

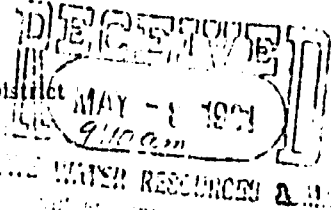
271-1

1. Considered P-13 61 1929
2. Name of Applicant Ed. Davidson & Son
3. Post Office Address Lawell
4. Amount of water claimed 10
5. Source of water supply Holland Creek
6. Water to be used for irrigation
Acres to be irrigated 76.7
7. SE Water to be diverted and used in Butte County about 25 miles of the river
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 571-1

Water Division No. Belle Fourche River District 1
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ED BREIDENBACH & SONS (DONALD E. AND GEORGE P.)
Postoffice address NEWELL, County BUTTE, State S.D.

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:
(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
BOTH

(b) Cash on hand, \$ X (c) Treasury stock, \$ X
(d) Bonds to be issued, \$ X (e) Other resources, \$ X

2. Name of diversion work THE BREIDENBACH IRRIGATION PROJECT
3. Amount of water claimed 10 cubic feet per second

4. Source of water supply WILLOW CREEK (A DRY DRAW)
Points of diversion:
From a point which lies N 58° W 2545' from the E. Cor. Sec. 30, T. 9 N., R. 7
to a point which lies N 90° E 1420' from the W. Cor. Sec. 8, T. 8 N., R. 7 E.
on BOTH bank BUTTE County.

6. Annual period or periods during which water is to be used APRIL 1st THRU NOV 1st
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION

(a) Number of acres to be irrigated 762 acres.

NW-NE-32 Ac., NE-NE-34 Ac., SW-NE-39 Ac., SE-SE-32 Ac. NW-SE-39 Ac., NE-SE-35 Ac.
SW-SE-30 Ac., SE-SE-29 Ac. Sec. 31, T. 9 N., R. 7 E-BHM Total 27
SW-NE-26 Ac., SE-NE-18 Ac., NW-SE-31 Ac., NE-SE-39 Ac., SW-SE-23 Ac., SE-SE-38 Ac.
Sec. 30, T. 9 N., R. 7 E-BHM Total 131
NW-NW-15, SW-NW-28 Ac., NW-SW-39 Ac., NE-SW-5 Ac., SW-SW-28 Ac. Sec. 5, T. 3 N., R. 7,
Total 115
NE-NE-20 Ac., SE-NE-24 Ac., NE-SE-38 Ac., SE-SE-24 Ac. Sec. 6, T. 8 N., R. 7 Total 106
NW-NW-36 Ac., NE-NW-5 Ac., SW-NW-27 Ac., SE-NW-28 Ac. Sec. 8, T. 8 N., R. 7 E-
Total

Ed Breidenbach & Sons

Grand Total

(c) Location of power

(d) Method of developing power NONE

(e) Point where water will be returned to stream XXX

MAP No 484-1

DATE MO/OT/IED

8. Estimated cost of work:

PUMPING EQUIPMENT (EST.) (b) Pumping plant, \$ 8000.00
 (a) Head Gates, \$ EARTH WORK - DIKES & SPREADER DAMS Rock, \$ 4000.00
 (c) Fluming, \$ (d) Canal-earth, \$ Total, \$ 12000.00
 (e) Other structures \$

9. Description of diversion works:

Spreader systems for flood water with dams to store water to fill the creek channel only with flumes hold water level to levels of bottoms except when the creek is in flood from tailwater or natural rain or snow fall. Operator will attempt to fill the present channel with washed soil from gumbo slopes and check the present rapid erosion of the stream bed.

II. Dimensions of works.

- (a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____
 Material used in construction _____
 (b) Reservoir. Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	FEET	ACRE- FEET CAPACITY

- (c)* Head gate: Width _____ feet; height _____ feet;
 Material _____
 (d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work _____ 4 _____ years.

11. Time required for complete application of water to the proposed beneficial use _____ 4 _____ years.

12. Choice of newspaper for publication of notice of intention to appropriate _____

THE BELLE FOURCHE BEE

STATE OF SOUTH DAKOTA

County of _____

I, Ed Breidenbach, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed _____

Subscribed and sworn to before me this _____

day of _____

1961

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

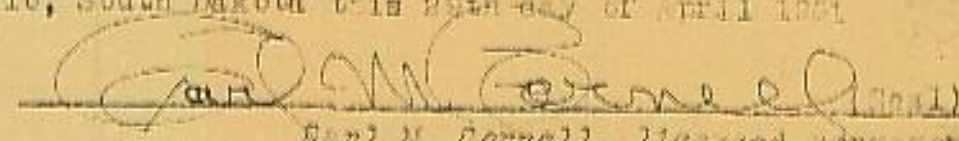
PLAT
 OF
 THE SURVEY AND IRRIGATION DISTRICT
 SECTION 30, T.9 N., R.7 E.
 SECTIONS 31, 32, 33, 34, T.9 N., R.7 E.

SCALE: 1 inch = 330 feet.
 8 inches = 1 mile.

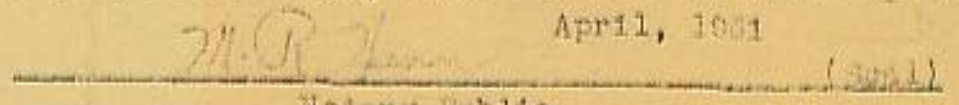
I, Carl M. Cornell, licensed surveyor, in and for the State of South Dakota,
 do hereby certify that, at the request of Ed Breidenbach and Sons (Donald M.
 and George B.) of Newell, South Dakota, I have made a survey of tracts shown
 hereon and have prepared this plat, showing the irrigable areas
 belonging to the said Ed Breidenbach and Sons, as part of its
 application for a permit to appropriate water for irrigation purposes.

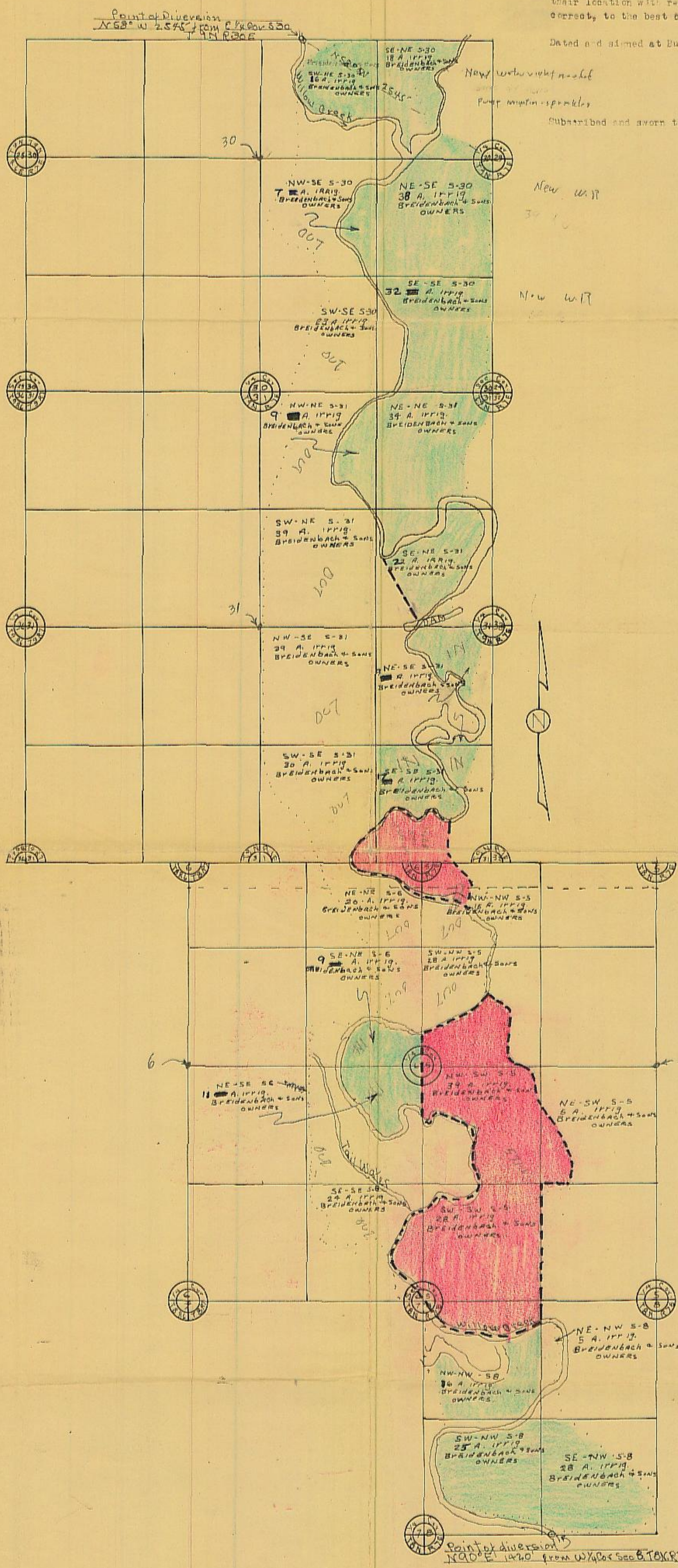
I further certify that the length and bearings of the several lines shown
 their location with reference to the government land corners. These are
 correct, to the best of my knowledge and belief.

Dated and signed at Buffalo, South Dakota this 29th day of April 1901


 Carl M. Cornell, Licensed Surveyor

Subscribed and sworn to before me at Buffalo, South Dakota this 29th day of April, 1901


 Notary Public



IRRIGATED UNDER WATER LICENSE NO. 571-1

SW 1/4 Sec. 31, T.9 N., R.7 E.	10	Acres
SW 1/4 Sec. 31, T.9 N., R.7 E.	2	"
NE 1/4 Sec. 31, T.9 N., R.7 E.	4	"
NW 1/4 Sec. 31, T.9 N., R.7 E.	5	"
SW 1/4 Sec. 32, T.9 N., R.7 E.	14	"
NW 1/4 Sec. 32, T.9 N., R.7 E.	29	"
NE 1/4 Sec. 32, T.9 N., R.7 E.	5	"
SW 1/4 Sec. 33, T.9 N., R.7 E.	37	"
NE 1/4 Sec. 33, T.9 N., R.7 E.	5	"
NW 1/4 Sec. 33, T.9 N., R.7 E.	10	"
TOTAL	121	"

571-1
 # 850-1

PLAT
OF
THE BREIDENBACH IRRIGATION PROJECT
SECTIONS 30 & 31 T.9 N., R.7 E. 11th
AND
SECTIONS 5, 6 & 8, T.9 N., R.7 E. 11th

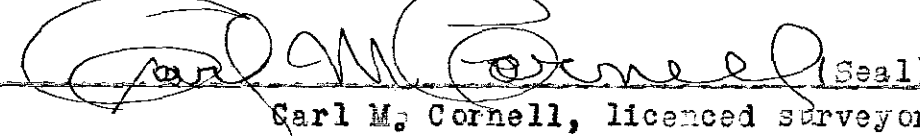
SCALE 1 inch = 360 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, licenced surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Ed Breidenbach and Sons (Donald E. and George B.) of Newell, South Dakota, I have made a survey of tracts shown hereon and have prepared this plat, showing the irrigable areas belonging to the said Ed, Breidenbach and Sons, as part of his application for a permit to appropriate water for irrigation purposes.

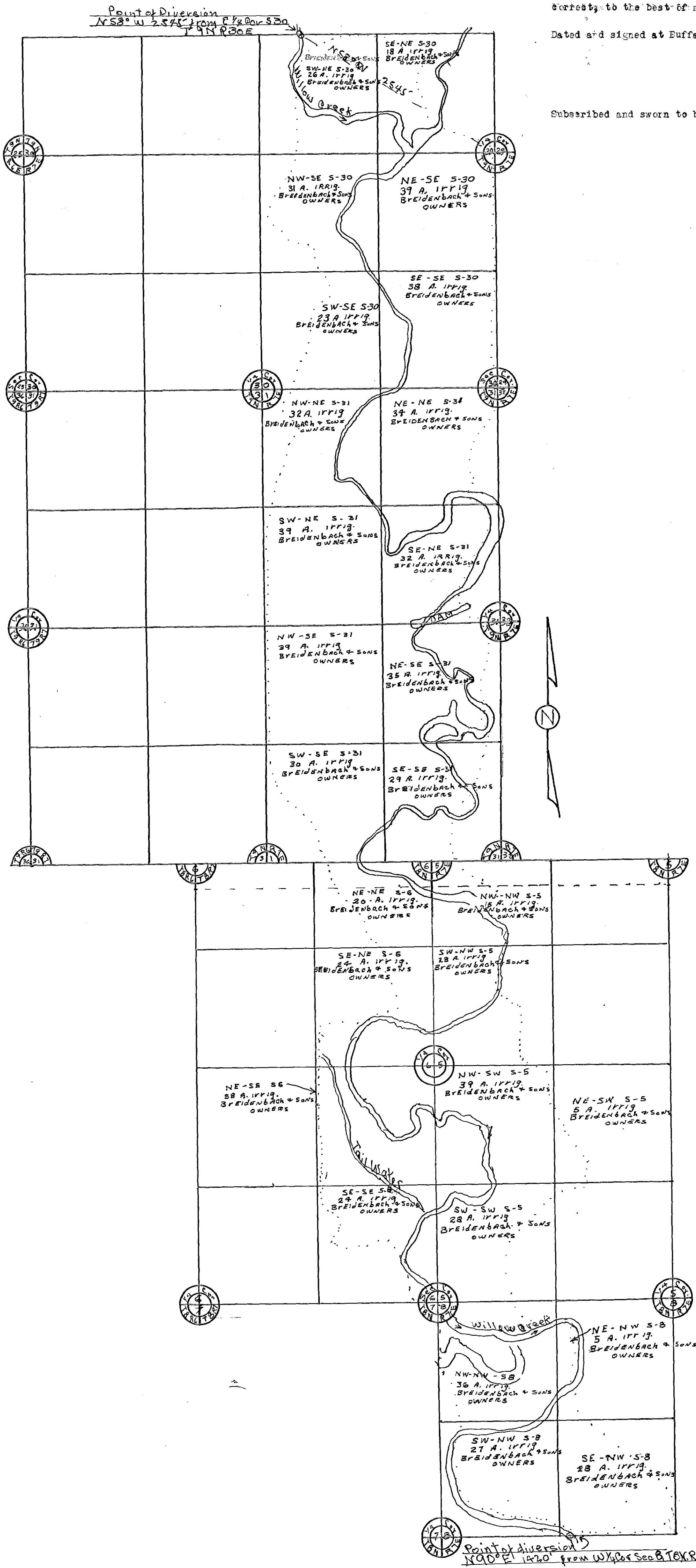
I further certify that the length and bearings of the several lines shown their location with reference to the government land corners. Shown are correct, to the best of my knowledge and belief.

Dated and signed at Buffalo, South Dakota this 28th day of April 1931


Carl M. Cornell, licenced surveyor
#144

Subscribed and sworn to before me at Buffalo, South Dakota this 28th day of April, 1931


Notary Public



Remarks by State Water Resources Commission:

DAMS OR DIVERSION STRUCTURES CONSTRUCTED UNDER THIS PERMIT MUST BE SO CONSTRUCTED AND OPERATED AS TO BY-PASS LOW FLOWS FOR DOMESTIC USE AND PRIOR WATER RIGHTS DOWNSTREAM, AND PARTICULARLY FOR THE WOODS WATFARA WATER RIGHT WITH ITS DIVERSION RATE OF 6.2 CFS.

PUMPING UNDER THIS PERMIT IS AUTHORIZED ONLY WHEN FLOWS REMAINING FROM SUCH PUMPING ARE SUFFICIENT TO SATISFY DOWNSTREAM DOMESTIC USE AND PRIOR WATER RIGHTS AS SPECIFIED IN THE ABOVE PARAGRAPH.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, September 19, 1961

This is to certify that the foregoing application was received by the Commission at 9:10 o'clock
a.m. upon the 8th day of MAY, 1961.

State Water Resources Commission

By: Burlington Jones

for Chief Engineer, Executive Officer

Number of permit 571-1

Date of first receipt of application MAY 8, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right MAY 8, 1961

Approved September 13, 1961, Recorded in Book 6 Page 344

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

September 13, 1963

2nd. The whole of said work is to be completed on or before September 13, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

September 13, 1969

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 10.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 13, 1969; said water to be used during the following described annual period:

April 1 THRU NOVEMBER 1
1971 day of September, 1961

Witness my hand this _____ day of _____, 1961

State Water Resources Commission

By: J. E. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 1, 1968

Water License Issued OCTOBER 1, 1968

STATE OF SOUTH DAKOTA

WATER LICENSE No. 571-1

WHEREAS, On the 8th day of May A. D. 1961

Ed Breidenbach and Sons

of Newell County of Butte and State of South Dakota duly made application (No. 571-1) to us for a permit to use 10.00 cubic feet per second of the waters of Willow Creek County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 19th day of September A. D. 1961

Permit No. 571-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 13th day of September A. D. 1965 and for the application to beneficial use of said water on or before the 13th day of September A. D. 1968 and,

WHEREAS, On the 27th day of September A. D. 1968

the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.5 cubic feet per second of said waters, as evidenced by our Certificate No. 571-1 dated October 1, 1968 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.5 cubic feet per second of water, with date of priority of May 8, 1961 and,

WHEREAS, On the 27th day of September A. D. 1968

proof was duly made of the application to beneficial use of 1.7 cubic feet per second of said water; for irrigating 120 acres in portions of Sections 5, 6 and 8, T8N, R7E, and Section 31, T9N, R7E.

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 Ed Breidenbach and Sons
 of Newell the holder and owner of said permit No. 57191
 a water right, dating from May 8, 1961 to the use of 1.7
 cubic feet per second of the waters of Willow Creek
 in the County of Butte and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a line between points N58°W, 2545'
from the W $\frac{1}{4}$ corner, Section 30, T9N, R7E and N 90°E, 1420' from the W $\frac{1}{4}$
corner, Section 8, T8N, R7E.
 and conducted to and upon portions of Sections 5, 6 and 8, T8N, R7E and Section 31,
T9N, R7E, more specifically described in the Certificate of Completion
of Works.
 for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the water of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 1st day of October A. D. Nineteen
 Hundred and sixty = eight.

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 571-1

Water Division No. 1 BELLE FOURCHE
RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ed. Breidenbach and Sons

of Nowell, County of Butte, and State of South Dakota, the holder of Permit No. 571-1, issued upon Application No. 571-1 bearing date of priority of May 6, 1961, authorizing the diversion of 10.0 cu. ft. per second of the waters of Willow Creek, County of Butte, State of South Dakota, at between points N 58° W. 2545' from the W $\frac{1}{2}$ Corner, Section 30, T9N, R7E and N 90° E 1420' from the W $\frac{1}{2}$ Corner, Sec. 8, T8N, R7E, irrigation

purposes, have fully 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 4.5 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

Section 31, T9N, R7E	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	2 acres
Section 5, T8N, R7E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	20 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37 acres
Section 6, T8N, R7E	NE $\frac{1}{4}$ NE $\frac{1}{4}$	4 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5 acres
Section 8, T8N, R7E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres
	Total	121 acres

Witness my hand this 1st day of October, A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

Permit No. 571-1Water Division No. 1Belle
River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 to _____ I have this day made a thorough examination of the diversion works constructed by _____
ED BREIDENBACH & SONS of NEWELL,
BUTTE County, South Dakota, holder of Permit No. 571-1, issued
 upon Application No. 571-1, bearing date of priority of MAY 8, 1961, authorizing the
 diversion of 10.0 cu. ft. per second of the waters of Willow Creek for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Berkley 8" pump, Oliver 770 Diesel Tractor,
300 feet of 8" aluminum pipe and one mile of ditch.

and the system is in the following condition: Good

The point of diversion is located As shown on water right map 484-1

The works are capable of diverting and conveying to the place of use 4 1/2 cu. ft. per second of water,
 which is to be used for irrigation

The legal sub-divisions to be irrigated are:

<u>NE 1/4 SW 1/4 Sec. 5, T. 8 N, R. 7 E</u>	<u>29</u>	<u>Acres</u>
<u>SE 1/4 SE 1/4 Sec. 31, T. 9 N, R. 7 E</u>	<u>10</u>	<u>Acres</u>
<u>SW 1/4 SW 1/4 " " " " " "</u>	<u>2</u>	<u>"</u>
<u>SW 1/4 SW 1/4 " " " " " "</u>	<u>37</u>	<u>"</u>
<u>NE 1/4 NE 1/4 " " T. 8 N " " "</u>	<u>4</u>	<u>"</u>
<u>SE 1/4 SE 1/4 Sec. 6 " " " "</u>	<u>5</u>	<u>"</u>
<u>NW 1/4 NW 1/4 " " " " " "</u>	<u>5</u>	<u>"</u>
<u>SW 1/4 NW 1/4 " " " " " "</u>	<u>17</u>	<u>"</u>

comprising a total of 12.1 acres of land.

The domestic use intended comprises _____

Incidental livestock watering

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 27th day of September, A. D. 1960

—SEAL—

Donald Winick

Examining Engineer.

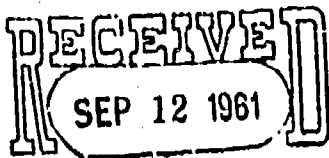
Deputy Chief Engineer
 Water Resources Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.

Lawrence Wight being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Butte Park Review a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Butte of Butte County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Aug 11, 1961
Aug 25, 1961
Sept 1, 1961
Sept 8, 1961
in each and every issue of the full number thereof, the first publication being made on the 11 day of August 1961 and the last publication on the 8 day of September 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Lawrence Wight the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 12 day of SeptSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 571-1
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak.
August 3, 1961

Notice is hereby given that Ed Breidenbach and Sons whose postoffice address is Newell, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 10.6 cubic feet of water per second of time from Willow Creek through the Breidenbach Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T 9N, R 7E, and a point in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8 Twp. 8N Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 30; NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 31, T 9N, R 7E; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 8; W $\frac{1}{2}$ and NW $\frac{1}{4}$ Section 8, T 8N, R 7E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, at 2 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission
By: BURTON F. JONES
Water Right Specialist
B4t 8/18-25 9/1-8

Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
My Commission Expires Sept 29, 1966

(First Publication ~~on or before~~ August 17, 1961.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 9, 1961

Notice is hereby given that ~~Ed Breidenbach and Sons~~ whose postoffice address is ~~Howell~~ S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use ~~10.0~~ cubic feet of water per second of time from the ~~Willow Creek~~ through the ~~Breidenbach Irrigation Project~~, the point of diversion of which is to be located on the ~~SE~~ ~~both~~ bank of said stream in the ~~SW 1/4 NE 1/4, Section 30, T 9N, R 7E, and a point~~ ~~SE~~ ~~SW~~ ~~1/4~~ of the ~~1/4~~ of Section ~~8~~ Twp. ~~6N~~ Range ~~7E~~ Said water to be used for the purpose of providing irrigation ~~portions of~~ the following described land:

~~SE 1/4 and SW 1/4 NE 1/4, Section 30; NE 1/4 and SE 1/4, Section 31, T 9N, R 7E; E 1/2 NE 1/4, E 1/2 SE 1/4, Section 6; W 1/2 NW 1/4 and SW 1/4, Section 5; and NW 1/4, Section 6, T 6N, R 7E.~~

and for ~~purposes.~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the ~~13th~~ day of ~~September~~, 1961, at ~~2 P.~~ M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

CO: Laurence Weyler - Publisher
Belle Fourche Bee
Belle Fourche, South Dakota

State Water Resources Commission

By:

Chief Engineer, Executive Officer
~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

Water Rights Division - DWNR
Conversation or File Documentation

File No. 850-1
571-1
1050-1

NAME OF PERSON OR FILE: Breidenbach Ranch

ADDRESS: Newell, SD COUNTY Butte

DATE: October 22, 1987 TELEPHONE

RE: Status of 8 571-1, 1050-1

COMMENTS:

The above permits were incorporated into Water License No. 1284-1 for

Breidenbach Ranch. Water License No. 1284-1 was issued in September, 1984.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Henry McMath