

Considered: \_\_\_\_\_

vested WATER PERMIT NO. 1444-1

HAP No. same 798-2192

Name of Applicant Burmeister Ranches, Inc.

Post Office Address HCR 86, Box 32, Elm Springs SD 57736

Amount of Water Claimed 1.73 Total Acres (2)

Source of Water Supply Dry draw

Water to be used for irrigation County Meade

About 6 miles NE of Elm Springs

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received Mar. 17, 1988 Fee 15<sup>00</sup> Remarks \_\_\_\_\_

Corrected Application Received Mar 24, 1988 Period of Annual Use Mar 1 - Oct 31

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

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> section 29 -

T5N-R14E

Land to be Irrigated S<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> section 20; S<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> section 21; N<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> section 28; N<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> section 29; all in T5N-R14E



Well Log: Driller NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Leroy Mernough Reviewed and the Number

assigned on June 6, 1988 By Ron Duvall

**SOUTH DAKOTA  
VESTED WATER RIGHT FOR IRRIGATION**

Date of Receipt of Claim March 17, 1988

Date of Validation July 27, 1988

The Water Management Board validated Vested Water Right Claim No. 1444-1 for irrigation purposes for Burmeister Ranches, Inc.

HCR 86, Box 32

(Applicant)

Elm Springs

SD

57736

(Street, RR or Box)

(City)

(State)

(Zip Code)

with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1444-1 appropriates 1.73 cubic feet of water per second from a dry draw to irrigate 121 acres. The point of diversion is located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 29; and the irrigated acreage is located in the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 20; S $\frac{1}{2}$  SW $\frac{1}{4}$  Section 21; N $\frac{1}{2}$  NW $\frac{1}{4}$  Section 28; N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 29; all in T5N, R14E
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 acre per year and may not exceed one-seventieth (1/70) cubic feet of water per second for each acre of irrigated land. The water is to be used during the following annual period: March 1-October 31.
3. The priority date(s) of the Vested Water Right is(are) December 1, 1914
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**

**WATER MANAGEMENT BOARD**

By: John H. H. H.

Chief Engineer

**NOV 23 1988**

Division of Water Rights

Dept. of Water and Natural Resources



FORM 1 Application for irrigation (type or print) in South Dakota

No. 1444-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Meade Co - Times Tribune, Box 69, Sturgis, (cont)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

INCORP Location Notice #578-1

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: [ ] New [X] Vested Right [ ] Amend Permit No.
[ ] Change Acreage [ ] Change diversion point(s) [ ] Add diversion point(s)
[ ] Add Acreage [ ] Increase diversion rate [ ] Other

1. Name of Applicant Burmeister Ranches, Inc. Phone No. 798-2192
Post Office Address HCR 86, Box 32
Elm Springs, South Dakota State 57736
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 1.73 Total acres irrigated 121

3. Source of Water supply Dry Draw

4. Location of point of diversion 800 feet South and 925 feet East of the N 1/4 Corner of
Section 29, T5N, R14E NW 1/4 NE 1/4
County Meade

5. Counties where water will be used Meade

6. Annual period during which water is to be used March 1 thru October 31

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

Table with 2 columns: Land Description, No. Acres Irr.
SW 1/4 SE 1/4 Section 20 T5N R14E 24
SE 1/4 SE 1/4 Section 20 T5N R14E 22
SW 1/4 SW 1/4 Section 21 T5N R14E 28
SE 1/4 SW 1/4 Section 21 T5N R14E 7

SW 1/4

Attach sheet if more space is needed

Table with 2 columns: Land Description, No. Acres Irr.
NW 1/4 NW 1/4 Section 28 T5N R14E 8
NE 1/4 NW 1/4 Section 28 T5N R14E 3
NW 1/4 NE 1/4 Section 29 T5N R14E 18
NE 1/4 NE 1/4 Section 29 T5N R14E 11

8. Type of Irrigation: Gravity: [X] Towline: Other:
Center Pivot: Gun: (Specify)

9. Crops to be Irrigated: Grass

10. Give a description of proposed project. (Attach sheet if more space is needed)

Small diversion dam in draw diverts water into ditches and dikes.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of MEADE )ss

I, RUSSELL BURMEISTER applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

BURMEISTER RANCHES INC Signed Russell Burmeister, President

Subscribed and sworn to before me this 14 day of March 1988

Notary Public

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1444-1 FOR IRRIGATION

(1) Burmeister Ranches, Inc. of HCR 86, Box 32, Elm Springs SD 57736 made Application No. 1444-1, March 17, 1988 for validation of a vested right claim to appropriate 1.73 cubic feet of water per second from a dry draw, Meade County, South Dakota for irrigation purposes. Vested Water Right No. 1444-1 was validated July 27, 1988 with a priority date of December 1, 1914. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

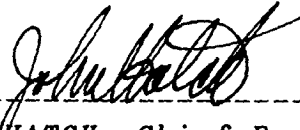
(2) The applicant is entitled to divert 1.73 cubic feet of water per second for beneficial use. The location of the diversion point is: 800 feet south and 925 feet east of the N 1/4 corner of Section 29, T5N, R14E (NW 1/4 NE 1/4).

The location of the irrigated acreage is: all in T5N, R14E

|            |               |          |
|------------|---------------|----------|
| Section 20 | SW 1/4 SE 1/4 | 24 acres |
|            | SE 1/4 SE 1/4 | 22 "     |
| Section 21 | SW 1/4 SW 1/4 | 28 "     |
|            | SE 1/4 SW 1/4 | 7 "      |
| Section 28 | NW 1/4 NW 1/4 | 8 "      |
|            | NE 1/4 NW 1/4 | 3 "      |
| Section 29 | NW 1/4 NE 1/4 | 18 "     |
|            | NE 1/4 NE 1/4 | 11 "     |

-----  
TOTAL 121 acres

(3) Pursuant to Section 46-5-30.1 Burmeister Ranches, Inc. of HCR 86, Box 32, Elm Springs SD the holders and/or owners of Vested Water Right No. 1444-1 is issued a license to appropriate 1.73 cubic feet of water per second from a dry draw with a priority date of December 1, 1914 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1444-1 and subject to South Dakota State Law.



-----  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Water and Natural  
Resources

NOV 23 1988  
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**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 is required to construction and water use 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) Burmeister Ranches, Inc.Post Office Address Box 82, Elm Springs, South Dakota

(Street, RR or Box)

57736

(State)

(Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of recording December 1, 1914 Recording date State Engineer

Where

Book

Page

✓ B. Date of start of construction of water supply system 1915✓ C. Date that water was first applied to beneficial use 1915✓ D. Name of owner of original water supply system William A. Hicks✓ E. Amount of water originally applied to beneficial use 1.73 cfsF. Present Use of Water - Amount of water now being used 1.73 cfs✓ Date that this water was first used 1915

✓ G. Chronological History of Water Use

*Dear Sirs,*

*I have owned this ranch only since 1984. and these questions would have all been before my time*

*Russell Burmeister*

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 )

ss

County of MEADE )I, RUSSELL BURMEISTER  
(print or type)

and that the matters therein stated are true.

the applicant, certify that I have read the foregoing

BURMEISTER RANCHES, INC.Signed Russell Burmeister PresidentSubscribed and sworn to before me March 14, 1988Marlene Deal  
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.

\_\_\_\_\_  
(Print name)

19\_\_\_\_

\_\_\_\_\_  
(Print name)

19\_\_\_\_

\_\_\_\_\_ Water District

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

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Russell BurmeisterBox 82, Elm Springs SD, 57736 holder of  
L.N.# 578-1 L.N.# 578-1 0.4 cfs Oct 28 1914

Permit No. \_\_\_\_\_, bearing the priority of \_\_\_\_\_ 19\_\_\_\_ authorizing

the diversion of 0.4 cu. ft. per second of the waters of Dry Drawsfor Irrigation purposes, in Meade County.

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

## A. Works used to divert the water:

Diversion Dam in draw

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

Diversion Dikes and Ditches

## C. Works used to apply water to beneficial use:

Dikes to back water on the landDikes and ditches to assist in spreading waterThe system is in the following condition Fair.The point of diversion is located 800 ft South and 925 ft East of the  
N $\frac{1}{4}$  Corner of Section 29, T5N R14EThe works are capable of diverting and conveying to the place of use 10 +cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T5N R14ESW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec 20. = 24 Ac : NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 28 = 8 AcSE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec 20 = 22 Ac : NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 28 = 3 AcSW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 21 = 28 Ac : NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 29 = 18 AcSE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 21 = 7 Ac : NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 29 = 11 Accomprising a total of 121 acres of land and the license should be issued for 1.73 cfs

Applicable permit qualifications have been complied with \_\_\_\_\_ Yes \_\_\_\_\_ No

Exceptions to compliance are: \_\_\_\_\_ Date July 1, 1988LeRoy Mernaugh  
(signature)

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411179

Pierre, March 24, 19 88

RECEIVED OF Russell Burmeister, Burmeister Ranches, Inc., Box 82 Elm Springs, SD 57736

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

|                                                                                                                            |       |    |    |
|----------------------------------------------------------------------------------------------------------------------------|-------|----|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ | 15    | 00 | VR |
| 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 _____                                                                                         |       |    |    |
| 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 | 15 | 00 |

By

*John Hatch*

**NOT TO SCALE**



V.R. Appl. No. 2444-1

Burmeister Ranches, Inc

LOCATION NOTICE

8:15 a.m.

699-1

KNOW ALL MEN BY THESE PRESENTS:

That . . . . . C. M. Damon . . . . .  
 whose post office is . . . Rapid City . . . . . South Dakota, a citizen of the  
 United States, above the age of 21 years, being in possession of the following  
 described land, to wit: NW 1/4 Sec 29, W 1/2 Sec 20 south of Belle Fourche river  
 Twp 5 N R 14 EBHM and other contiguous lands total about 3000 acres . . .  
 . . . . . Section . . . . . Township . . . . .  
 range . . . . . B.H.M., in . . . Meade . . . . . County, South Dakota  
 Availing him. self of the right granted . him . . under the provisions of  
 Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has located  
 and and claims the right to construct a certain dam across a dry draw situat-  
 ed in the west. 1/4 of the NW 1/4 of section . 29 . . township 5 N . . 14 . .  
 range . 14 . . B.H.M. also E 1/2 NE 1/4 Sec 30 Twp 5 N R 13 EBHM  
 and has located and claims the right to construct ditches  
 and flumes for the purpose of directing flood waters from said dam for irriga-  
 tion of the land first above described and for Live Stock Purposes, and claims  
 the right of way across any land for the purpose of conveying water for  
 said purposes.

Said locator claims for the above purpose . . 4 . . cubic feet of water  
 per second during the following described annual periods . . . . .  
 . . the year around . . . . . inclusive, each year.

The location of the point of diversion of the reservoir is as follows:  
 From the . dams and dykes on either or both the NW 1/4 Sec 29-5-14 or  
 . E 1/2 NE 1/4 Sec 30, Twp 5 N R 13 EBHM . . . . .

The ditch . . . will run in a northerly . . . . . direction to and  
 on said land for distance of about 4000 . . feet.

Said location was made on the . 6th . . day of . May . . . 1942

Witness my hand and seal this . 6th . . day of May . . . 1942

*C. M. Damon*  
 Locator

STATE OF SOUTH DAKOTA,  
 County of Pennington

On the . 6th . . day of . May . . . 1942 . . . before me . . . . .  
 . . . the undersigned . . . . ., a Notary Public in for  
 the County and State aforesaid, personally appeared . C. M. Damon . . . to me  
 personally known to be the person who executed the foregoing instrument and  
 acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

*Benjamin J. Robinson*  
 Notary Public

#578-1

#578-1

## KNOW ALL MEN BY THESE PRESENTS:

THAT William A. Hicks whose post office is  
Dalzell, South Dakota, a citizen of the United States, above the age of  
 21 years, being in possession of the following described land, to-wit: NW 1/4 NE 1/4 section  
29 township 5N range 14E B. H. M.  
 in Meade County, South Dakota. Said lands comprising Desert Entry No. \_\_\_\_\_  
 Land District, availing him self of the right granted him under the provisions  
 of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to  
 construct a certain dam across a dry draw situated in the NW 1/4 of the NE 1/4 section 29  
 township 5N range 14E B. H. M. and has located and claims the right to construct  
 ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above  
 described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 0.4 cubic feet of water per second during the follow-  
 ing described annual periods whole of each year inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the N 1/4 Cor. Sec 29 - S 40° 00' E 1540 Feet

The ditch es will run in a westerly and easterly direction to and on said  
 land for a distance of 700 m 500 feet.

Said location was made on the 28 day of September 1914

Witness my hand and seal this 14 day of November 1914

David R. Hopkins  
Webster Hicks } wit.

William A. Hicks Locator.

State of South Dakota,  
 County of Pennington ss.

On the 6 day of November 1914, before me Chas. B. Hunt

\_\_\_\_\_, a notary public in and for the County and State aforesaid, personally  
 appeared William A. Hicks to me personally known to be the person who executed  
 the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, the day and date above written.

Chas. B. Hunt  
 Notary Public.

Pierre, South Dakota, Dec. 1 1914

This is to certify that the foregoing location notice was received at this office at 9 o'clock A M.,  
 upon the 1st day of December 1914, and after examination it was Filed for  
Record.

Horner M. Derr  
 State Engineer.



## KNOW ALL MEN BY THESE PRESENTS:

THAT Mary I. Priest whose post office is  
Dalzell, South Dakota, a citizen of the United States, above the age of  
21 years, being in possession of the following described land, to-wit: N 1/2 SW 1/4 and SE 1/4 SW 1/4 Sec 20 & SE 1/4 NW 1/4 section  
Twenty Nine township Five North range Fourteen East B. H. M.  
in Mead County, South Dakota. Said lands comprising Desert Entry No. \_\_\_\_\_  
Land District, availing her self of the right granted \_\_\_\_\_ under the provisions  
of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to  
construct a certain dam across a dry draw situated in the NW 1-4 of the NW 1-4 section Twenty Nine  
township Five North range Fourteen East and has located and claims the right to construct ditches and  
flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and  
claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Twenty cubic feet of water per second during the following  
described annual periods January 1<sup>st</sup> to December 31<sup>st</sup> inclusive, each year.

Said location was made on the 17<sup>th</sup> day of April 1909.

Witness my hand and seal this 17<sup>th</sup> day of April 1909.

Mary I. Priest

Locator.

STATE OF SOUTH DAKOTA }  
COUNTY OF Pennington } ss

On the 17<sup>th</sup> day of April 1909, before me \_\_\_\_\_

David P. Thomas, a Notary Public in and for the County and State aforesaid, personally  
appeared Mary I. Priest to me personally known to be the person who executed  
the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

David P. Thomas

Notary Public.

Pierre, South Dakota, April 19<sup>th</sup> 1909.

This is to certify that the foregoing location notice was received at this office at 9 o'clock a M.,  
upon the 19<sup>th</sup> day of April 1909, and after examination it was filed for  
record

Samuel H. Lea

State Engineer.

# LOCATION NOTICE

21

## KNOW ALL MEN BY THESE PRESENTS:

THAT C. M. Damon whose post office is

Rapid City

, South Dakota, a citizen of the United States, above the age of

21 years, being in possession of the following described land, to-wit: W 1/2 NW 1/4 Sec. 29; all of the west half of

section 20 lying south of the township 5 N range 14 E B. H. M and  
Bellevue, 2 unused rivers, other contiguous lands to a total of about 3000 acres  
in Meadow County, South Dakota. Said lands comprising Desert Entry No. \_\_\_\_\_

Land District, availing him self of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the west 1/2 (west one half of northwest quarter) of the 1-4 section (W 1/2 NW 1/4 Sec 29 T 5 N. R 14 E) township \_\_\_\_\_ range \_\_\_\_\_ B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose four cubic feet of water per second during the following described annual periods the year around inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the dam on W 1/2 NW 1/4 Sec 29 T 5 N. R 14 E. B H M

The ditch will run in a northerly direction to and on said land for a distance of about 4000 feet.

Said location was made on the 18th day of Nov. 1913

Witness my hand and seal this 18th day of Nov. 1913

C. M. Damon

Locator.

State of South Dakota,

County of Pennington

ss.

On the 18th day of November 1913, before me

the undersigned, a notary public in and for the County and State aforesaid, personally appeared C. M. Damon to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, the day and date above written.

Har V. Linchburg  
Notary Public.

Pierre, South Dakota, November 29 1913

This is to certify that the foregoing location notice was received at this office at 9 o'clock M., upon the 20th day of November 1913, and after examination it was filed for  
record

DEAN W. LOUCKS

By DN

State Engineer.



# Department of Water & Natural Resources

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

WATER RIGHTS DIVISION  
(605) 773-3352

February 25, 1988

Burmeister Ranches, Incorporated  
c/o Russell Burmeister  
Box 82,  
Elm Springs, South Dakota 57736

Dear Mr. Burmeister:

I checked over all of your water permits since we inspected the area on July 1, 1987. I found that you do not have a permit that covers all of the area you are spreading water on from the dry draw coming out of the NE $\frac{1}{4}$  Section 29, T5N, R14E. Location Notice No. 578-1 only covers the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29. Therefore you will need to file for a Permit to cover the remainder of the area in the system. The area has been irrigated since before 1955 and would qualify for a Vested Right.

I am enclosing two completed copies of Form 2 "Application for Irrigation Permit", and a partially completed Form 2 B, "Affidavit of Water Use". Fill in the blanks on Form 2B to the best of your knowledge. I am enclosing a copy of Location Notice No. 578-1 to assist you.

Please check over all of the forms and the enclosed map and make any changes necessary to make them as accurate as possible. Then sign and notarize all of the forms where indicated and return all of the forms to this office along with a check for \$15.00 to cover the cost of the filing fees.

If you make changes on the map please return it along with the forms so that we can correct our office copy. If there are not changes on the map, you may keep it for your use. You may keep the copy of the Location Notice No. 578-1.

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

Sincerely,

LeRoy J. Mernaugh  
Natural Resources Engineer

LJM:ms  
Enc.



# Department of Water & Natural Resources

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

March 21, 1988

Russell Burmeister  
Burmeister Ranches, Inc.  
HCR 86, Box 32  
Elm Springs, SD 57736

Dear Mr. Burmeister:

This letter is in response to the vested right claim submitted on March 17, 1988. The following information is needed to complete the application:

- 1) A \$15.00 filing fee needs to be submitted with the vested right claim.
- 2) The enclosed Affidavit of Water Use needs to include more information. The priority date for this vested right claim is December 1, 1914 based on the Location Notice filing date with the state engineer. The questions with the red check marks need to be completed as much as possible (the specific day and month are not needed if not known). If the information is not available, please state so when the Affidavit is returned.

The vested right claim can not be considered by the Water Management Board until the claim contains all the required information. Please remit the \$15.00 filing fee and return the Affidavit of Water Use to begin processing of the claim.

Please contact me if you have any questions.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352  
enc.

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

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

March 29, 1988

Russell Burmeister  
Burmeister Ranches, Inc.  
HCR 86, Box 32  
Elm Springs, SD 57736

Dear Mr. Burmeister:

Enclosed is a copy of the Affidavit of Water Use which you returned to the Division of Water Rights on March 24, 1988. I have taken information from Location Notice No. 578-1 (copy enclosed) to complete the Affidavit of Water Use (see red check marks). Please review the information on the Affidavit and contact me by April 8, 1988, if the information on the Affidavit is in error.

Thank you for your time and consideration.

Sincerely,



Ron Duvall  
Natural Resources Engineer  
605 773-3352  
enc.

Report on  
Vested Water Right Application No. 1444-1  
May 16, 1988

Vested Water Right Application No. 1444-1 proposes to validate a vested water right claim to appropriate 1.73 cubic feet of water per second from a dry draw to irrigate 121 acres. The point of diversion is located in the NW1/4 NE1/4 section 29; and the irrigated acreage is located in the S1/2 SE1/4 section 20; S1/2 SW 1/4 section 21; N1/2 NW1/4 section 28; N1/2 NE1/4 section 29; all in T5N-R14E. A priority date of December 1, 1914 has been claimed for the water use pursuant to the filing date of Location Notice No. 578-1 with the State Engineer.

Conclusions:

1. The project is a water spreading system. The system was inspected by Leroy Mernaugh and found to exist as described.
2. Water has been put to beneficial use since the time of construction of the project.
3. It is recommended that this vested water right claim be validated with a priority date of December 1, 1914.
4. It is recommended that if Vested Water Right Application No. 1444-1 is validated, that the applicable portions of Location Notice No. 578-1 be incorporated into Application No. 1444-1 and the abandoned portions of Notice No. 578-1 be cancelled.



Ron Duvall  
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 1444-1, Burmeister Ranches, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1444-1, Burmeister Ranches, Inc., HCR 86, Box 32, Elm Springs SD.

The Chief Engineer is recommending VALIDATION of Application No. 1444-1 for 1.73 cfs and that the applicable portions of Location Notice No. 578-1, be incorporated into No. 1444-1 and the abandoned portions of Location Notice No. 1444-1 be cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of December 1, 1914, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in dark ink, appearing to read "John Hatch", is written above the typed name.

JOHN HATCH, Chief Engineer  
May 16, 1988

 **Department of  
Water & Natural Resources**

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

June 8, 1988

MEADE COUNTY-TIMES TRIBUNE  
Box 69  
Sturgis SD 57785

Dear Sir:

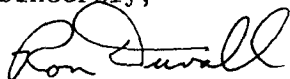
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1444-1 to be published twice. Please publish the notice on or before June 15, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Burmeister Ranches, Inc., HCR 86, Box 32, Elm Springs SD 57736.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

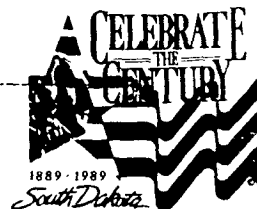
TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper





# Department of Water & Natural Resources

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

June 8, 1988

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT THE  
NEWSPAPER RIGHT AWAY.

Burmeister Ranches, Inc.  
Russell Burmeister  
HCR 86, Box 32  
Elm Springs SD 57736

Dear Mr. Burmeister:

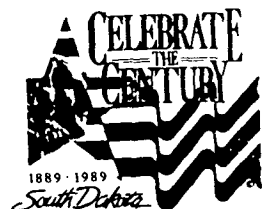
Your Application No. 1444-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the MEADE COUNTY-TIMES TRIBUNE printed at Sturgis SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before June 15, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING To Validate  
Vested Water Right Application No. 1444-1 to Appropriate Water

Notice is given that Burmeister Ranches, Inc., HCR 86, Box 32, Elm Springs has filed an application to validate a vested water right claim to appropriate 1.73 cubic feet of water per second from a dry draw to irrigate 121 acres with a claimed priority date of December 1, 1914. The point of diversion is located in the NW 1/4 NE 1/4 Section 29; and the irrigated acreage is located in the S 1/2 SE 1/4 Section 20; S 1/2 SW 1/4 Section 21; N 1/2 NW 1/4 Section 28; N 1/2 NE 1/4 Section 29; all in T5N, R14E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1444-1 for 1.73 cfs and that the applicable portions of Location Notice No. 578-1 be incorporated into Application No. 1444-1 and the abandoned portions of Location Notice No. 578-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of December 1, 1914, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

TP. 5N. R. 13E. B.H.M.

BELLE

FOURCHE

RIVE

7 A.

37 A.

28 A.

7 A.

23 24  
26 25

43

S. 76° 00' E. 3200 FT.

6 A.

Sta. 76+00

30 A.

22 A.

40 A.

40 A.

S. 39° 45' W. 8355 FT.

5 A.

25 A.

32 A.

22 A.

Russell Burmeister

Permit # 165-1

Priority Date April 17, 1912

H. 3 CFS

Total. 301 AC

DITCH 7600 FT. LONG

Box Pump  
PUMP ENGINE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County Meade }

I, Joan Lewis hereby

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

Water was taken from the Meade County Times-Tribune

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 Sturgis of

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

June 22, 1988

June 29, 1988



Joan Lewis  
(Signature)

Billing Clerk  
(Title)

June 29, 1988  
(Date Signed)

Cost of Printing: \$49.37

include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

Publ June 22 & 29, 1988  
Times-Tribune

NOTICE OF HEARING  
TO VALIDATE VESTED  
WATER RIGHT APPLICATION  
NO. 1444-1 TO

APPROPRIATE WATER

Notice is hereby given that Burmeister Ranches, Inc., HCR 88, Box 32, Elm Springs has filed an application to validate a vested water right claim to appropriate 1.73 cubic feet of water per second from a dry draw to irrigate 121 acres with a claimed priority date of December 1, 1914. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 29; and the irrigated acreage is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 20, S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 21, N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 28, N $\frac{1}{2}$ NE $\frac{1}{4}$  Section 29, all in T4N, R14E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1444-1 for 1.73 cfs and that the applicable portions of Location Notice No. 578-1 be incorporated into Application No. 1444-1 and the abandoned portions of Location Notice No. 578-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of December 1, 1914, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 218, Joe Foss Building, 323 E. Capitol, Pierre, SD on July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 323 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but it must in-

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

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

NOV 23 1988

Russell Burmeister, President  
Burmeister Ranches, Inc.  
HCR 86, Box 32  
Elm Springs SD 57736

Dear Mr. Burmeister:

Enclosed are your Validated Vested Water Right and Water License No. 1444-1.  
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  
605 773-3352

JH:ks

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 16, 1995

165-1  
1077-1  
1444-1

Lonnie Arneson  
HC 86 Box 24  
Elm Springs, SD 57736

Dear Mr. Arneson:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right No. 1077-1 (Gladys Arneson), Water Right No. 165-1 and Vested Water Right No. 1444-1 (Burmeister Ranches). I have also included copies of Nos. 165-1 and 1444-1 for your review.

Please review the transfer forms for accuracy and complete them by filling in the portion "*to be transferred to....(name & address)*". Once completed, the forms will need to be signed in the presence of a notary public and returned to our office with a required filing fee of \$2.50 for each transfer to be filed.

I reviewed our files and was unable to find another water right, from a dry draw, for Burmeister Ranches. You indicated during our phone conversation that there should be another water right for this land. If possible, could you make me a copy of the map you have showing the legal description of the dry draw and the acreage irrigated. Once I receive the map, I will recheck our files for the existence of a water right. If the irrigation has been in place for a long time, we may have an old location notice filed on it. The county register of deeds office may also have some records which may be helpful in the search.

If I can answer any questions, please contact me.

Sincerely,

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

enclosures



1444-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 15, 1996

**SECOND NOTICE**

Permit Nos. 165-1

1077-1

1444-1

Lonnie Arneson  
HC 86, Box 24  
Elm Springs, SD 57736

Dear Mr. Arneson:

On October 16, 1995, notice was sent to you concerning the transfer of Water Right Nos. 165-1, 1077-1 and 1444-1 in the name of Burmeister Ranches and Gladys Arneson. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$7.50. The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL  
Natural Resources Engineer  
For John Hatch, Chief Engineer  
Water Rights Program

enclosure

# NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1444-1

Date: 3-6-95

I/We request that Vested Water Right No. **1444-1**

formerly owned by: Burmeister Ranches, Box 32, Elm Springs, SD 57736

be transferred to: (name & address) Lonnie R Arneson Hc 86 Box 24

Elm Springs SD 57736 Telephone No. 798 2525

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

121 acres - S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec 20; S $\frac{1}{2}$  SW $\frac{1}{4}$  Sec 21; N $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 28; N $\frac{1}{2}$  NE $\frac{1}{4}$  Sec 29, T5N, R14E

I/We understand that the validity of Vested Water Right No. **1444-1** has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )

County of Meade )

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

Lonnie R Arneson  
(Signed)

Subscribed and sworn to before me this 6<sup>th</sup> day of March, 1996.

Larry L Graham  
(Notary Public)

Commission Expires 4-22-01

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

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

# RECEIPT

414858

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ March 18, 19 96

RECEIVED OF Lonnie Arneson, HC 86, Box 24, Elm Springs, SD 57736

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

|                                                                                                                                 |       |      |
|---------------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to <del>Appropriate</del> Water, to construct and to put water to beneficial use _____ |       |      |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____                                             |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                          |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                             |       |      |
| Fee for Filing Transfer Form <u>Vested Water Right No. 1444-1</u>                                                               | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                          |       |      |
| Fee for _____                                                                                                                   |       |      |
| _____                                                                                                                           |       |      |
| _____                                                                                                                           |       |      |
| (Any Other Work Provided by Law)                                                                                                | Total | 2 50 |

By John Hatch  
Chief Engineer



1444-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 28, 1996

No. 165-1

1077-1

1444-1

Lonnie R. Arneson  
HC 86, Box 24  
Elm Springs, SD 57736

Dear Mr. Arneson:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 165-1 and 1077-1, and Vested Water Right No. 1444-1.

Our records now show you as the owner of Water Right Nos. 165-1 and 1077-1, and Vested Water Right No. 1444-1.

Sincerely,

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

enclosure