

1. Considered 3-26 1980
2. Name of Applicant RUBY D. BRECK
3. Post Office Address CREIGHTON, S.D.
4. Amount of Water Claimed .64
5. Source of Water Supply CHEYENNE RIVER & DRY DRAW & DIKES
6. Water to be used for _____
7. Acres to be irrigated 44.5 maximum _____
acre feet _____
8. Water to be diverted and used in PENNINGTON County
about SE, 17 miles NORTH of CREIGHTON
9. PROOF OF PUBLICATION Received _____
Not Received _____

APPLICATION

Approved

5/22/80

Subject to

Chey. R. Deal.

Not Approved _____

Action deferred _____

Priority

Date

Received 2-7-80

Application Complete (yes) no _____

FEE 150.00

2-7-80

Remarks _____

Date information and/or
fee or corrected Application received
Period of Annual use MAY - NOVEMBER

WATER
QUALITY

Received (yes) 3/7/80 no _____

APPROVED/CONDITIONAL (circle one)

WI-1 Description same as application yes 1 no _____

Remarks _____

Disapproved _____

Returned _____

Diversion Point ON CHEYENNE RIVER
BETWEEN

POINTS IN LOT 6, SECTION 11

AND LOT 7, SECTION 10 - T6N -

R17E

Lands to be irrigated _____

N 1/2 GOWD LOT 9 TO RIVER,

SECTION 10; N 1/2 GOWD LOT 6

TO RIVER, ~~SECTION 11~~ and N 1/2

SE 1/4 NW 1/4, SECTION 11 all in
T6N - R17E.

Remarks _____

WELL
LOG

Driller _____

Licensed yes _____

MAP

Map No. 1458-2 Map located in Water Right X Map file _____
 Type of Map Drawn Prepared by James, Meador, Hillhaus & SCS

+++++

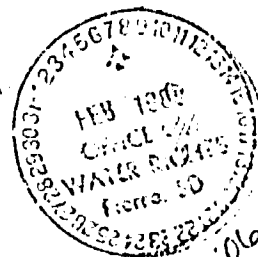
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-26-80.
Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC.

Remarks _____

No. 1699-2Map No. 1458-2 Water Division No. 2 EAST CHEYENNE District
Above for Office Use RIVER

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

 1. Name of Applicant RUBY D. BRECK Phone No. RUBY D. BRECK 605-457-2424
 Post Office Address CREIGHTON State SOUTH DAKOTA (Zip Code) 57729
 (Street, RR, or Box) (Town)

If a corporation show date and place of incorporation: _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) ANY MEANS NECESSARY3. Name of diversion work BRECK IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 2.64 MAX ALLOWABLE5. Source of water supply CHEYENNE RIVER AND DRY DRAWS AND DIKES IN PLACE
 6. Location of point of diversion TWO DIVERSION POINTS MENTIONED BELOW NOT TO BE USED SIMULTANEOUSLY - LOT 16 SECTION 11 LOT 9 SECTION 10
T6N R17E County PENNINGTON
7. Annual period or periods during which water is to be used MAY - NOVEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc) IRRIGATION
 9. For irrigation use, IRRIGATED ACREAGE TOTALS Total number of acres to be irrigated 44.8
EXIST WITHIN EACH FRACTION LISTED (IE EACH DESCRIPTION LISTED)
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NORTH 1/2 GOVT LOT 9 TO RIVER SEC 10</u>	<u>2.64</u>
<u>NORTH 1/2 GOVT LOT 6 TO RIVER SEC 11</u>	<u>30.01</u>
<u>NORTH 1/2 SE 1/4 NW 1/4 SEC 11</u>	<u>7.10</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system 2-4 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PENNY COUNTY COURANT

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source.

PUMP - DIVERSION

B. Works proposed to transport water to place of use.

PIPE - DITCHES - CANAL - DIKE - SPRINKLER

C. Works proposed to apply water to beneficial use.

SAME AS ABOVEEstimated Total Cost \$ 200,000 (APPROX.)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instructions concerning preparation)

STATE OF SOUTH DAKOTA)

County of Pennington) ss.I, Ruby D. Breck, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Ruby D. BreckSubscribed and sworn to before me this 16 day of Feb, 1989

(Notary Public or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 1699-2

RUBY D. BRECK

C. REIGHTON

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57729

(State)

With the following qualifications.

Diversion of water under this Permit is contingent upon water supplies being first available to prior water rights downstream on the Cheyenne River. Flow records show that there are occasional years when the flows of the Cheyenne River are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this Permit during such low flow periods.

Date of first receipt of application

FEBRUARY 7, 1980

Date of return to applicant for correction, amendments or changes required

FEBRUARY 7, 1980

Date of receipt of corrected application

MARCH 7, 1980

Approved

MAY 22

, 1980

Recorded in Book

21

Page

164

WATER RIGHT PERMIT NO. 1699-2

The Board of Water Management hereby grants and issues this Water Right Permit No. 1699-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 7, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 22, 1982
3. The whole of said work is to be completed on or before MAY 22, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1984
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed .64 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 MAY 22, 1984; said water to be used during the following described annual period: MAY - NOVEMBER

Witness my hand this 27th day of MAY, 1980

THE BOARD OF WATER MANAGEMENT

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued

, 19

Water License Issued

, 19

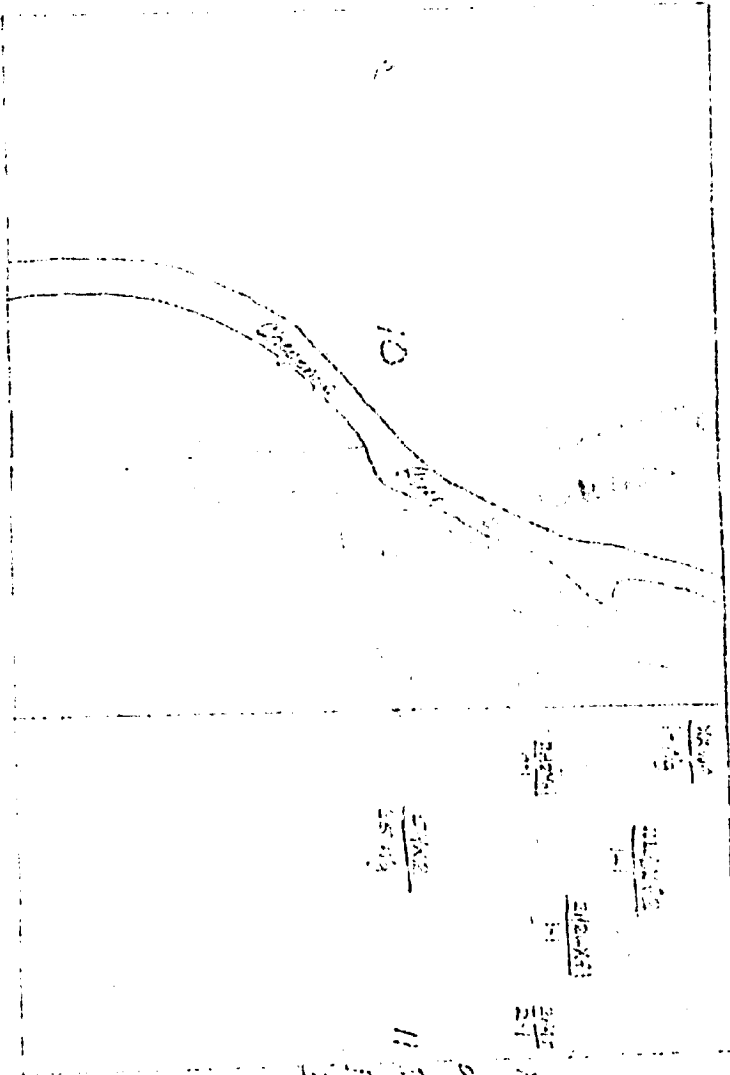
Ruby Buck

Sec. 10 & 11
T6N R17E
East Burlington District

John Steiny, Jr.
Soil Conservation Service

ATTACHMENT FOR

SOILS



2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4
2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4
2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4
2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4

2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4

2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4

2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4

2H22 - Small Prairie - Summit Clays; 2-13% Slope; Class IIIc4

ROAD SURVEYED BY
JANUARY 1960
ROAD AND BUILDING CODES
AS PRESENTED TO TOWN BOARD
2-11-60
2-11-60
2-11-60

4" = 1 mi.

CONSERVATION COMMISSION

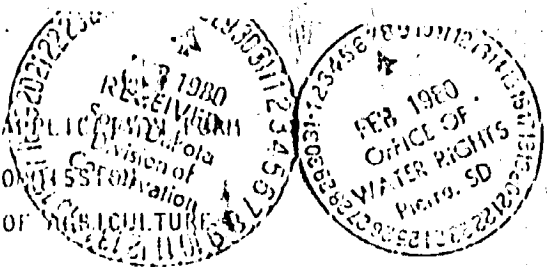
1st FORM

1/79

SOIL/WATER COMPATIBILITY APPLICATION

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: RUBY D. BRECK OWNERS ADDRESS: CORRIGAN S. Dr. 57729

COUNTY LAND LOCATED IN: Pennington PHONE: 477-1481

CHART'S NAME AND ADDRESS: (if Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: Lot 6 Section 11 Lot 9 Section 10 T6N - R1E

2. SURFACE WATER SOURCE CHEYENNE RIVER AND DRY DRAWS

3. LOCATION OF AREA TO BE IRRIGATED: T6N R1E N1/2 Sec 10, N1/2 Sec 11, N1/2 Sec 12

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system) SEE ATTACHMENT #2 TOTAL ACRES TO BE IRRIGATED = 44.8

5. GRAVITY TOWLINE 44.8 CENTER PIVOT GUN 44.8 OTHER (Specify) FLOOD

6. CROPS TO BE IRRIGATED LIVESTOCK FORAGE

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1967

LAND: NO PERMIT BUT A VESTED RIGHT

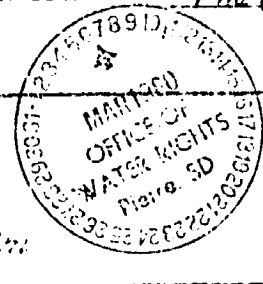
IN WHAT NAME: RUBY BRECK

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: Cheyenne River (Cheyenne Creek) (Date: May - Aug 80)

9. SALINITY (EC X 10⁶) 1000 - 1500

10. SODIUM (SAR) 2.0 - 2.5 ADJUSTED (SAR) 2.0 - 2.5 (Date: May - Aug 80)



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at A.M./P.M., on 19, at the following location: SEE ATTACHMENT #2 (WATER SAMPLE WAIVER)

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from EAST PENNINGTON COUNTY Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agent thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SD 46-5-6.4) SEE ATTACHMENT #3 (SOIL MAP)

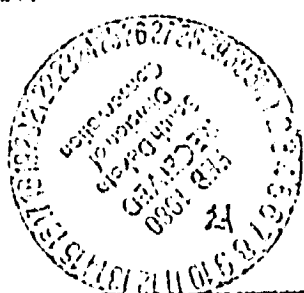
SUBSCRIBED AND SWORN BEFORE ME THIS 1st DAY OF Feb., 1980.

(Signature)
(NOTARY PUBLIC)

(Signature)
APPLICANT'S SIGNATURE

(Signature)
Director, Division of Conservation

APPROVED
DISAPPROVED
X CONDITIONALLY APPROVED



IMPORTANT

REC-1000/FORM
12/78

d

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION



NAME OF APPLICANT Ruby D. Brock, Creighton, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED. - unless kept in permanent vegetation

Swanbey-Kyle clays on the south side

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on _____
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use on some of your heavy textured soils
6. ☐ Heavy fall application of irrigation water. Correlate with deep tillage.
7. Type of irrigation system recommended for use on this application See below.
Generally: Flood heavy soils
Sprinkler on sands

GENERAL COMMENTS:

Any natural precipitation that you can hold in a reservoir for future irrigation should be of better quality than the Cheyenne River. It should be good enough to benefit your tight soils that may also contain excess sodium. If used in conjunction with deep tillage, the better water will help flush salts out of the root zone.

Copy to applicant
Copy to Water Rights

No. 1699-2

Publish first publication, on or before March 13, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given Ruby D Brack whose post office

address is Creighton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .64 cubic feet of

water per second of time from the Cheyenne River and dry draws through the Breck Irrigation Project, the point(s) of diversion of which is(~~xxx~~) to be located ~~on~~ ~~xx~~ the Cheyenne River between points in Lot 6, Section 11 and Lot 9, Section 10 T6N, R17E

~~372500000~~ ~~xxxx~~ ~~xxxx~~ ~~xxxxxx~~. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N½ Gov't Lot 9 at River, Section 10; N½ Gov't Lot 6 to River and N½ SE¼ NW¼, Section 11

all in T6N, R17E

This Application No. 1699-2 will be considered by the Water Management Board at the SDEA Auditorium, 411 E Capitol, Pierre, SD upon the 26th day of March, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND

Water Rights Specialist

cc: Ruby D Brack, Creighton, SD 57729

Form 9 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Ruby D. Breck hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Pennington County Canal

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 Wall

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

March 13, 1980

March 20, 1980

Ruby D. Breck
(Signature)

Breck Breck
(Title)

4-9-80

(Date Signed)

*Noted and filed
11-2-80 to the
Committee.*

No. 1699-2
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

March 7, 1980

Notice is hereby given Ruby D. Breck whose post office address is Creighton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .64 cubic feet of water per second of time from the Cheyenne River and dry draws through the Breck Irrigation Project, the point(s) of diversion of which is to be located on the Cheyenne River between points in Lot 6, Section 11 and Lot 9, Section 10 T6N, R17E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{4}$ Gov't Lot 9 to River, Section 10; N $\frac{1}{4}$ Gov't Lot 6 to River and N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, all in T6N, R17E.

This application No. 1699-2 will be considered by the Water Management Board at the SDEA Auditorium, 411 E Capitol, Pierre, SD upon the 26th day of March, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Foss Building, Pierre, SD prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist
Pub.: March 13 and 20

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7299

February 7

50

PIERRE,

19

Ruby D. Breck, Creighton SD 57729

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. 1699-2 (examination, processing, recording and filing)

150 00

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 filling

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for (any other work as provided by law)

TOTAL

150 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH lw



1699-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

CLIFF BRECK, MGR
HC 85 BOX 52
CREIGHTON SD 57729

NOTICE

RE: Violation of Requirement to submit 1992 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 948-2 & 1699-2. The request for the Questionnaire was dated October 18, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 45-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 948-2 & 1699-2 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1699-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1994

948-2
1699-2

Cliff Breck
HC 85 Box 52
Creighton, SD 57729

Dear Mr. Breck:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaires were 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
Environmental Scientist
Water Rights Division
(605) 773-3352

Nov 2, 1996

1699-2

TO: DEPT. OF ENV. + NATURAL RESOURCES
FROM: CLIFF BRECK

REGARDING PERMIT #1699-2 I HEREBY
REQUEST THAT THE DEPARTMENT SPLIT
THE ACRES (NO CHANGE) IRRIGATED VIA
THIS PERMIT BETWEEN TRACT I AND
TRACT II GUY DAVIS HOMESTEAD 6N17E
SECTIONS 10 & 11 WITH ATTACHED GOVT. LOTS.

THIS REQUEST IS MADE BECAUSE A FAMILY
DEATH HAS RETITLED THE ABOVE TRACTS
IN THE NAMES OF AUDREY SINGER (THE
NEW FEE HOLDER OF TRACT I) AND CLIFF
BRECK (TRACT II FEE HOLDER). I ALSO
REQUEST THAT THE "POINT OF CONTACT"
FOR PUMP SITE(S) BE CLARIFIED SO
THAT THE INDIVIDUAL PERMITS ARE
SEPARATE FROM ONE ANOTHER. YOUR
PROMPT ACTION IS APPRECIATED.

SINCERELY

Cliff Breck Phone 457 3381

HC85 Box 52

CREIGHTON

57724



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

Cliff Breck
HC 85, Box 52
Creighton SD 57729

Dear Mr. Breck:

Thank you for returning the 1996 Irrigation Questionnaire and the letter regarding Water Permit No. 1699-2, for Ruby Breck. You indicated that the permit should be split. Enclosed is a copy of the map submitted with Water Permit No. 1699-2. The irrigated acres are outlined in red and the X's are the diversion points from the Cheyenne River. From your letter, it appears that land and diversion point located Gov't Lot 9 of Section 10 (Tract 2) should be split, because of separate ownership, from the land and diversion point located in Gov't Lot 6 of Section 11 (Tract 1). Is this correct?

Enclosed is a blank Notice of Transfer form. The transfer form needs to be completed listing the portions of land which you now own. This form needs to be signed by you and notarized. Upon completion, return the form to our office with the require filing fee of \$2.50. Please send us the name of the other land owner, so we can forward a transfer form to that person. Upon return of both Notice of Transfer forms, Water Permit No. 1699-2 can be split accordingly.

If you have any questions, please contact me.

Sincerely,

Karen Schaak

Karen Schaak
Water Rights Program
605 773-3352

enclosures

1699-2



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: CLIFF BRECK, MGR, HC 85 BOX 52, CREIGHTON, SD 57729

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 948-2 & 1699-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 948-2 & 1699-2 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 February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



1699-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1998

948-2

1699-2

Cliff Breck
HC 85 Box 52
Creighton, SD 57729

Dear Mr. Breck:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 948-2 and 1699-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

Cliff Breck
HC 85, Box 52
Creighton SD 57729

Dear Mr. Breck:

Thank you for returning the 1996 Irrigation Questionnaire and the letter regarding Water Permit No. 1699-2, for Ruby Breck. You indicated that the permit should be split. Enclosed is a copy of the map submitted with Water Permit No. 1699-2. The irrigated acres are outlined in red and the X's are the diversion points from the Cheyenne River. From your letter, it appears that land and diversion point located Gov't Lot 9 of Section 10 (Tract 2) should be split, because of separate ownership, from the land and diversion point located in Gov't Lot 6 of Section 11 (Tract 1). Is this correct? **YES IT IS.**

Enclosed is a blank Notice of Transfer form. The transfer form needs to be completed listing the portions of land which you now own. This form needs to be signed by you and notarized. Upon completion, return the form to our office with the require filing fee of \$2.50. Please send us the name of the other land owner, so we can forward a transfer form to that person. Upon return of both Notice of Transfer forms, Water Permit No. 1699-2 can be split accordingly.

If you have any questions, please contact me.

Sincerely,

Karen Schaab

Karen Schaab
Water Rights Program
605 773-3352

enclosures

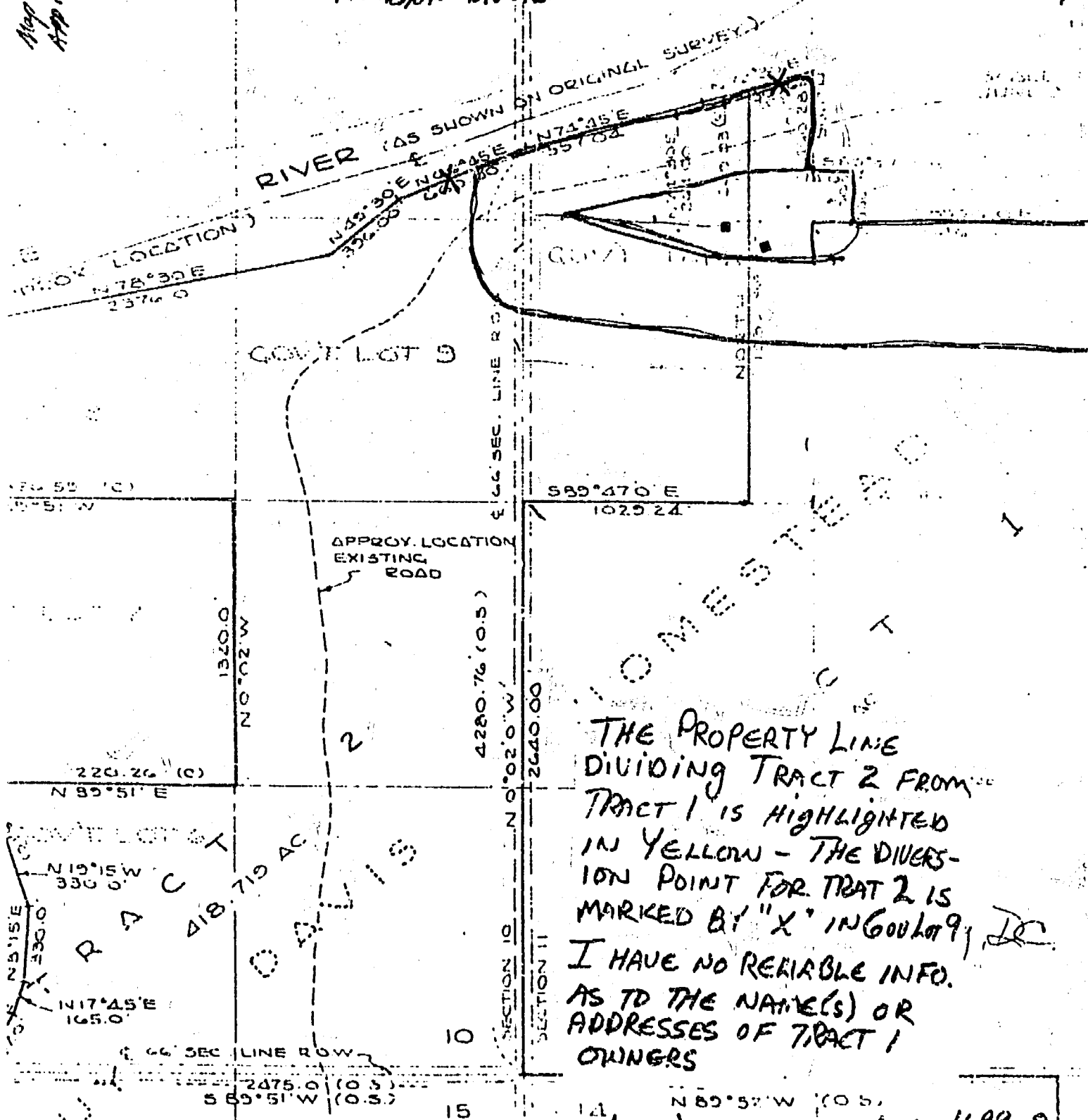
ATTACHMENT #1 - DRAWING NOT TO SCALE - FOR APPROXIMATION ONLY

NON-IRRIGATED AREA WITHIN BLACK INK
FARMSTEAD TOTALING APPROX 4.8 ACRES

ONLY

IRRIGATED AREA IN RED WITH
APPROX. ACREAGE OF 40.0 ACRES
BLUE INK SHOWS POINT(S) OF DIVERSION

Map # 145-8-2
App # 1689-2



BOOK 61 PAGE 8892

Clifford Morgan Breck, also known as Clifford M. Breck, and Trina

C. Breck, his wife

grantors of Creighton, in Pennington

County, State of South Dakota

for and in consideration of

One Dollar (\$1.00 and other consideration) less than one hundred dollars,

convey and quit claim to Campatool and and Cattle Inc. the

grantee of HCR 85 Box 52, Creighton, P. O. all interest in the following described real

estate in the County of Pennington in the State of South Dakota:

Tract Two (2) of Sections Ten (10), Eleven (11) Fourteen (14) and Fifteen (15); including a portion of Government Lot Six (6) in Section Eleven (11); Government Lots Six (6), Eight (8) and Nine (9) and East Half of Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) all in Section Ten (10); Government Lots One (1) and Two (2) and Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) all in Section Fifteen (15) and Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and a portion of Northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) all in Section Fourteen (14), all located in Township Six (6) North, Range Seventeen (17) East of the Black Hills Meridian, Pennington County, South Dakota, as shown by plat on file in the Office of the Register of Deeds of Pennington County, South Dakota, and recorded in Plat Book 14 at Page 13 thereof.

EXEMPT FROM TRANSFER FEE

43-4-22 (11)

☐ TRANSFER FEE PAID \$
☒ EXEMPT FROM TRANSFER FEE

Dated this 23rd day of February, 1996

PREPARED BY:

Fick Engineering

PO Box 8154

Sioux City SD 57706

(605) 348-1538

DOC NO.

2246

BOOK

61 PAGE 8892

FEE \$5.00

Deed

36 FEB 23 PM 1:47

STATE OF SOUTH DAKOTA

County of

OFFICE of REGISTER of DEEDS

Filed for record the day of

19 at

o'clock and Minutes M.,

and recorded in Book of Deeds

on page

Register of Deeds

By

Deputy.

Fees \$

STATE OF SOUTH DAKOTA

County of Pennington

On this the 23 day of February, 1996, before

me Janelle L. Finck the undersigned

officer, personally appeared Clifford Morgan Breck

and Trina C. Breck

known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

JANELLE L. FINCK Title of Officer
 Notary Public
 My Comm. Expires July 15, 2000

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

No. 1699-2

Date: FEB. 20, 1997

I/We request that Water Permit No. 1699-2

formerly owned by: Ruby Breck

(NOW DECEASED)

be transferred to: (name & address)

CAMPSTONE LAND AND CATTLE INC.

Telephone No. 605-457 3381

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

TRACT 2 6N 17E 3 10, 15 GOV'T LOT 9 (PORTIONS THEREOF)

I/We understand that the validity of Water Permit No. 1699-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Haakon)

I/We CLIFFORD MORGAN BRECK 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.

Clifford Morgan Breck (Agent)
(Signed)

Subscribed and sworn to before me this 25th day of Nov., 1998.

Crystal Martinez
(Notary Public)

My commission expires March 27, 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415935

Pierre,

December 19 98

RECEIVED OF Campstool Land & Cattle, Inc., HC 85, Box 52, Creighton, SD 57729
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 Permit No. 1699-2

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch

Water Rights Program - File Documentation

NAME: Register of Deeds - Pennington Co.

ADDRESS:

DATE: December 9, 1998 **COUNTY:** PE **TELEPHONE:**

RE: Ownership of Water Right No. 1699-2

COMMENTS:

I called the Pennington County Register of Deeds requesting who owned Tract I of Guy David Homestead located in Section 11-T6N-R16E. The person from that office indicated the following people owned portions of Tract I:

William Robert Stone
John Ralph Stone
Susan Stone Robinson
Guy Evans Stone
David Luke Stone

Each of these people were located at different address.

It appears before Water Right is split between Tract 1 and Tract 2 (owner by Campstool Land and Cattle, Inc.) an investigation should be conducted to determine if the diversion point located in Tract 1 is being utilized, what lands in Tract 1 are being irrigated and clarification of ownership.

Karen Schlaak

Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 1998

1699-2

Campstool Land and Cattle, Inc.
c/o Clifford Breck
HC 85 Box 52
Creighton SD 57729

Dear Mr. Breck:

Thank you for returning the transfer of ownership form and fee. The transfer has been completed and Water Right No. 1699-2 (the portion located in Tract 2) is now listed in your name.

I have contacted the Register of Deeds, who indicated the land in Tract 1 is owned by several people. The water right will not be split until a staff investigation can be conducted to determine if the diversion point located in Tract 1 is being utilized, what lands in Tract 1 are being irrigated and clarification of ownership. Hopefully, the investigation can be conducted this coming summer.

Enclosed is your receipt #415935 for \$2.50. If you have any questions, please contact me.

Sincerely,

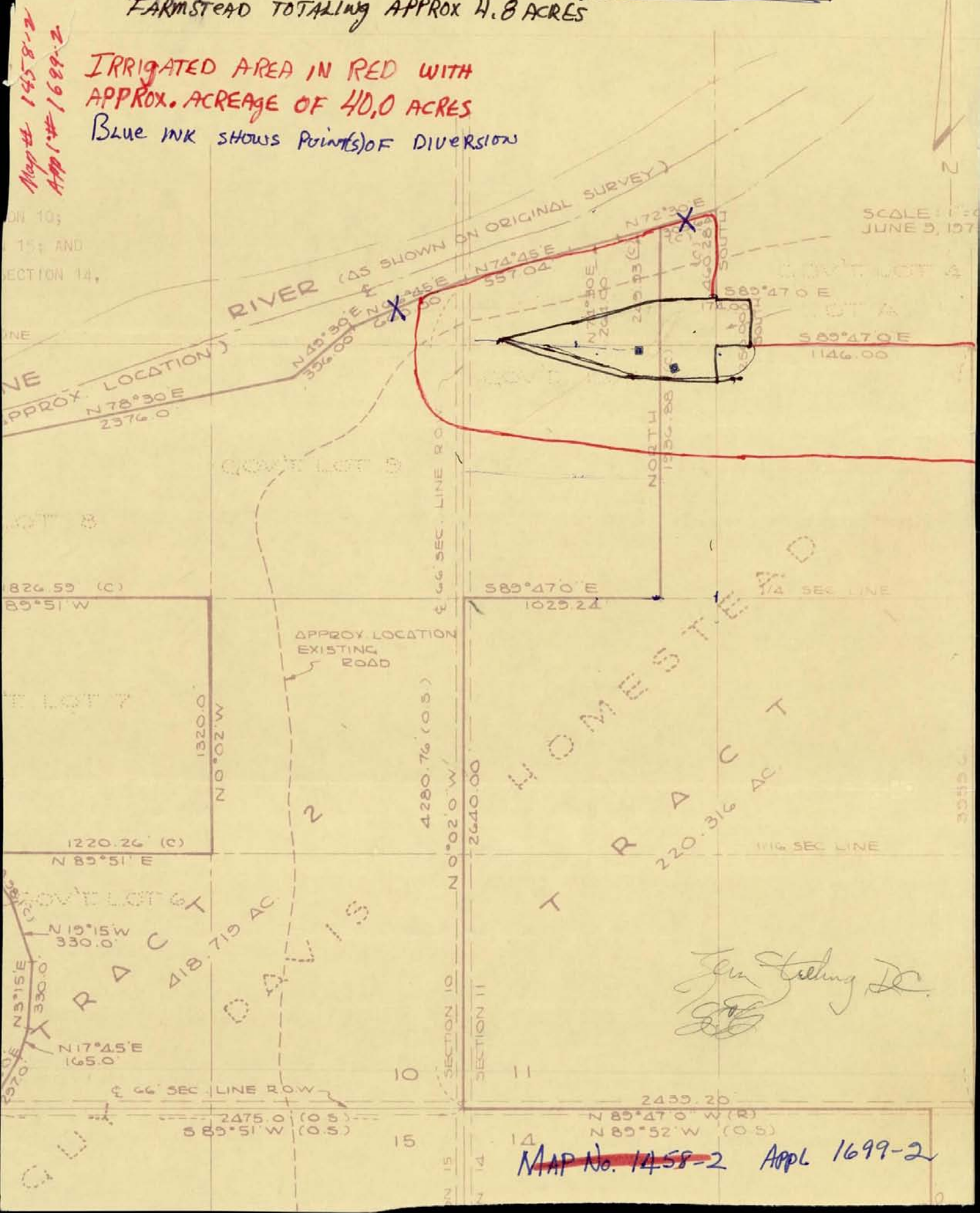
Karen Schlaak
Water Rights Program
605 773-3352

enclosure

ATTACHMENT #1 - DRAWING NOT TO SCALE - FOR APPROXIMATION ONLY

NON-IRRIGATED AREA WITHIN BLACK INK
FARMSTEAD TOTALING APPROX 4.8 ACRES

IRRIGATED AREA IN RED WITH
APPROX. ACREAGE OF 40.0 ACRES
Blue ink shows point(s) of diversion



East Contact Point- (marked by X) Located 6N 17E BHM
In Section 11, Lot 6 Beginning at surveyors stake in SE corner
of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ measuring due North 10 ft. thence West
50 ft. to south bank of Cheyenne River

West Contact Point- (marked by X) Located 6N 17E BHM
In Section 10, Lot 9 Beginning at the South East corner of
the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Section 10 measuring diagonally NW to
point of contact on Cheyenne River. Diagonal measurement
NW is 300 ft.

SUPPLEMENT TO ATTACHMENT #1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 7, 2016

948-2

1699-2

Campstool Land and Cattle Inc.
Clifford Breck
20000 Wilsey Road
Creighton SD 57790

Dear Mr. Breck:

This letter is in regards to our December 5, 2016 telephone call concerning the status of Vested Water Right No. 948-2. Based upon our discussion about possibly relocating the irrigation authorized by the 1953 priority water right, I pulled together several documents for your review.

First, I've included a copy of the current South Dakota Water Rights Laws and a Summary of South Dakota Water Laws and Rules. Second, I included a copy of the license for Vested Water Right No. 948-2 authorizing irrigation in Section 15 T6N-R17E and a copy of Water Permit No. 1699-2 authorizing irrigation in Sections 10 and 11 of T6N-R17E along with the map that was submitted when the permit was applied for. Third I printed out an airphoto with the above sections shown. For your reference I overlaid the irrigated acres for No. 1699-2 taken from the original map on the airphoto as shown in orange cross-hatch.

After you have had the opportunity to review this information, I would be willing to come out to your ranch and sit down with you and help you fill the application forms to make the changes you are considering. Since these changes would involve a vested water right and a water permit, I would like to make sure everything is correct before you start through the application process. I will contact you after the first of January and schedule a time to meet with you.

Finally, you mentioned your grandfather developed irrigation several decades prior to the 1953 priority date listed on Vested Water Right No. 948-2. In our records I found a copy of the file for cancelled Water Right No. 206-2, which I also included. At the end of the file there is a copy of the staff report and an October 6, 1967, letter to Ruby Breck explaining why that water right was cancelled.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer
SD DENR Water Rights Program