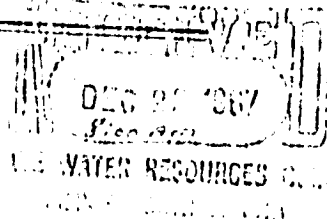


No. **948-2**
EAST CHEYENNE
RIVER District
 Water Division No. **2**
 (Districts to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Ruby Breck
 Postoffice address Creighton, County Pennington, State So. Dakota

- I. If a corporation n/a
- (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) Completed
 - (b) Cash on hand, \$ n/a
 - (c) Treasury stock, \$ _____
 - (d) Bonds to be issued, \$ _____
 - (e) Other resources, \$ _____

2. Name of diversion work Breck Diversion Works
3. Amount of water claimed 0.5 cubic feet per second
4. Source of water supply Cheyenne River and Dry Draws
5. Location of point of diversion Lot 2, Section 15, T6N, R17E
on Right bank Pennington County.
6. Annual period or periods during which water is to be used April 1st thru November 1st

7. To be used for:
- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
- (a) Number of acres to be irrigated 36 acres.
 - (b) Legal subdivisions to be irrigated Lot 1, Lot 2, Sec. 15, T6N, R17E

(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.) none

- 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 _____

SEE MAP # 251-2

8. Estimated cost of work:

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

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

(c) Fluming, \$.....

(d) Canals earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

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	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 completed complete¹

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

12. Choice of newspaper for publication of notice of intention to appropriate
n/a

STATE OF SOUTH DAKOTA

County of Pennington

83.

Ruby Breck

I, 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.

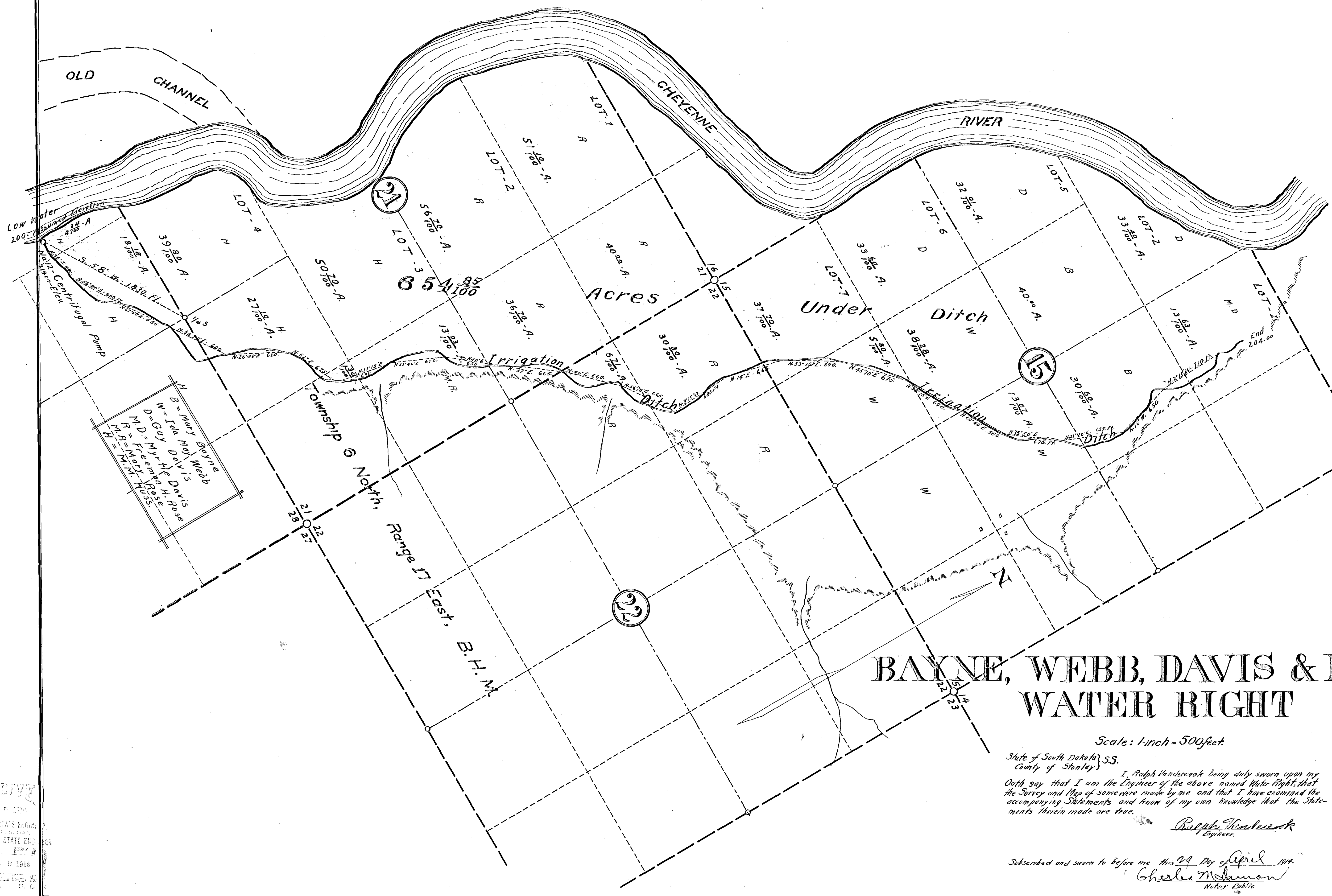
Signed

Ruby Breck

Subscribed and sworn to before me this day of 1962.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



RECEIVED
MAY 6 1914
OFFICE OF STATE ENGINEER
PIERRE, S. D.

BAYNE, WEBB, DAVIS & ROSE WATER RIGHT

Scale: 1 inch = 500 feet

State of South Dakota, SS.
County of Stanley) I, Ralph Vandercreek, being duly sworn upon my Oath say that I am the Engineer of the above named Water Right, that the Survey and Map of same were made by me and that I have examined the accompanying Statements and know of my own knowledge that the Statements therein made are true.

Ralph Vandercreek
Engineer

Subscribed and sworn to before me this 29 Day of April 1914.
Charles McManis
Notary Public

Approved Aug. 1, 1914,
Harmon M. Derr
State Engineer.

Remarks by State Water Resources Commission:

This Vested Right record replaces any water rights remaining under
water permit No. 206-1.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, FEBRUARY 9, 1968

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock
2 m. upon the 22ND day of DECEMBER, 1967

State Water Resources Commission

By: [Signature]

for Chief Engineer, Executive Officer

Number of permit 9482

Date of first receipt of application DECEMBER 22, 1967

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 1953, 19____

Approved JANUARY 10, 1968 Recorded in B bk 10 Page 27

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 ~~now~~ completed irrigation

2nd. The whole of said work is ~~now~~ completed now

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

COMPLETED

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 .50
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
was

and beneficially applied for irrigation on or before JUNE 30, 1955, said water to be used
during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 9TH day of FEBRUARY, 1968

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 9, 1968

Water License Issued FEBRUARY 9, 1968

Remarks by State Water Resources Commission:

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS IN THE CHEYENNE RIVER. FROM RECORDS SHOWN THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY & REGULARLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 22, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 5TH day of MARCH, 1968

State Water Resources Commission

By

Durton
for Chief Engineer, Executive Officer

Number of permit 954.2

Date of first receipt of application MARCH 5, 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 MARCH 5, 1968

Approved MAY 22, 1968 Recorded in Book 10 Page 164

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 NOVEMBER 22, 1970

2rd. The whole of said work is to be completed on or before MAY 22, 1973

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

MAY 22, 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 1.7 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 MAY 22, 1977; said water to be used during the following described annual period:

MAY THRU OCTOBER
Witness my hand this 24TH day of MAY, 1968

State Water Resources Commission

By:

Prosser
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 1, 1970

Water License Issued JULY 1, 1970

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 954-2

(1) WHEREAS, On the 5th day of March A. D. 19 68

Ernest T. Jurfach

made Water Right Application No. 954-2 for a permit to use 1.7 cubic feet per second of the waters of the Cheyenne River

County of Pennington, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 24th day of May A. D. 19 68

Permit No. 954-2, with a date of priority of March 5, 1968

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 on or before the 22nd day of May A. D. 19 73 and for the

application to beneficial use of said water on or before the 22nd day of May 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 1.7 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 lands:

Section 1, T1S, R13E	Lot 6	50 acres
Section 2, T1S, R13E	SW $\frac{1}{4}$, SW $\frac{1}{4}$	15 acres
Section 5, T2S, R13E	Lot 3	35 acres
	Lot 4	20 acres
Total		120 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 _____ Ernest T. Jurisch

_____ of _____ Farmingdale, South Dakota
the holder _____ and owner _____ of said permit No. 954-2 a water right, dating from March 5, 1968
_____ to use of 1.7 cubic feet per second of the waters
of the Cheyenne River
in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point N. 89° 35' W., 1937.6 feet from the NE
Corner, Section 5, T2S, R13E

_____ and conduct to and upon _____ portions of Sections 32 and 33, T1S, R13E, and Section 5, T2S, R13E,
described on the face of this license

_____ for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 954-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1st day of July A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officers J.W. GRIMES

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ruby Breck, Creighton, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. n/a

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 1955

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cheyenne River and Dry Draws. Diversion point in Lot 2, Sec. 15, T6N, R17E.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Original spreader dike constructed prior to 1955 and designed to spread flood waters or water pumped from river.

Ques. 6. - State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. irrigation on 36 acres located in Lot 1 and Lot 2, Sec. 15, T6N, R17E.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. n/a

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.5

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder

Ans. inherited

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Original works repaired in 1955 and water has been used for irrigation each year since then. A priority date of 1953 is claimed.

(Sign) ^X Paul J. Davis Break

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Water, S.D., County of Bennington State of South Dakota, on this 16th day of December A. D. 1967

Witnesses. R. H. Lewis
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	

Date of recording _____	

Received and filed _____	

206-2

948-2

January 12, 1968

Mrs. Ruby Davis Breck
Creighton, South Dakota 57729

Dear Mrs. Breck:

This is to inform you that on January 10, 1968 the Water Resources Commission cancelled your Water Permit No. 206-2. They also recognized your Vested Right, on Water Right No. 948-2.

As soon as the Vested Right is recorded, you will be sent your copy of the permit and the Water License.

Unfortunately we cannot give you the original filing or map. Even though the Commission has cancelled the original Water Permit, we must maintain the file and map in case any questions should arise in the future. We are, however, enclosing a copy of the original permit and map.

I wish to thank you again for your hospitality on the occasion of my visit.

Please feel free to contact this office if we can be of any further assistance.

Sincerely,

RICHARD SCHMOYER
Water Rights Specialist

RS/dw

Encl: As stated

South Dakota Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

Ruby Breck
St Rt 1, Box C30A
Creighton SD 57729

Dear Ms. Breck:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 948-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *John D. Broz*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 948-2

Ruby Breck
St Rt 1, Box C30A
Creighton SD 57729

Dear Ms. Breck:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact ...

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

cc: Bruce Laymon, Bureau of Reclamation



**SOUTH Dakota Department of
Water & Natural Resources**

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

December 13, 1988

948-2

Cliff Breck
SR #1 Box C30A
Creighton, SD 57729

Dear Mr. Breck:

I am writing to you in followup to our telephone conversation of December 7, 1988, concerning Vested Water Right Claim No. 948-2. The Vested Water Right Claim is currently listed in the name of Ruby Breck.

I have added your name to the file as that of "manager". This can be done without filing a transfer of ownership and will enable correspondence to be sent to you and to Ruby Breck. The addresses included in the file are as follows:

Ruby Breck
232 St. Patrick Street and
Rapid City, SD 57701

Cliff Breck, Mgr
SR #1 Box C30A
Creighton, SD 57729

If you want your name listed in the vested water right claim as that of owner or co-owner instead of manager, a "Notice of Transfer" must be filed with our office. These forms are available upon request.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



Form 15.

Permit No. 954-2

Water Diversion No. 2 EAST CHEYENNE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Ernest T. Jurisch

_____ the holder _____ of
Permit No. 954-2, issued upon Application No. 954-2, bearing date of priority of March 5, 1968
_____ authorizing the diversion of 1.7 cu. ft. per second of the waters of _____
the Cheyenne River County of Pennington, State of South Dakota at _____
a point N. 89° 35' W., 1937.6 feet from the NE Corner, Section 5, T2S, 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 works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.2 cu. ft. per second of water.

Date, July 1, 1970

WATER RESOURCES COMMISSION

By:

J. W. GRIMES, Executive Officer

948-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 948-2 FOR IRRIGATION

Date of Receipt of Claim December 22, 1967.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 948-2 for irrigation purposes for Ruby Dreck, 232 St. Patrick Street, Rapid City, South Dakota, 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 948-2 appropriates 0.5 cubic feet per second of water from the Cheyenne River and dry draws to irrigate 36 acres. The point of diversion is located in Lot 2, Section 15, T6N, R17E. The irrigated lands are located in Lots 1 and 2, Section 15, T6N, R17E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 to November 1.
3. The priority date of the Vested Water Right is: January 1, 1953
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

JUN 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 948-2 FOR IRRIGATION

(1) Ruby Breck of 232 St. Patrick Street, Rapid City, SD 57701, made Application No. 948-2, December 22, 1967 for validation of a vested right claim to appropriate 0.50 cubic feet of water per second from the Cheyenne River and dry draws, Pennington County, South Dakota, for irrigation purposes. Vested Water Right No. 948-2 was validated September 30, 1992 with a priority date of January 1, 1953. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

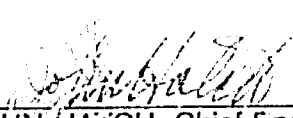
The original license issued on February 9, 1968, contained an error in the legal description of the diversion point. The diversion point was listed as being in "Lot 1 Section 15, T6N, R17E" and should have been described as being in "Lot 2 Section 15, T6N, R17E". The original claim indicated the point was in "Lot 2". Based upon the original claim, the inspection of the water use system, and subsequent validation of the claim, the Water License is being reissued to correct the error.

(2) The vested right owner is entitled to divert 0.50 cubic feet of water per second for beneficial use. The location of the diversion point is: Lot 2, T6N, R17E.

The location of the irrigated acreage is:

T6N, R17E Section 15 Lots 1 & 2 36 acres

(3) Pursuant to Section 46-5-30.1 Ruby Breck of 232 St Patrick Street, Rapid City, SD 57701 the holder and/or owner of Vested Water Right No. 948-2 is issued a license to appropriate 0.50 cubic feet of water per second from the Cheyenne River and dry draws with a priority date of January 1, 1953 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 948-2 and subject to South Dakota State Law.

 JAN 11 1993
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources



948-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1993

Ruby Breck
222 St. Patrick Street
Rapid City SD 57701

Dear Mr. Breck:

The Water Management Board has validated the enclosed Vested Water Right No. 948-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct location of the diversion point.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

c: Cliff Breck, Mgr., HC 85 Box 52, Creighton SD 57729
(w/attachments)



948-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1993

Cliff Breck, manager
HC 95, Box 52
Creighton SD 57729

Dear Mr. Breck:

Enclosed is a set of application forms to add a diversion point or points to your irrigation projects. An instruction sheet is attached to assist with completion of the application.

I located the file for Vested Right No. 948-2 and reviewed the location of the diversion point as identified on the original vested right claim. The original claim (copy enclosed) did identify Lot 2, section 15 as the location of the diversion point. The diversion point was also published as being in Lot 2 in the 1988 validation publication which listed all of the claims in Pennington county. I have also enclosed a copy of the original map filed with No. 948-2 and a copy of a topographic map dating from 1955. As you can see from the maps, Lot 2 appears to have been the more likely diversion point at the time when the claim was filed.

If your current diversion point(s) are not located in Lot 2, then I recommend applying for additional diversion points unless the diversion points are within 660 feet of Lot 2.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

948-2



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226



WTR 4.10
BP-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-1695.

Sincerely,

Bruce M. Layman
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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.

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

- ☒ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

948-2

CLIFF BRECK, MGR
HC 65 BOX 52
CREIGHTON SD 57729

4a. Article Number

P 837 692 4-54

4b. Service Type

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

7. Date of Delivery

2-18-94

5. Signature (Addressee)

Cliff Breck

6. Signature (Agent)

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

PS Form 3811, December 1991 4 U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



948-2

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 1993 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, 1993. 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 46-1-12, 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



948-2

**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,

A handwritten signature in cursive script, which appears to read 'Genny McMath'.

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



948-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

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.

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" (in 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:

94P-2
CLIFF BRECK, MGR
HC 85 BOX 52
CREIGHTON SD 57729

4a. Article Number

Z 179 157177

4b. Service Type

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

7. Date of Delivery

1-14-98

5. Received By: (Print Name)

CLIFF BRECK

6. Signature: (Addressee or Agent)

[Signature]

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

PS Form 3841, December 1994

102593-27-B-0179

Domestic Return Receipt

Thank you for using Federal Return Receipt Service.



948-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-31P1

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 57501-3182

denr.sd.gov

948-2
1699-2

December 7, 2016

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