

599-1

1. Considered 11-8, 1961
2. Name of Applicant Thomas A. Barker
3. Post Office Address Castle Rock
4. Amount of water claimed 6.5
5. Source of water supply Smith Mountain River & Spring Basin Area
6. Water to be used for irrigation
Acres to be irrigated 4600
7. Water to be diverted and used in Butte County about
9W miles of Homestead
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
10. Remarks:

No. 599-1Water Division No. 1 MOREAU RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

RECEIVED
AUG 18 1961
STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

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

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

1. Name of applicant THOMAS X BURKE X Phillip J. Burke & Joyce A. Burke
Postoffice address CASTLE ROCK Newell, County BUTTE, State SO. DAK.

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

2. Name of diversion work THE TOM. BURKE IRRIGATION PROJECT3. Amount of water claimed 6.5 cubic feet per second4. Source of water supply The South Moreau River (also Stoney Basin Draw, a dry draw tributary.) From a point S 0°E 46 2' from the W 1/4 Cor. S 1, T 13 N.,5. Location of point of diversion R. 5 E-BHM to a point S 84°15'E 2853' from the W 1/4 Cor. S. 6. T. 13 N., R. 6 E-BHM
on Bath bank Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system Pumping into ditches and storage reservoir and by spreader ditch
(a) Number of acres to be irrigated 400 acres.

SW-NW-11 ac., SE-NW-13 ac., NW-NL-6 ac., NE-NE-8 ac., SW-NE-38 ac.,
SE-NE-40 ac., NE-SW-28 ac., SW-SW-10 ac., SE-SW-30 ac., NW-SE-30 ac.
NE-SE-17 ac., SW-SE-27 ac., SE-SE-30 ac., Sec. 1, T. 13 N., R. 5 E-BHM total 288 ac.
NW-NW-7 ac., SW-NW-3 ac., SE-NW-8 ac., SW-NE-9 ac., NW-SW-24 ac.
NE-SW-35 ac., SW-SW-30 ac., SE-SW-28 ac., Sec. 6, T. 13 N., R. 6 E-BHM Total 142 ac.
NW-NW-30 ac., Section 7, T. 13 N., R. 6 E-BHM - - - Total 30 ac.
Grand Total - 460 ac

(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream X X X

Map No 510-1

8. Estimated cost of work:

(a) Head Gates, \$ 6 pump (80' Hd.) trailer mtd, close coupled (b) Pumping plant, \$ 2500.00
 (c) Fluming, \$ 750.00 to motor (40 H.P.) (d) Canal-earth, \$ _____
 (e) Other structures _____ Rock, \$ _____
 Total, \$ _____

9. Description of diversion works:

Flume 30" X 86', steel headgate

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

6000' ditch (15' 8" on 74' 8")
 Storage reservoir built in 1956 with ditches, flume and land leveling
 S.C.S. plans indicate water right for 105 ac. annually, supplied from
 Stoney Basin Draw - Drainage area - 2000 ac.

(a) Dam: Height 21 feet; length at bottom 21 feet; length at top _____
2100 feet; thickness at bottom 131 feet; thickness at top 18
 feet; slope at front water face 4:1; slope at back face 1 1/2:1
 material used in construction earth
 (b) Reservoir: Capacity when filled 60 acre feet. Surface area at highwater
 mark 74 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

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

The Post, Belle Fourche, South Dakota

STATE OF SOUTH DAKOTA

County of Butte

I, Thomas M. Burke 1st Timie Burke (wife) 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 _____

Carl M. Cornell,

Notary Public (or _____)

*Each diversion must have a headgate or measuring device.

PLAT
OF
THE TOM BURKE IRRIGATION PROJECT
Section 1, T.14 N.R.5 E.B.M. & Sec. 6 & 7, T.14 N.R.5 E.B.M.
Butte County, South Dakota.

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

- SURVEYOR'S CERTIFICATE -

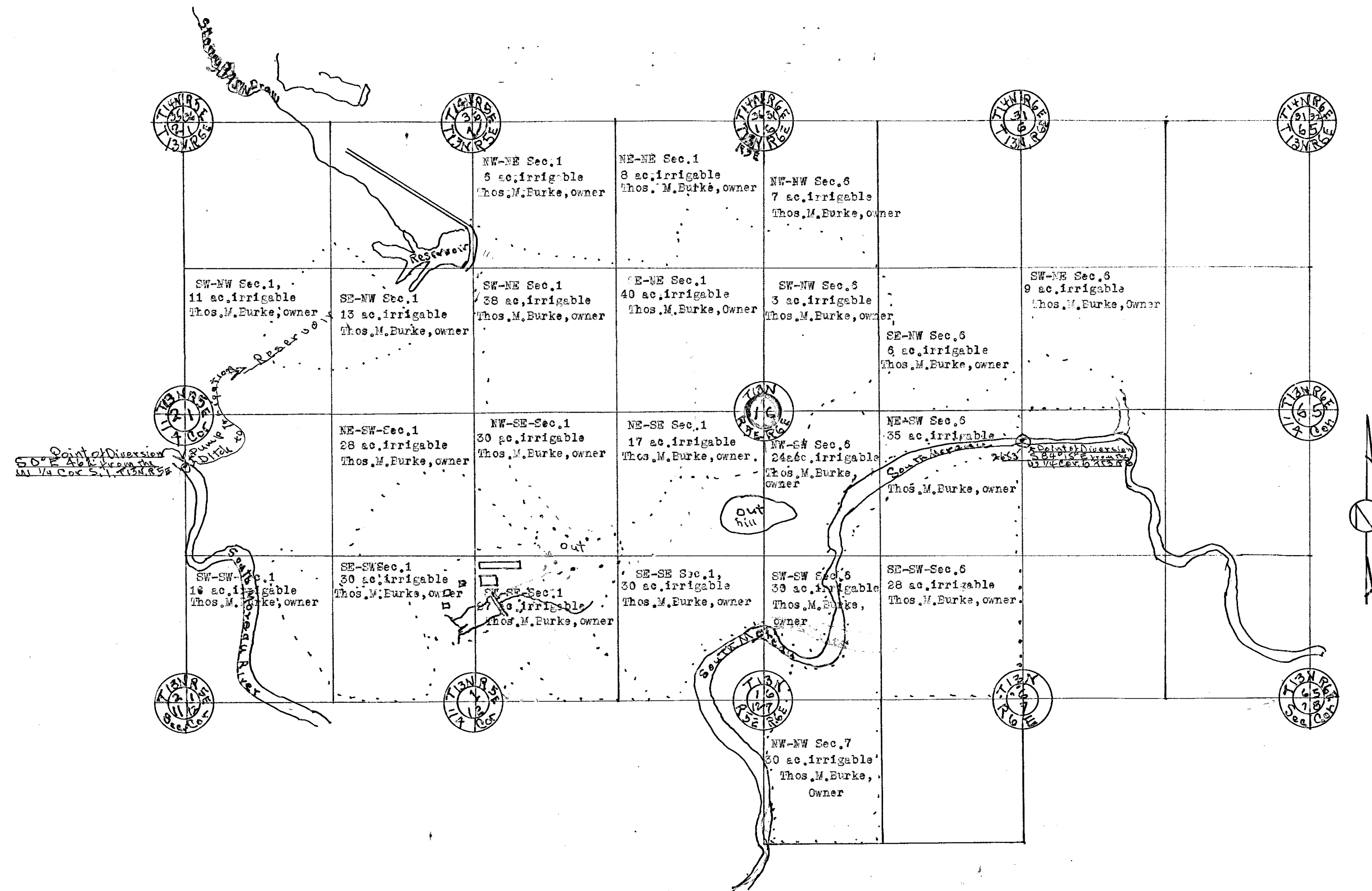
I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of Thomas M. Burke, of Castle Rock, Butte County, South Dakota, I have made a survey of the several tracts shown hereon and have prepared this plat for the purpose of showing the irritable area embraced herein and furnishing the required plat as a part of his "Application for a Permit to appropriate Water for Irrigation Purposes".

I further certify the lengths and bearings of the several lines shown and their location, with reference to the Government Land Corners shown, are correct, to the best of my knowledge and belief.
Sworn and subscribed to at Buffalo, South Dakota this 14th day of August 1961.

SIGNED: Carl M. Cornell
Carl M. Cornell, Licensed Surveyor (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 14th day of August 1961.

W. R. Ham
Notary Public (SEAL)



Remarks by State Water Resources Commission:

Use of water under this permit is contingent upon supplies being available for prior water right and downstream domestic use. Design of the project must incorporate provisions for passing low flows for such use. Approval of this permit recognizes 68 acres feet of storage.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 20, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock a.m. upon the 13th day of August, 1961.

State Water Resources Commission

By:

Burton J. Brown
for Chief Engineer, Executive Officer

Number of permit 599-1

Date of first receipt of application August 18, 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 August 18, 1961

Approved November 8, 1961, Recorded in Book 7 Page 7

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 June 8, 1964
- 2nd. The whole of said work is to be completed on or before November 8, 1966
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 8, 1966
- 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 6.5 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 November 8, 1966; said water to be used during the following described annual period:

April 1 thru November 30

Witness my hand this 20th day of November, 1961

State Water Resources Commission

By:

John B. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 3, 1966

Water License Issued OCTOBER 3, 1966

STATE OF SOUTH DAKOTA

WATER LICENSE No....599-1...

WHEREAS, On the 18th day of August A. D. 1961

Thomas M. Burke

of Castle Rock County of Butte and State of
South Dakota duly made application (No. 599-1) to us for a permit to use 6.5
cubic feet per second of the waters of the South Moreau River and a dry draw
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 20th day of November A. D. 1961
Permit No. 599-1 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 8th day of
November A. D. 1966 and for the application to beneficial use of said
water on or before the 3th day of November A. D. 1966
and,

WHEREAS, On the 18th day of August A. D. 1966
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 6.5
cubic feet per second of said waters, as evidenced by our Certificate No. 599-1
dated October 3, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 6.5 cubic feet per second of water, with date of
priority of August 18, 1961 ~~xxxx~~ and,

WHEREAS, On the 18th day of August A. D. 1966
proof was duly made of the application to beneficial use of 6.5 cubic feet per second of said water;
for irrigating 460 acres in portions of Section 1, T13N, R5E and
Sections 6 and 7, T13N, R6E

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 Thomas M. Burke
 of Castle Rock the holder and owner of said permit No. 599-1
 a water right, dating from August 18, 1961 to the use of 6.5
 cubic feet per second of the waters of the South Moreau River and a dry draw
 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 points in the NW 1/4 SW 1/4 and in
the NE 1/4 NW 1/4, Section 1, T13N, R5E, and in the NW 1/4 SW 1/4, Section 6, T13N, R6E
 and conducted to and upon portions of Section 1, T13N, R5E, and Sections 6 and 7,
T13N, R6E, more specifically described in the Certificate of Completion
of Works
 for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters 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 3rd day of October A. D. Nineteen
 Hundred and Sixty-Six

State Water Resources Commission
 By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **599-1**Water Division No. **1** **Moreau River** Water District**Certificate of Completion of Works**10130304
MAR. 20

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Thomas Burke**

of **Castle Rock**, County of **Butte**, and State of **South Dakota**, the holder of Permit No. **599-1**, issued upon Application No. **599-1**, bearing date of priority of **August 18, 1961**, authorizing the diversion of **6.5** cu. ft. per second of the waters of **the South Moreau River and a dry draw** County of **Butte**, State of South Dakota, at **points in the NW¹ SW¹ and in the NE¹ NW¹, Section 1, T13N, R5E, and in the NE¹ SW¹, Section 6, T13N, R6E**, for **irrigation**

purposes, has 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 **6.5** 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 1, T13N, R5E	NE¹ NE¹ AC	8.0 acres	
	NW¹ NE¹ AB	6.0	"
	SW¹ NE¹ AC	38.0	"
	SE¹ NE¹ BV	40.0	"
	NE¹ SE¹ DA	17.0	"
	NW¹ SE¹ DE	30.0	"
	SW¹ SE¹ DE	27.0	"
	SE¹ SE¹ DE	30.0	"
	SW¹ NW¹ DE	11.0	"
	SE¹ NW¹ DE	13.0	"
	NE¹ SW¹ DE	28.0	"
	SW¹ SW¹ DE	10.0	"
	SE¹ SW¹ DE	30.0	"
Section 6, T13N, R6E	NW¹ NW¹ AC	7.0	"
	SW¹ NW¹ AC	3.0	"
	SE¹ NW¹ AC	6.0	"
	SW¹ NE¹ AC	9.0	"
	NE¹ SW¹ AC	35.0	"
	NW¹ SW¹ AC	24.0	"
	SW¹ SW¹ AC	30.0	"
	SE¹ SW¹ AC	28.0	"
Section 7, T13N, R6E	NW¹ NW¹ AC	30.0	"
	Total	- 460.0	"

Witness my hand this **3rd** day of **October** A. D. **1966**

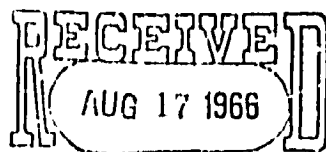
State Water Resources Commission

By: **J. W. GRIMES**
Chief Engineer, Executive Officer

Permit No.

Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**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 _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____
Thomas M. Burke of Castle Rock
Butte County, South Dakota, holder of Permit No. 592-1, issued
 upon Application No. _____, bearing date of priority of _____, 19____, authorizing the
 diversion of 6.5 cu. ft. per second of the waters of the So. Moreau River & Story Basin Draw for irrigation & stock
water purposes. I have to report on the condition of the same as follows:

The diversion works comprise:

1- 10" Centrifugal Pump
Ford Industrial Heavy duty
300-10" aluminum pipe
Dams, dikes and ditches

and the system is in the following condition: The system is in excellent condition.

The point of diversion is located From a point S 0° E 1/2 Sec. 1, T.13 N.,
R.5 E-BHM to a point S 84° 15' E 2653' from the W 1/2 Cor. S. 6, T.13 N., R.6 E-BHM

The works are capable of diverting and conveying to the place of use 6.5 cu. ft. per second of water,
 which is to be used for irrigation and stock water

The legal subdivisions to be irrigated are:

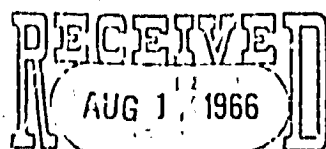
SW-NW-11 ac., NE-NW-13 ac., NW-NE-6 ac., NE-NE-8 ac., SW-NE-38 ac.,
SE-NE-40 ac., NE-SW-28 ac., SW-SW-10 ac., SE-SW-30 ac. -SE-30 ac.,
NE-SE-17 ac., SW-SE-27 ac., SE-SE-30 ac., Sec. 1, T.13 N., R.5 E-BHM total 283 ac.
NW-NW-7 ac., SW-NW-3 ac., SE-NW-6 ac., SW-NE-9 ac., NW-SW-24 ac.,
NE-SW-35 ac., SW-SW-30 ac., SE-SW-28 ac., Sec. 6, T.13 N., R.6 E-BHM total 142 ac.
NW-NW-30 ac., Section 7, T.13 N., R.6 E-BHM total 30 ac.
Grand total- 460 ac.

Witness my hand, this 18th day of August, A. D. 1966

—SEAL—

Car M. Cornell. Licensed Engineer #141

Examining Engineer.

Permit No. 599-1
 Water Division No. _____ Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Castle Rock, South Dakota
Butte County
 (Date) 6-13-1966

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 18th day of August
1966, at Castle Rock County of Butte State of South Dakota,
 before Carl M. Cornell proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 6.5 cubic feet per second of the waters of the South Moreau River & Stony
Basin Draw In accordance with the terms and conditions of Permit No. 599-1
 heretofore issued by the Water Resources Commission of South Dakota

1. The name and postoffice address of the person or corporation holding said permit are _____

Thomas M. Burke

Castle Rock, Butte County, South Dakota

2. The use to which said water has been applied is irrigation and stock water

3. The amount applied to beneficial use is 6.5 cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands ir-

SW-NW-11 ac., SE-NW-13 ac., NW-NE-6 ac., NE-NE-3 ac., SW-NE-38 ac.,

SE-NE-40 ac., NE-SW-28 ac., SW-SE-10 ac., SE-SW-30 ac., NW-SE-30 ac.,

NE-SE-17 ac., SW-SE-27 ac., SW-SE-30 ac., Sec. 1, T.13 N., R.5 E-14th total 238 ac.

NE-NW-7 ac., SW-NW-3 ac., SE-NE-6 ac., SE-NE-9 ac., NE-SW-24 ac.,

NE-S-13 ac., SW-SW-30 ac., SE-SW-28 ac., Sec. 6, T.13 N., R.5 E-14th total 142 ac.

NE-NW-30 ac., Section 7, T.13 N., R.5 E-NE4 total 36 ac.

Grand total- 460 ac.

7. The source of supply from which said water is taken is South Moreau River & Stony Basin

8. The date of priority which said user is prepared to establish is Aug. 18, 1961

(Sign)

Thomas M. Burke

Thomas M. Burke

No. 599-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.

Lawrence W. High being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Daily Butte Courier 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 County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Oct. 11, 1961
Oct. 18, 1961
Oct. 25, 1961
Nov. 1, 1961

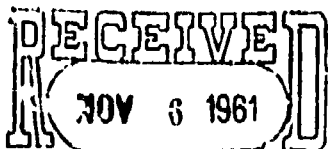
in each and every issue of the full number thereof, the first publication being made on the 11 day of October

1961 and the last publication on the 1st day of Nov. 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 W. High the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 1st day of Nov. A. D. 1961



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Burton F. Jones
Notary Public Butte County, S. D.

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

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak.
September 25, 1961

Notice is hereby given that Thomas M. Burke whose post-office address is Castle Rock, 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 6.5 cubic feet of water per second of time from the Moreau River, and a dry draw through the Burke Irrigation, the point of diversion of which is to be located on both banks of said streams at points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T 13N, R 5E, and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 Twp. 18N, Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, S $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 1, T 13N, R 5E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 6; NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T 13N, R 6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of November, 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
44 36/11-12-15 11/61

on or before October 12, 1961
(First Publication October 12, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 25, 1961

Notice is hereby given that Thomas M. Durko whose postoffice address is Castle Rock 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 6.5 cubic feet of water per second of time from the Moreau River and a dry draw through the Burks Irrigation at points in the NW $\frac{1}{4}$, SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T 13N, R 5E, and NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 of Twp. 13N Range 6E the point of diversion of which is to be located on ~~the~~ both portions of said stream. Said water to be used for the purpose of providing irrigation of the following described land:

NE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 1, T 13N, R 5E; NW $\frac{1}{4}$, SW $\frac{1}{4}$, ~~NE $\frac{1}{4}$~~ and SW $\frac{1}{4}$, Section 6; NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T 13N, R 6E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of November, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

CC: Lawrence Weyler, Publisher
Belle Fourche Post
Belle Fourche, S. Dak.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7461

PIERRE, April 17, 1930

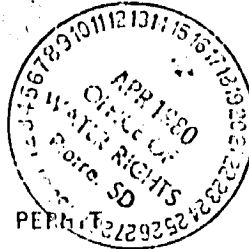
RECEIVED OF STEPHENS, QUINN, CARR, TSCHETTER & BUCKMASTER, P.C., 117 Fifth/
the following amount in fees for services rendered as provided for by law: Belle Fourche, SD Ave.

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of water right no. 599-1	250
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	250

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

FORM 20



NO. 599-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April, 1980

This is to notify you that the title to the lands described as follows:

See attached Exhibit "A" incorporated herein by reference

formerly owned by Thomas M. Burke, a/k/a Thomas Burke & Tillie B. Burke

has been transferred to Philip J. Burke & Joyce A. Burke, Newell

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 599-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of BUTTE) ss.

We, THOMAS M. BURKE & TILLIE BURKE being first duly sworn on 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 I know of my own personal knowledge that the information herein stated is true.

Thomas M. Burke
Thomas M. Burke
Tillie B. Burke
Tillie B. Burke (Signed)

Subscribed and sworn to before me this 9th Day of April, 1980.

Dorothy Unenthum
(Notary Public)

MY COMMISSION EXPIRES OCT. 20, 1980

EXHIBIT "A"

Township 13 North, Range 5 East, Black Hills Meridian, Butte County, SD:

Section 1: Northeast Quarter of the Northeast Quarter, 8.0 acres;
Northwest Quarter of the Northeast Quarter, 6.0 acres;
Southwest Quarter of the Northeast Quarter, 38.0 acres;
Southeast Quarter of the Northeast Quarter, 40.0 acres;
Northeast Quarter of the Southeast Quarter, 17.0 acres;
Northwest Quarter of the Southeast Quarter, 30.0 acres;
Southwest Quarter of the Southeast Quarter, 27.0 acres;
Southeast Quarter of the Southeast Quarter, 30.0 acres;
Southwest Quarter of the Northwest Quarter, 11.0 acres;
Southeast Quarter of the Northwest Quarter, 13.0 acres;
Northeast Quarter of the Southwest Quarter, 28.0 acres;
Southwest Quarter of the Southwest Quarter, 10.0 acres;
Southeast Quarter of the Southwest Quarter, 30.0 acres.

Township 13 North, Range 6 East, Black Hills Meridian, Butte County, SD:

Section 6: Northwest Quarter of the Northwest Quarter, 7.0 acres;
Southwest Quarter of the Northwest Quarter, 3.0 acres;
Southeast Quarter of the Northwest Quarter, 6.0 acres;
Southwest Quarter of the Northeast Quarter, 9.0 acres;
Northeast Quarter of the Southwest Quarter, 35.0 acres;
Northwest Quarter of the Southwest Quarter, 24.0 acres;
Southwest Quarter of the Southwest Quarter, 30.0 acres;
Southeast Quarter of the Southwest Quarter, 28.0 acres.

Section 7: Northwest Quarter of the Northwest Quarter, 30.0 acres.

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

LAW OFFICES
Carr, Zastrow & Fluimer

DON PRATT BUILDING, SUITE 104

704 SEVENTH AVENUE

P.O. Box 580

BELLE FOURCHE SOUTH DAKOTA 57717-0580

TELEPHONE (605) 692-6383

THOMAS E. CARR
LAURENCE J. ZASTROW
RICHARD A. FLUIMER

OFFICE MANAGER
DONNA BRADLEY

September 20, 1983

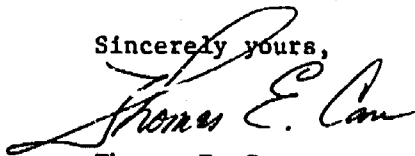
Department of Water and Natural Resources
Foss Building
Pierre, SD 57501

Re: Philip J. Burke, a/k/a
Phil Burke, Deceased
Water License No. 599-1

Dear Sirs:

Please find enclosed herewith a certified copy of the Final Decree of Distribution in the matter of the estate of Philip J. Burke, a/k/a Phil Burke, deceased. Please note that according to Page Five, Paragraph 5 of the Final Decree of Distribution, that the decedent's undivided one-half interest in Water License No. 599-1 for the diversion of 6.5 CFS of the South Moreau River and a dry draw for purposes of irrigation issued on October 3, 1966 and recorded on October 20, 1966 at 11:45 a.m. in Book 180 on page 342 in the office of the Butte County Register of Deeds has been transferred and distributed to the decedent's sole beneficiary and surviving spouse, Joyce A. Burke. Mrs. Burke is also the owner of the other undivided one-half interest in and to the above described Water License. We would respectfully request that you indicate on your records this transfer and distribution of ownership so that the records indicate that Mrs. Burke is the sole owner of this Water License. If any new documents are issued by your office concerning this matter, we would respectfully request that you forward such documents to my attention and I will forward the same to Mrs. Burke. If there are any charges for the transfer of the ownership and records in your office pursuant to this Final Decree of Distribution, please contact us concerning the amount of any such charges and we will promptly remit that amount to you.

Sincerely yours,



Thomas E. Carr

TEC:du

Enclosure



STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF BUTTE)

IN CIRCUIT COURT
EIGHTH JUDICIAL CIRCUIT
PRO. 82-62

In the Matter of the Estate of
PHILIP J. BURKE, a/k/a
PHIL BURKE,
Deceased.

FINAL DECREE OF DISTRIBUTION

Joyce A. Burke, Executrix of the estate of the above named decedent, having rendered and filed herein an Initial and Final Account of the administration of the estate, together with a Petition for the final distribution thereof, and said account and petition this day coming on to be heard, and proofs having been made to the satisfaction of the Court that notice of hearing thereon has been given as required by law, and by previous Order of this Court, that no objection to the accounting or contest of the accounting having been made;

And it appearing to the Court from the records and files herein and the evidence taken and proofs made at such hearing that an inventory of all of the property belonging to the estate has been made and filed and an appraisal had thereon, that due and legal notice to the creditors of the estate has been given, and all expenses of administration, funeral expenses, expenses of last illness, debts and other demands against the estate, allowed by the Court, and all taxes, Federal and State of South Dakota that were legally due and payable have been fully paid and discharged, with the exception of the balance of attorney's fees and costs that remain to be paid in the amount of \$3,393.82, which are approved and authorized and ordered paid, and that the estate is otherwise in a proper condition to be closed.

It further appearing to the Court that the estate consists of the following described property:

STATE OF SOUTH DAKOTA, COUNTY OF BUTTE, ss

I hereby certify that I have carefully compared the within instrument with the original now on file in my office and that it is a true and correct copy of the same and the whole thereof.

Done

Sept 16 1983 *[Signature]*
Clerk of Court

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Two

1. REAL ESTATE

Solely owned

Township 14 North, Range 4 East, Black Hills Meridian, Butte Co., SD:

- Section 12: East Half; East Half of the Northwest Quarter; and East Half of the Southwest Quarter.
- Section 13: East Half of the Northwest Quarter; Northeast Quarter; East Half of the Southwest Quarter; West Half of the Southeast Quarter; and Southeast Quarter of the Southeast Quarter.
- Section 19: Southeast Quarter of the Southwest Quarter; and South Half of the Southeast Quarter.
- Section 20: South Half of South Half.
- Section 24: East Half; East Half of the Northwest Quarter; and East Half of the Southwest Quarter.
- Section 26: Southwest Quarter of the Northwest Quarter.
- Section 27: Southeast Quarter of the Northeast Quarter; and East Half of the Southeast Quarter.
- Section 30: North Half; and Southwest Quarter.
- Section 31: West Half.
- Section 32: Northeast Quarter of the Northeast Quarter; and South Half of the Northeast Quarter.
- Section 33: North Half.
- Section 34: All.

Township 14 North, Range 5 East, Black Hills Meridian, Butte Co., SD:

- Section 7: All.
- Section 8: All.
- Section 9: Northwest Quarter.
- Section 15: All.
- Section 17: All.
- Section 18: All.
- Section 19: All.
- Section 20: All.
- Section 21: All.
- Section 22: All.
- Section 28: North Half.
- Section 29: North Half.

Total acres owned alone: 10,124.39 acres, together with all improvements, appurtenances and hereditments.

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Three

Tenants in Common

Philip J. Burke and Joyce A. Burke

Township 13 North, Range 6 East, Black Hills Meridian, Butte Co., SD:

Section 7: Northwest Quarter of the Northwest Quarter

Township 14 North, Range 6 East, Black Hills Meridian, Butte Co., SD:

Section 19: All.

Section 30: All.

Section 31: All.

Township 13 North, Range 5 East, Black Hills Meridian, Butte Co., SD:

Section 1: All.

Township 14 North, Range 5 East, Black Hills Meridian, Butte Co., SD:

**Section 25: North Half of the Southeast Quarter; and
Southeast Quarter of the Southeast Quarter.**

**Total tenant in common real estate: 2,650.31 acres
Decedent's one-half interest: 1,325.16 acres,
together with all improvements, appurtenances and hereditments.**

Owner of an undivided one-third interest

Township 10 North, Range 7 East, Black Hills Meridian, Butte Co., SD:

Section 24: Southeast Quarter.

Section 25: East Half.

Township 10 North, Range 8 East, Black Hills Meridian, Butte Co., SD:

**Section 17: Northeast Quarter;
South Half of the Northwest Quarter; and
South Half.**

**Section 18: South Half of the Northeast Quarter; and
Southeast Quarter.**

**Section 19: Lots 1, 2, 3 & 4;
East Half; and
East Half of the West Half.**

Section 20: All.

Section 21: West Half.

Section 22: East Half.

Section 27: All.

Section 28: All.

Section 29: All.

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Four

Section 30: Lots 1, 2, 3 & 4;
East Half of the West Half; and
East Half.

Section 32: North Half of the North Half.

Section 33: North Half of the North Half.

Section 34: North Half of the North Half.

Together with an undivided one-third interest in all
improvements, appurtenances and hereditments.

2. All of Decedent's interest in Oil and Gas Leases dated
November 22, 1978 with Martin J. Freedman and dated
October 1, 1979 with Nordic Petroleum, Inc. in the following lands:

Township 14 North, Range 4 East, BHM, Butte Co., S.D.

Section 12: Northeast Quarter; and
East Half of the Northwest Quarter.

Township 14 North, Range 5 East, BHM, Butte Co., SD.

Section 15: East Half of the East Half;
Northwest Quarter of the Northeast Quarter;
Northwest Quarter; and
Southwest Quarter of the Southwest Quarter;
East Half of the Southwest Quarter; and,
West Half of the Southeast Quarter.

Section 21: East Half of the East Half, and,
Northwest Quarter.

Section 22: East Half of the Northeast Quarter;
Southwest Quarter of the Northeast Quarter;
West Half of the Northwest Quarter;
South Half of the Southwest Quarter;
Northeast Quarter of the Southwest Quarter; and
Southeast Quarter.

Section 28: Northeast Quarter of the Northeast Quarter.
Containing 1640 mineral acres.

3. Decedent's one-half interest as Tenant in Common in Oil and
Gas Lease dated November 22, 1978 with Martin J. Freedman, in
the following lands:

Township 14 North, Range 6 East, BHM, Butte Co., S.D.

Section 31: Southeast Quarter.
Containing 80 mineral acres.

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Five

4. Grazing Leases:

a. School Grazing Lease #3192

All of Section 16, T14N, R5E, BHM, Butte Co., S.D.

b. School Grazing Lease #3456

North Half of Section 36, T14N, R3E, BHM, Butte Co., S.D.

c. School Grazing Lease #3458

All of Section 36, T14N, R5E, BHM, Butte Co., S.D.

d. United States Department of Interior, Bureau of Land Management Lease #8031 for 1346 AUMs.

- 5. Decedent's undivided one-half interest in Water License #599-1 for the diversion of 6.5 CFS of the South Moreau River and a dry draw for purposes of irrigation issued on October 3, 1966 and recorded on October 20, 1966 at 11:45 a.m. in Book 180 on page 342, Office of the Butte County Register of Deeds Description of real real estate described in Water License #599-1 is as follows:**

Township 13 North, Range 5 East, Black Hills Meridian, Butte County, S.D.

Section 1: Northeast Quarter of the Northeast Quarter, 8.0 acres;
Northwest Quarter of the Northeast Quarter, 6.0 acres;
Southwest Quarter of the Northeast Quarter, 38.0 acres;
Southeast Quarter of the Northeast Quarter, 40.0 acres;
Northeast Quarter of the Southeast Quarter, 17.0 acres;
Northwest Quarter of the Southeast Quarter, 30.0 acres;
Southwest Quarter of the Southeast Quarter, 27.0 acres;
Southeast Quarter of the Southeast Quarter, 30.0 acres;
Southwest Quarter of the Northwest Quarter, 11.0 acres;
Southeast Quarter of the Northwest Quarter, 13.0 acres;
Northeast Quarter of the Southwest Quarter, 28.0 acres;
Southwest Quarter of the Southwest Quarter, 10.0 acres;
Southeast Quarter of the Southwest Quarter, 30.0 acres.

Township 13 North, Range 6 East, Black Hills Meridian, Butte County, S.D.

Section 6: Northwest Quarter of the Northwest Quarter, 7.0 acres;
Southwest Quarter of the Northwest Quarter, 3.0 acres;
Southeast Quarter of the Northwest Quarter, 6.0 acres;
Southwest Quarter of the Northeast Quarter, 9.0 acres;
Northeast Quarter of the Southwest Quarter, 35.0 acres;
Northwest Quarter of the Southwest Quarter, 24.0 acres;
Southwest Quarter of the Southwest Quarter, 30.0 acres;
Southeast Quarter of the Southwest Quarter, 28.0 acres.

Section 7: Northwest Quarter of the Northwest Quarter, 30.0 acres.

Total Irrigable acres: 460.0 acres.

Final Account and Petition for Distribution
Estate of Philip J. Burke, a/k/a Phil Burke, Deceased
Page Six

PERSONAL PROPERTY

1. Savings Account #112 145, First Bank of South Dakota, Sturgis, SD
2. 1966 Dodge truck, Serial #1581-646251
3. 1973 Stok trailer, Serial #023311
4. Motor Fuel Tax Refund, \$193.00, July 1982
5. 18 Shares, Scranton Equity Exchange, together with stock credits.

It further appearing to this Court that the decedent died testate, that the following named persons are the heirs, beneficiaries, legatees and devisees under the terms of the Last Will and Testament of the decedent with their last known post office addresses as follows:

<u>NAME</u>	<u>POST OFFICE ADDRESS</u>
Joyce A. Burke	Star Route 3, Box 51 Newell, SD 57760
Patrick J. Burke	Star Route 3, Box 51 Newell, SD 57760
Julie A. Goethals	Box 33 Belle Fourche, SD 57717
Angela A. Arnio	434 E. Fairmont, Apt. 11 Rapid City, SD 57701
Joseph W. Burke	Star Route 3, Box 51 Newell, SD 57760
Edward M. Burke	Star Route 3, Box 51 Newell, SD 57760

That your Petitioner herein waives her statutory right to fees and commissions payable as Executrix herein.

NOW, THEREFORE, on the Petition of Joyce A. Burke,

Final Decree of Distribution
Estate of Philip J. Burke, a/k/a Phil Burke, Deceased
Page Seven

IT IS ORDERED, ADJUDGED AND DECREED that the Final Account of said Joyce A. Burke be, and the same is hereby allowed, approved and settled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that decedent's interests in all property, hereinbefore described, whether real, personal or mixed, are hereby vested, assigned and distributed to the decedent's surviving spouse, Joyce A. Burke, according to Article II of the decedent's Last Will and Testament, together with any and all after discovered property, whether described herein or not. Also to have and to hold the appurtenances thereunto belonging and in anyway pertaining unto the said Joyce A. Burke, her heirs and assigns forever.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the life estate of Philip J. Burke, a/k/a Phil Burke, in and to the following joint tenancy property, is hereby terminated in favor of the surviving joint tenant, Joyce A. Burke, as follows:

REAL ESTATE

Township 13 North, Range 6 East, Black Hills Meridian, Butte Co., SD:

- Section 5: Lots 3 & 4; and
South Half of the Northwest Quarter.
- Section 6: North Half; and
Southwest Quarter,

Township 14 North, Range 6 East, Black Hills Meridian, Butte Co., SD:

- Section 32: South Half.

Township 14 North, Range 5 East, Black Hills Meridian, Butte Co., SD:

- Section 9: Northeast Quarter; and
South Half.
- Section 10: All.
- Section 11: Southwest Quarter of the Northeast Quarter;
Northwest Quarter of the Northwest Quarter; and
South Half of the Northwest Quarter.

Total joint tenancy acres: 2,213.75 acres, together with all improvements, appurtenances and hereditments.

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Eight

PERSONAL PROPERTY

1. Busted 5 Resort Ranch-Time share plans
Wilderness 1210 and Wilderness 968

2. Brands:

Certificate #77901	T ^H	Left hip cattle and horses
Certificate #77902	T ^H	Left side sheep (red or blue)
Certificate #77903	CD	Left side sheep (green and yellow)
Certificate #77904	T ^H	Left shoulder horses

3. Livestock

Cattle

9 Hereford bulls
2 Angus bulls
204 cows 3-9 years old
23 2 year old heifers
116 yearling heifers
111 steer calves
109 heifer calves

Sheep

1,228 mixed aged ewes
1,224 lambs
341 yearling ewes
40 bucks

4. Machinery and Equipment.

Sprayer
Elevator
Range well pump
Electric motor
D-2 Catapillar tractor
Saddle
International 656 tractor
Pump and motor (propane)
Mower
Used scraper
Stack mover (chain)
966 Diesel tractor and Farmhand loader

Final Decree of Distribution

Estate of Philip J. Burke, a/k/a Phil Burke, Deceased

Page Nine

Press drill
Post hole auger
Baler
Post hole digger
Post digger
Plow
Wheel rake
Water tank
Ford tractor
Disk
Used wagon
CB radios
Portable corral
Water tank
Water tank
Calf puller
Motorcycle
1978 John Deere 2840 tractor & loader
Chain saw
Hydraulic jack
Waldon dozer blade
John Deere swather
New Holland manure spreader
Heston baler
Sheep wagon
Press and hoist
Grain drill
Bale unroller
Pond masters (2)
Chisel chopper
Shop tools
Dual loader
Conditioner (swather)
1979 Ford F250 pickup, Serial #F26SLEG 9649
1979 Ford Thunderbird, Serial #9J87H 197791
1978 22' Coachman motor home, Serial #CGR3380 127936
1979 Ford F 150 pickup, Serial #F14HLEC 3932

5. Checking Account #61-54603, First Bank of South Dakota, Sturgis, S.D.
6. Checking Account #12-4280-9, First Bank of South Dakota, Rapid City, S.D.
7. Savings Account #3733-2 First Bank of South Dakota, Rapid City, S.D.
8. Certificate of Deposit, First Bank of South Dakota Rapid City, S.D.
9. West River Telephone, Capital Credits
10. Grand Electric, Capital Credits

Final Decree of Distribution
Estate of Philip J. Burke, a/k/a Phil Burke, Deceased
Page Ten

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the life estate of Philip J. Burke, a/k/a Phil Burke, in and to the following joint tenancy property, is hereby terminated in favor of the surviving joint tenant, Edward Michael Burke, as follows:

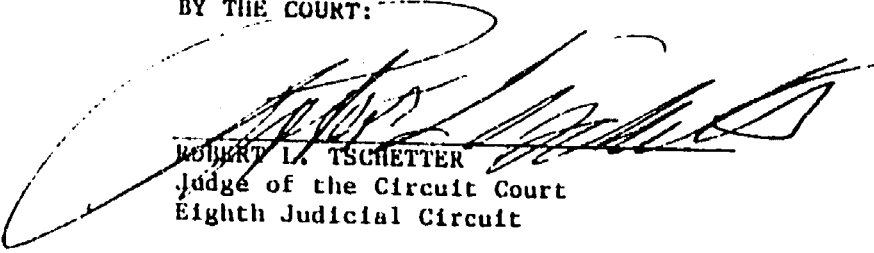
1. Savings Account #8923-6, First Bank of South Dakota, Sturgis, S.D.
2. Certificate of Deposit #2453, First Bank of South Dakota, Sturgis, S.D.
3. Certificate of Deposit #2216, First Bank of South Dakota, Sturgis, S.D.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the life estate of Philip J. Burke, a/k/a Phil Burke, in and to the following joint tenancy property, is hereby terminated in favor of the surviving joint tenant, Joseph Wm. Burke, as follows:

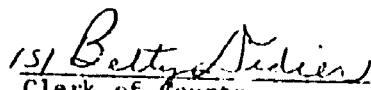
1. Savings Account #8922-8, First Bank of South Dakota, Sturgis, S.D.
2. Certificate of Deposit #11593, First Bank of South Dakota, Sturgis, S.D.

Dated this 16th day of September, 1983.

BY THE COURT:


ROBERT L. TSCHETTER
Judge of the Circuit Court
Eighth Judicial Circuit

Attest:


Clerk of Courts

(Seal)

 **Department of
Water & Natural Resources**

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

November 2, 1989

599-1

Joyce Burke
SR 3 Box 51
Newell, SD 57760

Dear Ms. Burke:

Enclosed is your 1989 irrigation questionnaire. In order for us to calculate the amount of water used, we need more specific information included on the form.

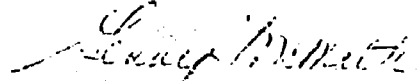
Please include the following information on the questionnaire:

1. Number of days pumped;
2. Average number of hours pumped per day; and
3. Average pump rate in gallons per minute.

Upon completion of the form, return it to our office in the enclosed postage paid envelope. The form must be returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,


GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





599-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 24, 1992

Dr John Ismay
PO Box 396
Sturgis, SD 57785

Dear Dr Ismay:

Enclosed, as we discussed, are copies of Water Rights or Vested Right Claims for No. 387-1, Donald & Nancy Turbiville, No. 503-1, William T Leger; and No. 599-1 Philip & Joyce Burke. I don't believe the one for Burke's is in the area you were concerned with.

I was unable to find Vested Right No. 594-1 for Lloyd Fox. One of the Staff members may have it out for review. I will send a copy of it soon.

If you have any questions concerning the enclosed water rights, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

encl

3-27-92 - Sent copy of 594-1 to Dr. Ismay.

1995 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 15, 1995

F39-1
 JOYCE BURKE
 HC 66 BOX 51
 NEWELL, SD 57760

CHANGES TO ADDRESS LABEL, IF ANY:

Telephone No 605-361-7056

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3357

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☐

DID YOU IRRIGATE IN 1995? YES ☒ NO ☐ IF YES, NUMBER OF ACRES IRRIGATED 12

SOURCE OF WATER Well

DID YOU CHEMIGATE IN 1995? YES ☐ NO ☒

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS ☐ TOWNLINES ☐ BIG GUN ☐

FLOOD ☒ SPRINKLERS ☐ OTHER ☐

COMMENT SECTION:

*John Hatch -
 I have been wondering
 if this system even needs
 reporting. This dam was
 water out of it is run 48 from
 land above. If we get enough
 rain we can irrigate, other-
 wise we don't have the water
 to do so.*

*Please advise me on
 this matter - Joyce Burke*

REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS FORM
EXAMPLES OF HOW TO COMPLETE THE FORM:

IF WE WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF
 THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE
 (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS

		ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JULY		70	800 GPM	10	24
		60	800 GPM	10	24
	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5
 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM)
 FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED.
 INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION





599-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 8, 1996

Joyce Burke
HC 66 Box 51
Newell, SD 57760

599-1

Dear Mrs. Burke:

Thank you for the prompt return of your 1995 irrigation questionnaire. On the questionnaire, you inquired about reporting requirements for your type of water use system.

In South Dakota, all water permit holders, with the exception of those with water spreading systems, are required to submit an annual irrigation questionnaire. Irrigators with water spreading systems are exempt because they do not have a method for measuring how much water is diverted.

Water Right No. 599-1 authorizes diversion of water from the South Moreau River and Stony Basin Draw for irrigation of 460 acres. Enclosed is a copy of the examination of works report (dated August 17, 1966) for Water Right No. 599-1. A questionnaire is mailed to you based on information contained in the report indicating a 10 inch centrifugal pump is used.

It is my understanding from reading your note, that you have a flood irrigation system supplied by runoff water flowing into a dam. Do you still divert water from the South Moreau River? I would assume that the centrifugal pump mentioned on the examination of works was used for diversion of water from the South Moreau.

If your irrigation system has changed and we need to revise our files, please let us know. Thank you for your inquiry and if I have not fully answered your questions, please contact me.

Sincerely,

Genny McMath

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

enclosure

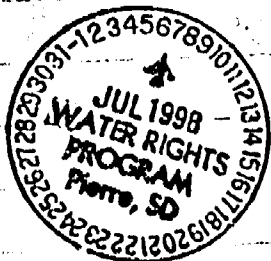
599-1

John Hotel
Chief Engineer Water Rights Program
553 East Capitol
Pierre, S.D. 57501-3181

Dear Sir:

My son Patrick J. Burke is taking
over my ranch. The water rights I have
in my name will have to be put in
his name. Another son Joseph W. Burke is
taking over part of it also - but they will
operate separately. Would you please
advise me with what if any
information I will have to provide you
with. Thank you -

Joseph A. Burke
HC 66 Box 51
Mendell, S.D. 57760





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 8, 1998

599-1

Joyce A Burke
HC 66 Box 51
Newell, SD 57760

Dear Ms. Burke:

Thank you for your recent letter regarding ownership of Water Right No. 599-1. In order to have the water right transferred to your son, he will need to sign and return a transfer of ownership form.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the water right. I have filled in the legal description as listed on the water right. Your son will need to complete the area titled "*to be transferred to: (name and address).....*". The form will need to be signed by Patrick in the presence of a notary.

Upon completion, please forward the form to our office with a required filing fee of \$2.50. As soon as the form and fee are received in our office, all pertinent records will be transferred to his name.

If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

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

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 17, 1998

**SECOND NOTICE
Permit No. 599-1**

Joyce A. Burke
HC 66, Box 51
Newell, SD 57760

Dear Ms. Burke:

On July 8, 1998, notice was sent to you concerning the transfer of Water Right No. 599-1 in the name of Joyce A. Burke. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Water Right can then be transferred to your name. If you are not the present owner of the land covered under this Water Right, 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

599-1

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

599-1

Joyce A. Burke
HC 66, Box 51
Newell, SD 57760

4a. Article Number

P 422 707 497

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

NOV 13 1994

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Joyce A. Burke*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 599-1

Date: _____

I/We request that Water Right No. 599-1

formerly owned by: Joyce A Burke

be transferred to: (name & address) Patrick J. Burke
HC 66 Box 51 Newell, S.D. 57760 Telephone No. 605-866-4828

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

460 acres -- portions of Section 1, T13N, R5E; Section 6, T13N, R6E and the NW 1/4 NW 1/4 Section 7, T13N, R6E

I/We understand that the validity of Water Right No. 599-1 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Meade)

I/We _____ 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.

Patrick J. Burke
(Signed)

Subscribed and sworn to before me this 18th day of November, 1998.

Laura J. Brennan
(Notary Public)

Laura J. Brennan - Notary Public
My Commission Expires May 13, 2001

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 1, 1998

599-1

Patrick J Burke
HC 66 Box 51
Newell, SD 57760

Dear Mr. Burke:

Thank you for submitting the ownership change for Water Right No. 599-1. The form was completed properly, however can not be filed for record without the required \$2.50 fee.

My first letter may not have been clear with respect to the fee. Please remit a total of \$2.50 at your earliest convenience. The check or money order should be made payable to the "Water Rights Program". As soon as the fee is received in our office, the transfer will be completed and all pertinent records will be transferred to your name.

Thank you in advance for your help. If you have any questions please contact me.

Sincerely,

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

encl

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415981

Pierre, December 28, 19 98

RECEIVED OF Pat or Renna D. Burke, HC 66, Box 51, Newell, SD 57760-9205
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 599-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50

50

By

Chief Engineer

John H. Smith



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/dennr

December 28, 1998

599-1

Patrick J Burke
HC 66 Box 51
Newell, SD 57760

Dear Mr. Burke:

I am writing to acknowledge receipt of your filing fee and to let you know that the transfer of ownership has been completed. Water Right No. 599-1 has been transferred from Joyce A Burke to your name.

Enclosed is your Receipt No. 415981 in the amount of \$2.50. If you have any questions concerning the water right or the transfer, please get in touch with me.

Sincerely,

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

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

encl



599-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: PATRICK J BURKE, 12948 BURKE RD, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 599-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 599-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2014

599-1

Patrick J Burke
12948 Burke Rd
Newell SD 57760

Dear Mr. Burke:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaire. I completed a questionnaire for you based on our January 27th telephone conversation.

You may disregard the January 24, 2014 "Notice" concerning reporting requirements for Water Right No. 599-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

599-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PATRICK J BURKE, 12948 BURKE RD, NEWELL, SD 57760

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 599-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 599-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: FJHXVX**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

599-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

599-1

Patrick J Burke
12948 Burke Rd
Newell SD 57760

Dear Mr. Burke:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 599-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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