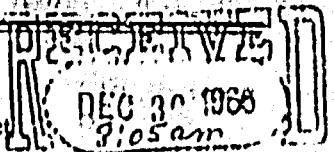


782-1

1. Considered Mar 15th, 1967
2. Name of Applicant Barclay & Son Inc.
3. Post Office Address Bison
4. Amount of water claimed 6.0
5. Source of water supply Rabbit Creek
6. Water to be used for Irrigation
Acres to be irrigated 445.7
7. Water to diverted and used in Fergus County
about 12.5 miles SW of Bison
8. Proof of Publication Received Mark
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Low flow clause

No. 782-1Water Division No. 1 Moreau River District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
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 D. R. BURDINE, Burdine & Son, Inc.
Postoffice address BISON, County PERKINS, State SOUTH DAKOTA

I. If a corporation BURDINE & SON, INCORPORATED

(a) Name of same _____

(b) Date and place of incorporation DEC. 15, 1966, BISON, SOUTH DAKOTA(c) Amount of capital stock 300,000.00

(d) Amount paid in _____

(e) Names and addresses of directors D. R. BURDINE, PRESIDENTDELBERT H. BURDINE, VICE PRESIDENTMATTIE VINA BURDINE, SECRETARY

(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)

CONTRACT AND DIRECT LABOR

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work MRN BURDINE IRRIGATION PROJECT #13. Amount of water claimed 6.0 cubic feet per second4. Source of water supply RABBIT CREEK5. Location of point of diversion (UPPER) 1265' EAST OF W. 1/4 COR. SEC. 4, (LOWER) 410' E.SW 1/4 NW 1/4
of E. 1/4 COR. SEC. 23-T16N, R13E, B.H.M. on Both bank PERKINS County.6. Annual period or periods during which water is to be used SPRING & FALL FLOOD PERIODS

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? IRRIGATION(a) Number of acres to be irrigated 445.7 acres.(b) Legal subdivisions to be irrigated SEE BACK PAGE

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

MAP # 657-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1000.00
 (c) Fluming, \$..... (d) Canal-earth, \$25,000.00 Rock, \$.....
 (e) Other structures 2500LF. 8" ALUM. PIPE \$2,500.00 Total, \$28,500.00

9. Description of diversion works:

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

PUMPING PLANT, DITCHES AND SPREADER DIKES

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 BELC'W 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.....8.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....BISON COURIER.....

STATE OF SOUTH DAKOTA

County of LAWRENCE } ss.

I, D. R. BURDINE, 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 D. R. Burdine Pres.

Subscribed and sworn to before me this 23RD day of DECEMBER 1946.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

R 13 E



UPPER POINT OF DIVERSION
(PUMP STATION)
1265 FEET EAST OF WEST 1/4 COR.
SEC. 4, T16N, R13E, B.H.M.

T 16 N

SURVEYOR'S CERTIFICATE

I, Ray M. Fraley, Registered Land Surveyor, do hereby certify that at the direction of the owner, I have surveyed the proposed irrigation project as shown on this map. The distances and location of creeks, draws and irrigable lands are as shown.

Ray M. Fraley
Registered Land Surveyor #351

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Be it remembered that on this 28th day of December, 1966 before me, the undersigned, a Notary Public, personally appeared Ray M. Fraley, known to me to be the person who executed the foregoing Surveyor's Certificate. Subscribed and sworn to this 28th day of December, 1966.

George E. Winsted
Notary Public

My Commission expires April 28, 1969

ANTELOPE CREEK

LOCATION OF LAND TO BE IRRIGATED

T16N, R13E, B.H.M. - SW 1/4 SEC. 26 - 6.0 Acres
- SE 1/4 SEC. 27 - 22.5 "
- NW 1/4 SEC. 35 - 2.8 "
TOTAL - 31.3 Acres

RABBIT CREEK

LOCATION OF LAND TO BE IRRIGATED

SECTION 23-TOWNSHIP 16N-RANGE 13E

NE 1/4 6.4 Irrigable Acres
NW 1/4 12.0 " " "

SECTION 15-TOWNSHIP 16N-RANGE 13E

SE 1/4 54.2 Irrigable Acres
SW 1/4 30.2 " " "
NW 1/4 5.6 " " "
NE 1/4 0.0 " " "

SECTION 14-TOWNSHIP 16N-RANGE 13E

SE 1/4 57.0 Irrigable Acres
SW 1/4 57.7 " " "

SECTION 9-TOWNSHIP 16N-RANGE 13E

SE 1/4 55.40 Irrigable Acres
SW 1/4 20.0 " " "
NW 1/4 67.0 " " "
NE 1/4 4.0 " " "

SECTION 4-TOWNSHIP 16N-RANGE 13E

SW 1/4 49.4 Irrigable Acres

SECTION 24-T16N, R13E

NW 1/4 26.8 Irrigable Acres

TOTAL - 445.7 Irrigable Acres

LEGEND

----- Irrigable Acreage
----- Property Boundary
----- Section Line
----- Quarter Line

BURDINE & SON, INC.
IRRIGATION PROJECT

LOCATED IN PERKINS COUNTY
SECTIONS 4, 9, 14, 15 & 23
TOWNSHIP 16N RANGE 13E B.H.M.

Brady Engineering Consulting Engineers Spearfish, South Dakota	Acct. No. WRS-44 Drawn By: D.L.B. Checked By: R.M.F.	Scale: 3" = 1 Mile Date: Dec. 1966 Sheet 1 of 1
--	--	---

POINT OF DIVERSION
(PUMP STATION)
310 FEET WEST AND 150 FEET NORTH
OF SE. COR. SEC. 27, T16N, R13E, B.H.M.

LOWER POINT OF DIVERSION
(PUMP STATION)
410 FEET EAST OF EAST 1/4 COR.
SEC. 23, T16N, R13E, B.H.M.

MAP # 657-1 (APP # 782-1 & 783-1)

Remarks by State Water Resources Commission:

Use of water under this permit is contingent upon
law flows being by-passed as needed for downstream
domestic use and prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } 55.

Pierre, South Dakota, March 12, 1967

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
A.m. upon the 30 day of December, 1966.

State Water Resources Commission

By: Richard D Schugart
for Chief Engineer, Executive Officer

Number of permit 782-1

Date of first receipt of application December 30, 1966

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 December 30, 1966

Approved March 15, 1967, Recorded in Book 9 Page 224

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 15, 1967

2nd. The whole of said work is to be completed on or before March 15, 1972

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

March 15, 1975

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 6.0 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 March 15, 1975; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 17 day of March, 1967.

State Water Resources Commission

By: Richard D Schugart
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 23, 1975

Water License Issued JUNE 23, 1975

Remarks by the Applicant:

IRRIGABLE LANDS ALONG RABBIT CREEK
ALL IN T16N, R13E.B.H.M.

SW $\frac{1}{4}$ SEC. 4	49.4 ACRES
NW $\frac{1}{4}$ SEC. 9	67.0 "
NE $\frac{1}{4}$ SEC. 9	4.0 "
SW $\frac{1}{4}$ SEC. 9	20.0 "
SE $\frac{1}{4}$ SEC. 9	55.4 "
SW $\frac{1}{4}$ SEC. 14	57.7 "
SE $\frac{1}{4}$ SEC. 14	57.0 "
NW $\frac{1}{4}$ SEC. 15	5.6 "
SW $\frac{1}{4}$ SEC. 15	30.2 "
SE $\frac{1}{4}$ SEC. 15	54.2 "
NW $\frac{1}{4}$ SEC. 23	12.0 "
NE $\frac{1}{4}$ SEC. 23	6.4 "
NW $\frac{1}{4}$ SEC. 24	26.8 "
TOTAL	445.7 ACRES

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 782-1

(1) WHEREAS, On the 30th day of December A. D. 19 66

D. R. Burdine

made Water Right Application No. 782-1 for a permit to use 6.0 cubic feet per second of the waters of Rabbit Creek

County of Perkins, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 17th day of March A. D. 19 67

Permit No. 782-1, with a date of priority of December 30, 1966

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described before the 15th day of March A. D. 19 72 and for the

application to beneficial use of said water on or before the 15th day of March A. D. 19 75

and whereas the Permit was transferred to Burdine and Son, Inc.,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.25 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating the following land in T16N, R13E

Section 4	SW ⁴	49.4 acres
Section 9	NW ⁴	67.0 acres
	NE ⁴	4.0 acres
	SW ⁴	20.0 acres
	SE ⁴	55.4 acres
Section 14	SW ⁴	57.7 acres
	SE ⁴	57.0 acres
Section 15	NW ⁴	5.6 acres
	SW ⁴	30.2 acres
	SE ⁴	54.2 acres
Section 23	NW ⁴	12.0 acres
	NE ⁴	6.4 acres
Section 24	N ⁴	26.8 acres
Total		445.7 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Burline & Son, Inc.
_____ of Bigon
the holder _____ and owner _____ of said permit No. 762-1 a water right, dating from December 30, 1966
_____ to use of 2.25 cubic feet per second of the waters
of Rabbit Creek
in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted ~~at~~ between two points located (upper) 1265' E of
the W $\frac{1}{4}$ corner, Section 4; (lower) 410' E of the E $\frac{1}{4}$ corner, Section 23,
T16N R13E
and extend to and upon portions of Sections 4, 9, 14, 15, 23 & 24, T16N, R13E,
described more fully on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 782-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of June A. D.
Nineteen Hundred and seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer
Vern W. Butler, Acting

Permit No. 782-1

Water Diversion No. 1 Moreau River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Burdine & Son, Inc.

_____ the holder _____ of
Permit No. 782-1 issued upon application No. 782-1 bearing date of priority of December 30,
1966 authorizing the diversion of 6.0 cu. ft. per second of the waters of _____
Rabbit Creek County of Perkins State of South Dakota at _____
between two points located (upper) 1265'E of the W $\frac{1}{4}$ corner,
Section 4; (lower) 410'E of the E $\frac{1}{4}$ corner, Section 23, T16N
R13E for irrigation

_____ purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said work are found in satisfactory
condition for diverting and conveying to the place of intended use 2.25 cu. ft. per second of water.

Date June 23, 1975

By: WATER RIGHTS COMMISSION

Vern W. Butler, Acting
Chief Engineer

Permit No. 782-1Water Division 1 Moreau River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by D.R. Burdine
_____ of Bison, S.D. _____ holder _____
of Permit No. 782-1, bearing date of priority of December 30, 1966
authorizing the diversion of 6.0 cu. ft. per second of the waters of Rabbit Creek
for irrigation purposes, in Ferkins County.

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

The Water Use System consists of,

A. Works used to divert the water:

1965 Ford 5000 - 56 h.p.
Crisafulli Model 8 HL (8" Hi Head) Serial 1685

B. Works used to transport water to place of use,
1300 feet of 10 inch rubber hose

C. Works used to apply water to beneficial use.

Flood irrigation by various gates and dikes located in
strategic positions.

The system is in the following condition: Good

The point of diversion is located between two points located: (upper), 1265' E
of W 1/4 Corner Section 4; (lower), 410' E of E 1/4 corner Section 23,
T16N, R13E, B.H.M.

The works are capable of diverting and conveying to the place of use 2.25cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

(see attachment)comprising a total of 445.7 acres of land.

Send to: D.R. Burdine
Bison, S.D. 57620

Date April 23, 1975

Thomas Gardner
(Signature)
Thomas Gardner
Water Resource Engineer

Location & Acreage of land where water is put to beneficial use on Water Permit No. 782-1:

<u>Location</u>	<u>Acreage</u>
SW $\frac{1}{4}$ Sec 4, T16N, R13E, B.H.M.	49.4 a.
NW $\frac{1}{4}$ Sec 9, T16N, R13E, B.H.M.	67.0 a.
NE $\frac{1}{4}$ Sec 9, T16N, R13E, B.H.M.	4.0 a.
SW $\frac{1}{4}$ Sec 9, T16N, R13E, B.H.M.	20.0 a.
SE $\frac{1}{4}$ Sec 9, T16N, R13E, B.H.M.	55.4 a.
SW $\frac{1}{4}$ Sec 14, T16N, R13E, B.H.M.	57.7 a.
SE $\frac{1}{4}$ Sec 14, T16N, R13E, B.H.M.	57.0 a.
NW $\frac{1}{4}$ Sec 15, T16N, R13E, B.H.M.	5.6 a.
SW $\frac{1}{4}$ Sec 15, T16N, R13E, B.H.M.	30.2 a.
SE $\frac{1}{4}$ Sec 15, T16N, R13E, B.H.M.	54.2 a.
NW $\frac{1}{4}$ Sec 23, T16N, R13E, B.H.M.	12.0 a.
NE $\frac{1}{4}$ Sec 23, T16N, R13E, B.H.M.	6.4 a.
NW $\frac{1}{4}$ Sec 24, T16N, R13E, B.H.M.	26.8 a.
Total:	445.7 a.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Perrine } ss.

----- being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----
Bison 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 -----
 of Perrine County of ----- and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb 2, 1967

Feb 9, 1967

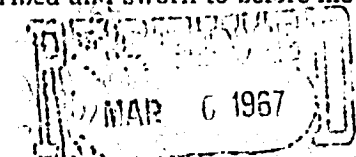
Feb 16, 1967

Feb 23, 1967

In each and every issue of the full number thereof, the first publication being made on the 2 day of Feb 1967 and the last publication on the 23 day of Feb 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ----- the printer and publisher of the said newspaper.

Adrian B. Burdine

Subscribed and sworn to before me this 23 day of Feb A. D. 1967



STATE WATER RESOURCES COMM
 OF SOUTH DAKOTA

Notary Public Richard D. Schroyer County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, South Dakota, January 27, 1967.

Notice is hereby given that Burdine and Son, Incorporated, whose postoffice address is Bison S Dak, has made an application in accordance with the provisions of the water laws of South Dakota for a permit of appropriation for beneficial use of 6,0 cubic feet of water per second of time from Rabbit Creek through the Burdine Irrigation Project #1 the point of diversion of which is located on both banks of the said stream between a point in the NE 1/4 SW 1/4 Section 4 and a point in the SW 1/4 of the NW 1/4 of Section 24 T16N Range 13E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 SW 1/4 Section 4; NW 1/4 NE 1/4 SW 1/4 SW 1/4 NE 1/4 and SE 1/4 Section 9; S 1/2 Section 14; SW 1/4 NW 1/4 N 1/2 SW 1/4 and SE 1/4 Section 16; N 1/2 NW 1/4 and NW 1/4 NE 1/4 Section 23; and NW 1/4 Section 24; all in T16N Range 13E.

This application will be taken by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, at 2:00 P.M. All interested persons may appear and be heard.

Appropriation 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 Richard D. Schroyer
 Water Right Specialist

On or before February 16, 1967
(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 27, 1967

Notice is hereby given that D. R. Aurdine whose postoffice address is Bison 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 6.0 cubic feet of water per second of time from ~~the~~ Rabbit Creek through the Burdine Irrigation Project #1, the point of diversion of which is to be located on the ~~the~~ both between a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, and a point SW of said stream/in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24 portions of Twp. 16N Range 13E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$, Section 9; 8 $\frac{1}{2}$ Section 14;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ Section 15; N $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; and NW $\frac{1}{4}$ Section
24, all in T16N, R13E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, 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

E.:

~~REGISTERED PROFESSIONAL ENGINEER~~
RICHARD D. SCHMIDT
Water Right Specialist

CC: **Adria B. Sudlow, Publisher**
Bison Courier
Bison, S.D.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

782-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
 State Office Building No. 2
 Pierre, South Dakota 57501

Date

May 1, 1975

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

PORTIONS OF SECTIONS 4, 9, 14, 15, 23 & 24, T16N,
R. 13E, DESCRIBED IN WATER PERMIT NO. 782-1

formerly owned by

D.R. BURDINE

has been transferred to

BURDINE & SON, INC.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
782-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
) ss.
 County of _____)

I, Burdine & Son Inc. 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 I know of my own personal knowledge that the information herein stated is true.

D.R. Burdine, Pres
 (Signed)

Suscribed and sworn to before me this 1st day of May, 1975

Justin A. Zicknick
 (Notary Public)

My Commission Expires 3/27/83



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 21, 1998

782-1

Burdine & Sons, Inc
HCR 69 Box 431A
Bison, SD 57620

Dear Sirs:

I am writing to you in an effort to update your water right with regard to the type of irrigation system you use. Water Right No. 782-1 authorizes diversion of water from Rabbit Creek to irrigate 445.7 acres in Sections 4, 9, 14, 15, 23 & 24, T16N, R13E.

In 1975, an investigation of your water use system was conducted to allow for issuance of the water license. The investigation found a crisatulli pump was used to divert water from the creek for flood irrigation purposes (see enclosed copy of report).

I noticed when reviewing last year's irrigation questionnaire, that you listed "flood irrigation" in the area requesting a pump rate. In order to calculate how much water is used from a particular water source, it is necessary to have a pump rate listed along with the days per month and average hours per day the system is used.

Do you still utilize a pump with your irrigation system or is it entirely a water spreading system? Please take a few minutes to write or call and let me know if your irrigation system has changed. You may make any necessary corrections on the enclosed report and send it back to me.

I appreciate any assistance you may give in this matter. If you have any questions, please get in touch with me.

Sincerely,

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

encl

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Delbert Burdine w/Burdine & Sons

ADDRESS: HCR 69 Box 431A, Bison, SD 57620

DATE: July 24, 1998

TELEPHONE:

RE: irrigation system

COMMENTS:

On July 21st I mailed Mr. Burdine a letter regarding his irrigation system. He called in to let me know that he still has his original pump. Most years he only flood irrigates, but if necessary, he can pump. I told him to make a notation on the yearly questionnaires as to whether or not he used the pump during that specific crop year and if he did, to include a pump rate.

He wondered if he would lose his water right if he did not irrigate every year. He said some years there is not enough water in Rabbit Creek and some years it floods and he doesn't need to divert water. I explained to him that as long as he maintained the system in working condition and irrigates when necessary, he should be ok. I explained legal excuse for not irrigating which he certainly seems to fall into that category.

It is my understanding from visiting with him that some of the land may not be irrigated anymore due to the high cost of diesel etc.. It may be necessary sometime in the future to conduct a field investigation for purposes of updating his water right.



Genny McMath
Environmental Scientist