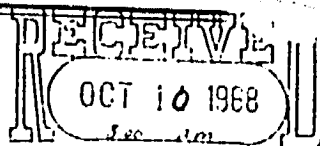


350-1

1. Considered 12-4, 1968
2. Name of Applicant BREIDENBACH RANCH
3. Post Office Address NEWELL
4. Amount of water claimed 4.15
5. Source of water supply WILLOW CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 291
7. Water to be diverted and used in BUTTE county
about 4E 2S miles _____ of NEWELL
8. Proof of Publication Received ✓
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 850-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)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 BREIDENBACH RANCH
Postoffice address NEWELL, County BUTTE, State S. 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 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)
Employment of others and direct labor

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

2. Name of diversion work Breidenbach No. 2
3. Amount of water claimed 4.15 cubic feet per second
4. Source of water supply Willow Creek
5. Location of point of diversion Between a point N. 58° W. 2545' from the East 1/4
Corner of Sec. 30, T9N, R7E, and a point N. 90° E.
1420 ft. from the West 1/4 Corner,
Section 3, T8N, R7E on both bank s Butte County.
6. Annual period or periods during which water is to be used April 1st through November 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 291 acres.(b) Legal subdivisions to be irrigated see attached list

(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.)

Incidental livestock watering

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

WATER RIGHT MAP NO. 484-1

7 (b) Legal subdivisions to be irrigated:

Section 30, T9N, R7E

	<u>Acres</u>
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16
SE $\frac{1}{4}$ NE $\frac{1}{4}$	18
NW $\frac{1}{4}$ SE $\frac{1}{4}$	7
NE $\frac{1}{4}$ SE $\frac{1}{4}$	38
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32

Section 31, T9N, R7E

NW $\frac{1}{4}$ NE $\frac{1}{4}$	9
NE $\frac{1}{4}$ NE $\frac{1}{4}$	34
SE $\frac{1}{4}$ NE $\frac{1}{4}$	22
NE $\frac{1}{4}$ SE $\frac{1}{4}$	9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	17

Section 6, T8N, R7E

SE $\frac{1}{4}$ NE $\frac{1}{4}$	9
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11

Section 8, T8N, R7E

NW $\frac{1}{4}$ NW $\frac{1}{4}$	16
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20

Total	<u>291 Acres</u>
-------	------------------

Descriptions and acreage shown on water right map No. 484-1.

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$ 10,000

9. Description of diversion works:

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

pumps, motors, pipes, ditches, sprinkler systems

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-FOOT 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.

4 additional

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

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

The Belle Fourche Bee, Belle Fourche, S.D.

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, Ronald E. Brundage, 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 Ronald E. Brundage

Subscribed and sworn to before me this 7th day of Oct. 1961

My commission expires March 4, 1962

Thomas J. Loring
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

Flows that are needed for downstream domestic use,
including stockwater, and prior water rights are to be by-passed.

----- Lands described in this permit which receive water from the
Belle Fourche Project may not receive water under this permit
----- at the same time water is being obtained from the Belle Fourche
Project.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

DECEMBER 5, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

9 a.m. upon the 10TH day of OCTOBER, 1968

State Water Resources Commission

By:

Auston Jones
for Chief Engineer, Executive Officer

Number of permit 850-1

Date of first receipt of application OCTOBER 10, 1968

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 OCTOBER 10, 1968

Approved DECEMBER 4, 1968, Recorded in Book 10 Page 278

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 4, 1971

2nd. The whole of said work is to be completed on or before DECEMBER 4, 1973

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

DECEMBER 4, 1977

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 4.15 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 DECEMBER 4, 1977; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this 5TH day of DECEMBER, 1968

State Water Resources Commission

By:

Auston Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 27, 1971

Water License Issued NOVEMBER 27, 1971

STATE OF SOUTH DAKOTA

WATER LICENSE NO. . . . 850-1

(1) WHEREAS, On the 10th day of October A. D. 19 68
Breidenbach Ranch

made Water Right Application No. 850-1 for a permit to use 4.15 cubic feet per second of the waters
of Willow Creek

County of Batte State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 5th day of December A. D. 19 69
Permit No. 850-1 with a date of priority of October 20, 1968

was issued to said applicant as for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 4th day of December A. D. 19 73 and for the
application to beneficial use of said water on or before the 4th day of December A. D. 19 77

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 4.15 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:

T9N, R7E, Section 30		Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$		16
SE $\frac{1}{4}$ NE $\frac{1}{4}$		18
NW $\frac{1}{4}$ SE $\frac{1}{4}$		7
NE $\frac{1}{4}$ SE $\frac{1}{4}$		38
SE $\frac{1}{4}$ SE $\frac{1}{4}$		32
Section 31		
NW $\frac{1}{4}$ NE $\frac{1}{4}$		9
NE $\frac{1}{4}$ NE $\frac{1}{4}$		14
SE $\frac{1}{4}$ NE $\frac{1}{4}$		22
NE $\frac{1}{4}$ SE $\frac{1}{4}$		9
SE $\frac{1}{4}$ SE $\frac{1}{4}$		17
T8N, R7E, Section 6		
SE $\frac{1}{4}$ NE $\frac{1}{4}$		9
SE $\frac{1}{4}$ SE $\frac{1}{4}$		11
Section 8		
NW $\frac{1}{4}$ NW $\frac{1}{4}$		15
SW $\frac{1}{4}$ NW $\frac{1}{4}$		25
SE $\frac{1}{4}$ NW $\frac{1}{4}$		20

Total Acres

291

(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 Bael Broidenbach Ranch

_____ of Newell, S.D.

the holder _____ and owner _____ of said permit No. 850-1 a water right, dating from October 10, 1968
_____ to use of 4.15 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 between points North 58° West, 2545 feet from the Ek
Corner, Section 30, T9N, R7E; and a point 90 feet North and 1420 feet East of the Wk
Corner, Section 8, T8N, R7E

and conduct to and upon portions of Section 30 and 31, T9N, R7E and Section 6 and 8,
T8N, R7E, more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 850-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of November A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

by:

Chief Engineer, Executive Office **DONALD DRISCOLL**

Permit No. 850-1Water Diversion No. 1 BELIE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Breidenbach Ranch

_____ the holder _____ of
Permit No. 850-1, issued upon Application No. 650-1, bearing date of priority of October 10,
1968 authorizing the diversion of 4.15 cu. ft. per second of the waters of _____
Willow Creek County of Butte State of South Dakota, between points North 58° West, 2545 feet from the E½ Corner, Section 30, T9N, R7E;
and a point 90 feet North and 1420 feet East of the W½ Corner, Section 8, T8N, R7E
_____, for irrigation

_____, 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 works are found in satisfactory
condition for diverting and conveying to the place of intended use 10 cu. ft. per second of water.

Date November 28, 1974By: WATER RIGHTS COMMISSIONDONALD DRISCOLL, Chief Engineer

Permit No. 850-1Water Division 1 BELLE FOURCHE 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 BREIDENBACH
RANCH of NEWELL holder
of Permit No. 850-1, bearing date of priority of OCTOBER 10, 1968
authorizing the diversion of 4.15 cu. ft. per second of the waters of WILLOW CREEK
for IRRIGATION purposes, in BUTTE 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:

CROWN 12" INLET - 12" OUTLET PUMP, POWERED BY
75 H.P. WESTINGHOUSE ELECTRIC MOTOR
CRISTAFULLI 12" PUMP, POWERED BY JOHN DEERE
4020 DIESEL TRACTOR

B. Works used to transport water to place of use,

1000' OF 12" MAINLINE

C. Works used to apply water to beneficial use.

APPROX 2 1/2 MILE OF MAIN DITCHES
BORDER DIKES & SMALLER DIVERSION DITCHES

The system is in the following condition: GOOD

The point of diversion is located BETWEEN POINTS N58°W, 2545 FT. FROM THE E 1/4
CORNER, SECTION 30, T9N, R1E, AND A POINT 90°N & 1020' E. OF THE W 1/4
CORNER, SECTION 8, T8N, R1E

The works are capable of diverting and conveying to the place of use 10cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: FOR IRRIGATING THE FOLLOWING LAND:

T9N, R1E		T8N, R1E	
SEC 30 SW 1/4 NE 1/4	16 AC.	SEC 31 NW 1/4 NE 1/4	9 AC.
SEC 6 SE 1/4 NE 1/4	9 AC.	SEC 8 NW 1/4 NW 1/4	16 AC.
SE 1/4 NE 1/4	12 "	NE 1/4 NE 1/4	34 "
NW 1/4 SE 1/4	7 "	SE 1/4 NE 1/4	22 "
NE 1/4 SE 1/4	38 "	NE 1/4 SE 1/4	9 "
SE 1/4 SE 1/4	32 "	SE 1/4 SE 1/4	17 "
		SW 1/4 NW 1/4	25 "
		SE 1/4 NW 1/4	20 "

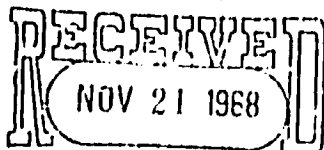
comprising a total of 291 acres of land.Date NOVEMBER 25, 1974

Division Jones
(Signature)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.Lawrence Waples being duly sworn, deposes and says the annexed printed copy of Notice

of intention to appropriate water was taken from the _____

Belle Fourche Rec a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County ofButte and State of South Dakota; that the said notice was published in said newspaper on the following dates:October 15, 1968October 25, 1968November 1, 1968November 8, 1968in each and every issue of the full number thereof, the first publication being made on the 15 day of October 1968 and the last publication on the 8 day ofNovember 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor and publisher of the said newspaper.*Lawrence Waples*Subscribed and sworn to before me this 8 day of November A. D. 1968STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANo. 850-1
APPROPRIATION OF WATER
Office of State Water Resources
Commission.Pierre, S. Dak., October 14, 1968
Notice is hereby given that Breidenbach Ranch 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 4.15 cubic feet of water per second of time from Willow Creek through the Breidenbach No. 2, the point of diversion of which is to be located on either bank of said stream between points in the SE1/4, NW1/4, Section 8, T2N, R7E, and in the SW1/4 of the NE1/4 of Section 30 Twp. 9N Range 7E. Said water to be used for the purpose of providing irrigation portions of on the following described land: SE1/4 NE1/4, NW1/4 SE1/4, NW1/4 Section 30; NE1/4 NE1/4 SE1/4, NW1/4, E1/4 SE1/4, Section 31; T9N, R7E, SW1/4 NE1/4, NE1/4 SE1/4, Section 6; NW1/4 NW1/4, SE1/4, NW1/4, Section 8, T8N, R7E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, at 2:00 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: Barton J. Jones

Water Rights Specialist

B 41 (10) 1-25 (11) 1-8

Raymond Kennedy
Notary Public, Butte County, S. Dak.
Notary Public Commission Expires Sept. 29, 1970, County, S. D.

On or before
(First Publication November 7, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 14, 1968

Notice is hereby given that Breidenbach Ranch 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 4.15 cubic feet of water per second of time from the Willow Creek through the Breidenbach #2 the point of diversion of which is to be located on the either bank of said stream between points in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T8N, R7E, and in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30 portions of Twp. 9N Range 7E. Said water to be used for the purpose of providing irrigation of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 31, T9N, R7E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6; W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T8N, R7E.

~~and/or~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, at 2:00 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.

cc: Donald E. Breidenbach
Newell, S.D.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
Burton F. Jones
Water Rights Specialist

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

Water Rights Division - DWR
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 850-1, 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: Senny McMath