299-1. This validation gives legal status to the claims and is the final document for your vested rights.

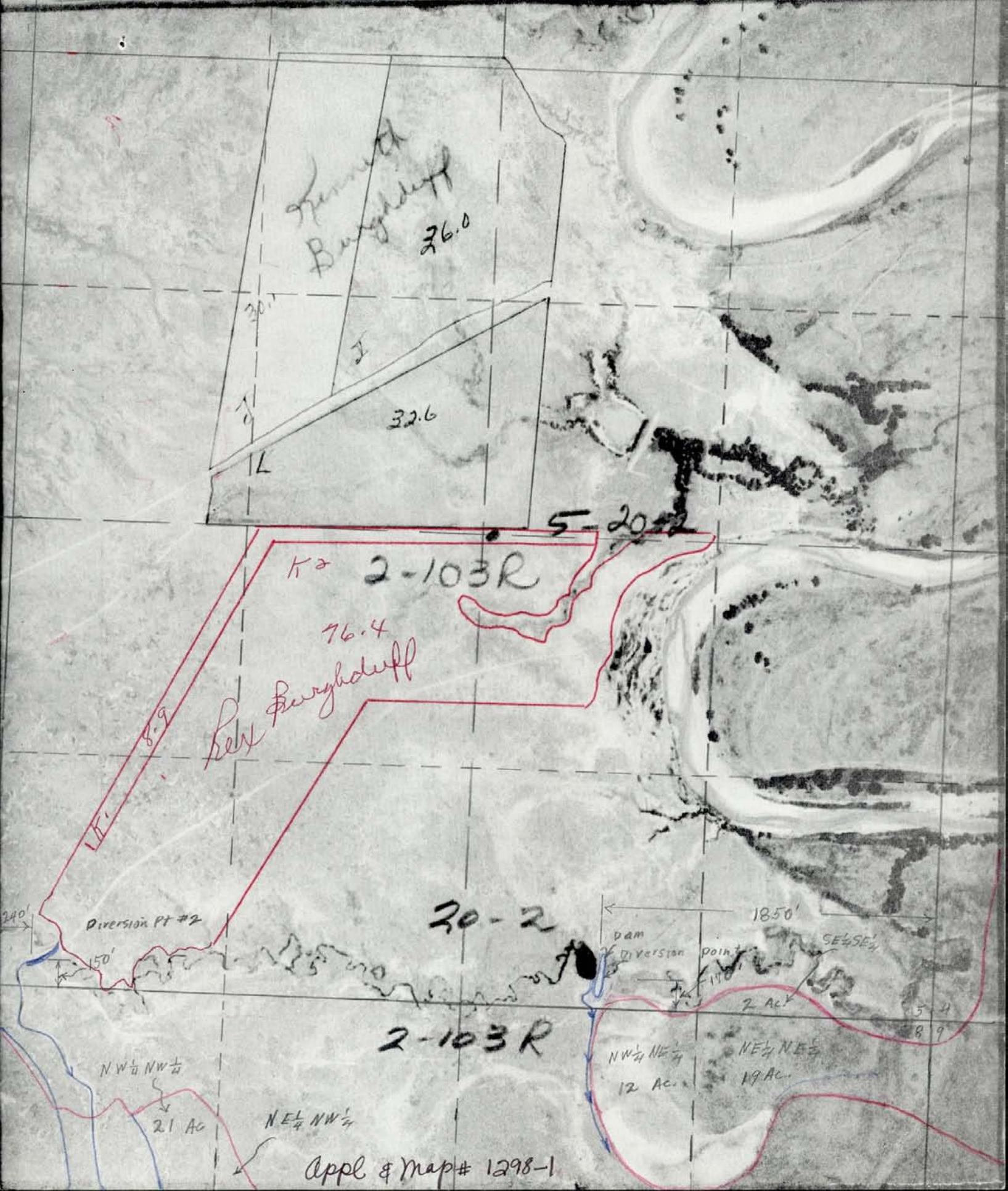
As long as you use the water beneficially, as stated in the validations, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

NOT TO SCALE



582 5275 IV SW
(SCOTT CREEK) R1E R2E

066
20 000
FEET

21 N

20 N

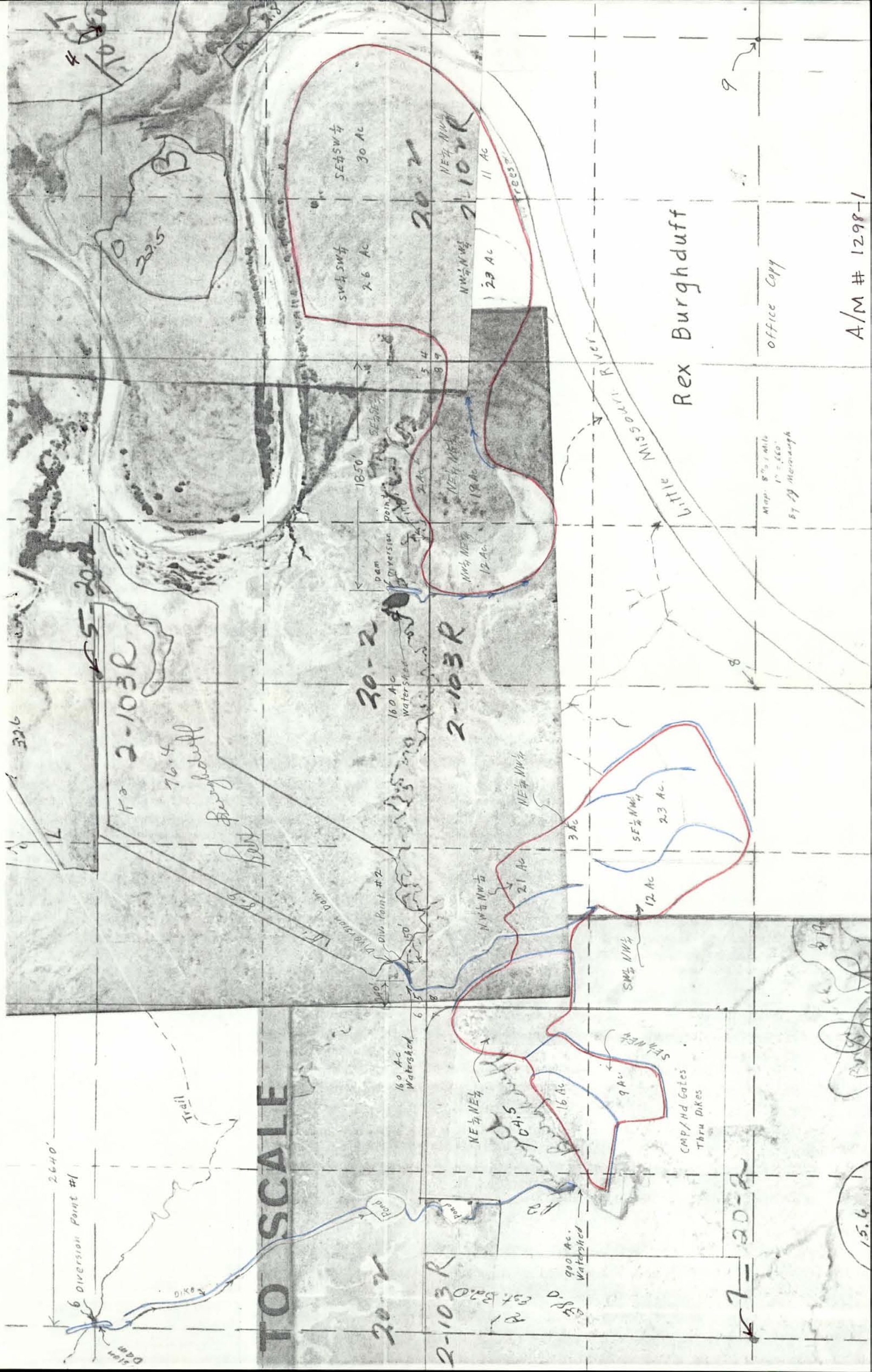
30"

[illegible]

1-8621 # 1/1

Geraldry Burghdaff

Map # 1298-1
5275 III NE
MILWAUKEE, WISCONSIN 53212



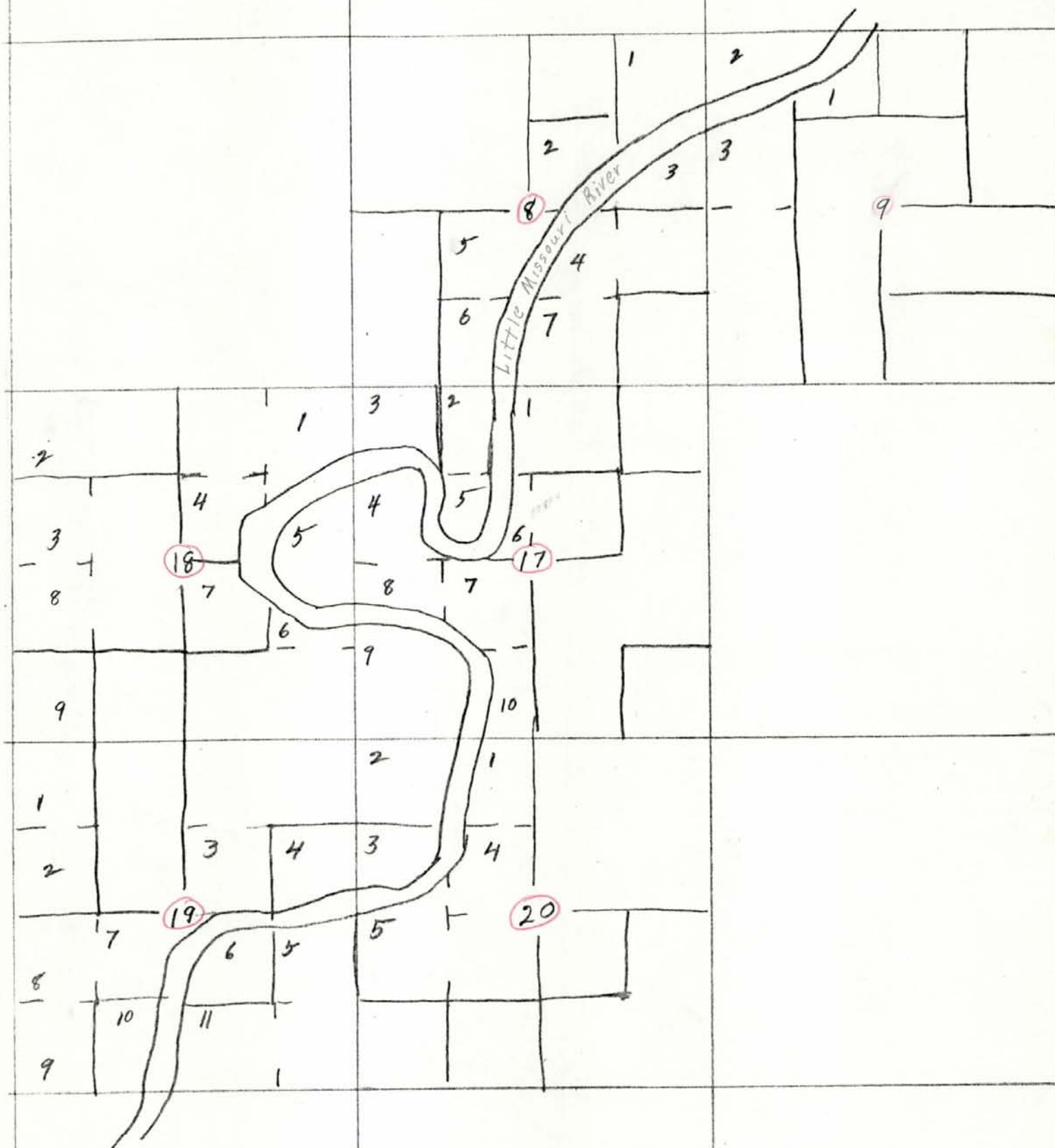
Office Copy

49
 1098
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A/M # 1298-1

.. G Burghduff.
T 20N R 2E

0109-1
0110-1
0111-1
0112-1 ← Rex Burghduff
0161-1





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2012

Mrs. Rex 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 2011 irrigation questionnaire for Water Right No. 1072-1. Thank you for the notation which indicated an ownership change is needed.

I reviewed the files and found four water rights listed in Rex's name that will need to be transferred. Enclosed are copies of Vested Water Right Nos. 1282-1, 1298-1 & 1299-1 and Water Right No. 1072-1. You may keep these for your records.

Enclosed are partially completed Notice of Transfer of Ownership form for filing an ownership change with each vested right and water right. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (\$200.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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. 1298-1

Date: 1-20-12

I/We request that Vested Water Right No. 1298-1

formerly owned by: Rex 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:

123 acres – S ½ SW ¼ Section 4, SE ¼ SE ¼ Section 5, N ½ NE ¼ Section 8, N ½ NW ¼ Section 9

all in T20N, R2E

I/We understand that the validity of Vested Water Right No. 1298-1 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, 2012

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 <u>1298-1</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. **05307**

By Garland Erbeley
Chief Engineer 1/55



**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

1298-1



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