

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1301-1

MAP No. 1301-1

Name of Applicant Painter, Inc

Post Office Address Box 57, Buffalo, S.D. 57720

Amount of Water Claimed 0.16 Total Acres 11.00

Source of Water Supply Dry Draw

Water to be used for IRR County Harding

About 4S 1 miles east of Camp Crook

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved April 25, 1984 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 1/22/84 Fee 10.50 Remarks _____

1/1/1903 Fee Received 2/21/84

Corrected Application Received _____ Period of Annual Use 3/1 to 10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

not applicable

Diversion Point SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28-T18N-R1E

Land to be Irrigated _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28-T18N-R1E

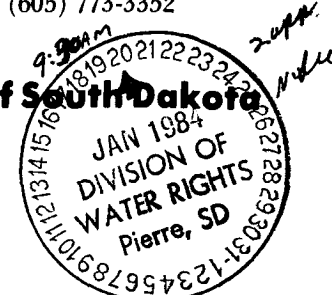
Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial/drawn PREPARED BY LeRoy Mernaugh Reviewed and the Number

assigned on 2/22/84 By B. J. Westlund

No. 1301-1 Hydrologic Unit 10110201
 Map No. 1301-1 Basin Little Missouri River
 Newspaper N/A



Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;

New ☐ Vested Right ☒ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Painter, Inc. Phone No. 375-3675

Post Office Address Box 57, Buffalo State SD 57720
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 16 Total acres irrigated 11

3. Source of Water supply Dry Draw

4. Location of point of diversion 300 ft. N and 1730'W of SE Corner of Section 28, T18N, R1E

County Harding

5. Counties where water will be used Harding

6. Annual period during which water is to be used March thru October

7. 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.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 T18N R1E	4
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28 T18N R1E	7

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This Vested Right application is based on Water Right Filing #043-1. Upon approval of this application, the abandoned portions of Filing #043-1 are cancelled.

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

STATE OF SOUTH DAKOTA)
 County of Harding)^{ss}

I, Paul L. Painter the applicant, certify that I have read the foregoing application, 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 Paul L. Painter

Subscribed and sworn to before me this 18 day of January 19 84

Cynthia Schott now Cynthia Painter
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code) With the following qualifications.

See Form UR-1

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

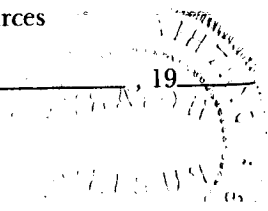
The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____


VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1301-1

Painter Inc.
(applicant)

Box 57 Buffalo
(post office address)

South Dakota
(state)

(zip code)

Date of receipt of Application January 22, 1984.

Recognized April 25, 1984.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is September 7 ~~January 1~~, 1903.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of Irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby recognized shall not exceed _____

0.16 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period March thru October

WATER MANAGEMENT BOARD

By: John H. Hatched
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

May 21, 1984.

State of South Dakota

VESTED Water License No. 1301-1

(1) Painter, Inc.
of Box 57, Buffalo, South Dakota
made Application No. 1301-1, January 22, 1984 for recognition of ~~vested right~~ for a water permit to appropriate
0.16 cubic feet per second of water from a dry draw,
Harding County, South Dakota for Irrigation purposes.
Vested Right
~~Permit~~ No. 1301-1, with a priority date of September 7, 1903
recognized April 25, 1984 and issued to applicant(s) for diversion of water ~~with~~ recognizing construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~.

The applicable portions of Water Right Filing No. 043-1 were incorporated
into this Vested Right No. 1301-1 and the abandoned portions of Filing No.
043-1 have been cancelled.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.16 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 300'N and 1730'W of the SE corner,
Section 28, T18N, R1E (DC)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in

Section 28, T18N, R1E

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres (CD)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (DC)

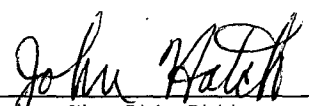
11 acres total

(4) Pursuant to §46-5-30.1 Painter, Inc.

of Box 57, Buffalo SD 57720

Vested Right
the holder(s) and/or owner(s) of Water Permit No. 1301-1 is issued a license to appropriate water, the right to use 0.16 cubic feet per second of water from a dry draw with a priority date of September 7, 1903 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Vested Right 1301-1 Water Permit No. and subject to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources

September 20, 1984

Affidavit of Water UsePainter Inc., based on
Water Rights Filing #043-1

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Painter, Inc.Post Office Address Box 57, Buffalo, South Dakota 57720
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation _____ Date of Posting September 7, 1903Date of recording _____ Recording date _____
Where Book PageB. Date of start of construction of water supply system 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system Archibald P. BoyellE. Amount of water originally applied to beneficial use 10 cfsF. Present Use of Water - Amount of water now being used 10 cfsDate that this water was first used 1903

G. Chronological History of Water Use

1903 Archibald P. Boyell constructed the system and irrigated

1939 Joe Painter acquired the property and used the system

1956 Painter, Inc. acquired the property and used the system. The system
has been in continual use since 1903.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Harding) ss

I, Paul L. Painter (print or type) the applicant, certify that I have read the foregoing
and that the matters therein stated are true.

Signed Paul L. PainterSubscribed and sworn to before me January 18, 1984
Cynthia School now Cynthia Painter
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing,
and that the matters therein stated are true.

(Print name) 19_________
(Print name) 19____

Little Missouri / River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Painter Inc.
Box 57, Buffalo, S.Dak. 57720 holder of

Permit No. 1301-1, bearing the priority of September 7, 1903 authorizing the diversion of .16 cu. ft. per second of the waters of Dry Draw for Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

works used to divert the water:
Diversion Dam, 8 ft high, 100 ft long, 6 ft Top, 3:1
and 2:1 side slopes. No Storage.

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

Diversion Dike

C. Works used to apply water to beneficial use:

Dikes to Flood Irrigate

The system is in the following condition Good

The point of diversion is located 300ft N and 1730 ft W of the SE Corner
of Section 28, T18N R1E

The works are capable of diverting and conveying to the place of use 10 -
cu. ft. per second of water which is to be used for Irrigation

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

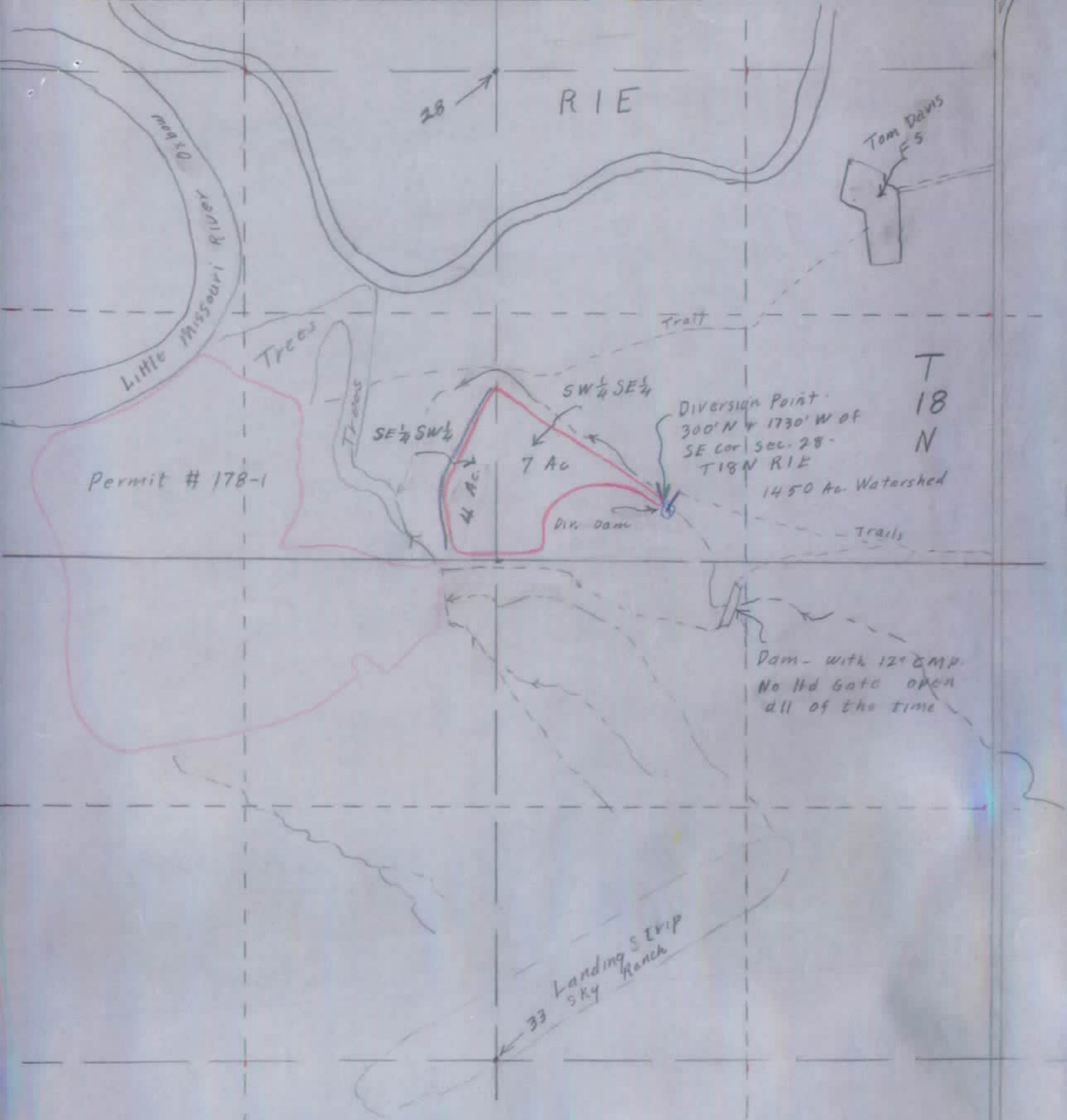
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 28,	T18N R1E	= 4 Ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$	" 28	" "	= 7 Ac

comprising a total of 11 acres of land and the license should be issued for .16 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date September 13, 1983

LeRoy J. Monaghan
(signature)

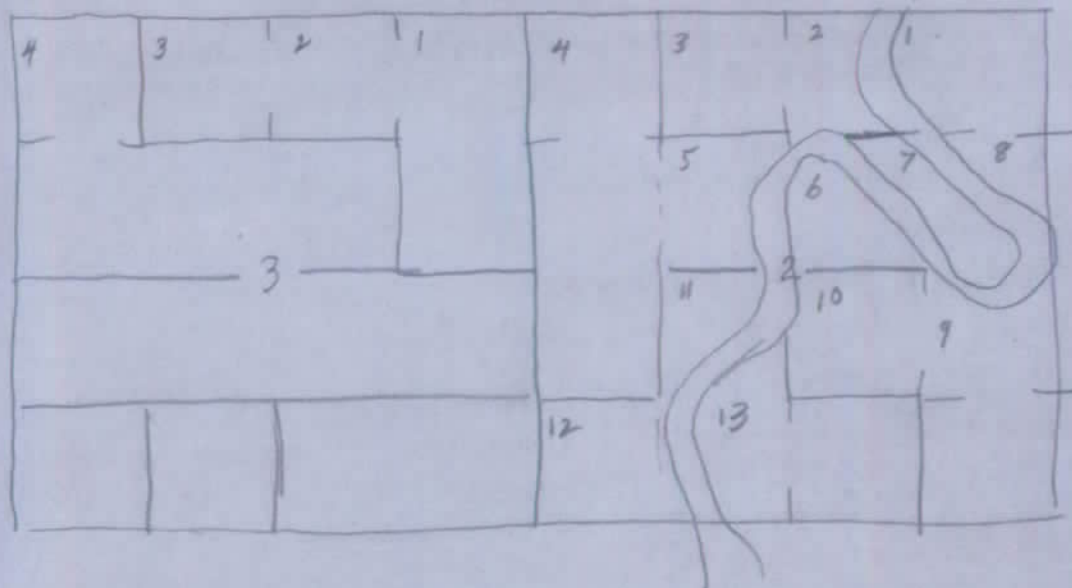


Map. Scale 1" = 660'
8" = 1 mile

By L J Mernaugh

TIBNRIE

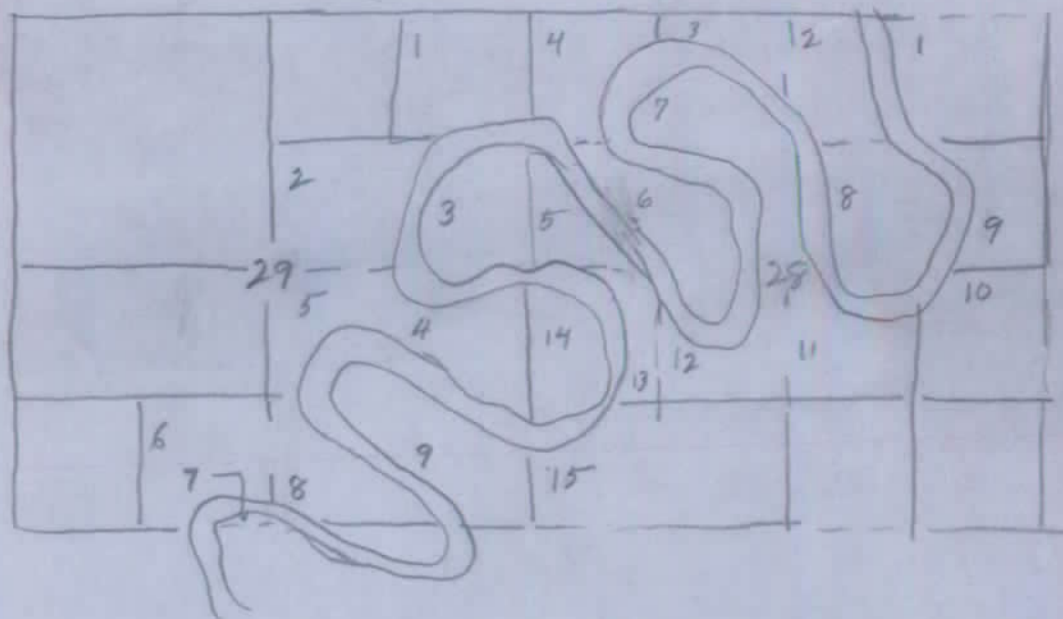
0284-1



TIBNRIE

0302-1

Painter



December 6, 1983

Painter, Inc.
Box 57
Buffalo, South Dakota 57720

ATTENTION: Paul Painter

Dear Mr. Painter:

Enclosed are three applications for Vested Rights for the three areas that we inspected with you on September 13, 1983. These will up date your old Water Right Filings in these areas.

Enclosed are two copies of Forms 2, "Application for Permit", two copies of form 2A, "Supplemental Information" for the dams where applicable, and one copy of Form 2B, "Affidavit of Water Use" for each application. Also enclosed are maps for each of the applications.

Would you please check over each of the forms and the maps and make any corrections necessary to make them as accurate as possible. Then sign all copies of the forms, where indicated, and have them notarized. Then return all of them to this office with a check for \$31.50 to cover the cost of filing fees and the Water License. (\$10.50 for each application).

If you do not make any changes on the maps you may keep them for your use. If you do make changes on them please return the corrected copies to this office so that we can correct our office copy.

Water Right Filings #044-1 and 045-1 will be cancelled at a later date, as portions of them have been incorporated into the Vested Right or abandoned from non-use.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:ms
Enc.

RECEIPT

Division of Water Rights

No 4 9556

South Dakota Department of Water and Natural Resources

Pierre, February 21, 1984

RECEIVED OF Painter Inc, Box 57, Buffalo, SD 57720

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

Fee for Application for Permit No. 1301-1 to Appropriate Water, to construct works and to put water to beneficial use	8	00
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.	2	50
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	10 50

By John Hatch
Chief Engineer

JOHN HATCH (ms)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1301-1 FOR IRRIGATION

Date of Receipt of Claim January 22, 1984.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1301-1 for irrigation purposes for Painter Inc., Box 57, Buffalo SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1301-1 appropriates 0.16 cubic feet of water per second from a dry draw to irrigate 11 acres. The point of diversion is located in the SW1/4 SE1/4 and the irrigated acreage is located in the SE1/4 SW1/4, SW1/4 SE1/4; all located in the section 28-T18N-R1E.
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: March 1 - October 31.
3. The priority date of the Vested Water Right is September 7, 1903.
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.

QUALIFICATIONS

The applicable portions of Water Right Filing No. 043-1 were incorporated into this Vested Right No. 1301-1 and the abandoned portions of Filing No. 043-1 have been cancelled.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 11 1993
date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1300-1
1301-1
1302-1

Painter Inc.
Box 57
Buffalo SD 57720

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1300-1, 1301-1, and 1302-1. This validation gives legal status to the claims and is the final document for your vested rights.

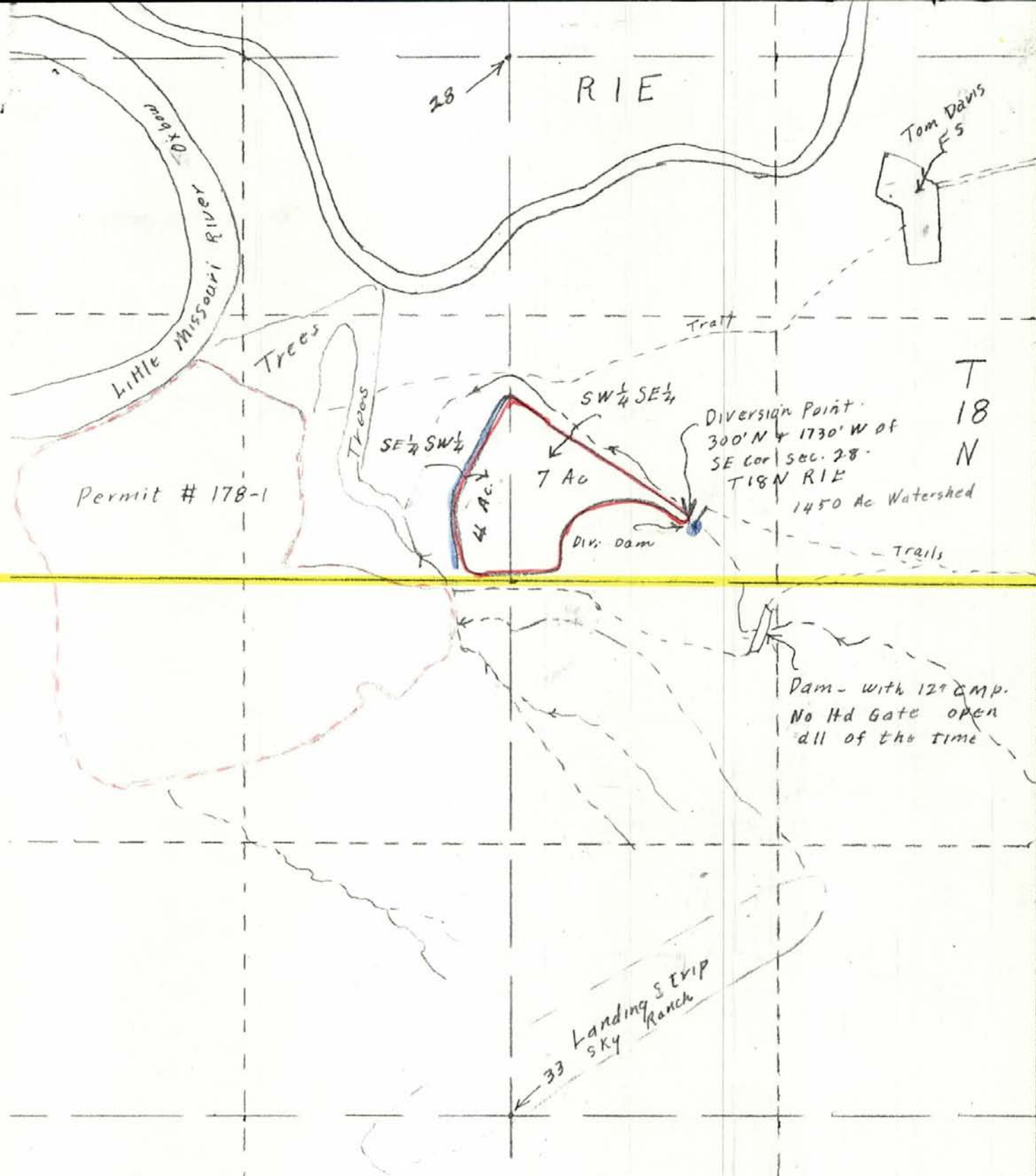
As long as you use the water beneficially, as stated in the validations, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Hatch', written in a cursive style.

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

enclosure



Map. Scale $1\frac{1}{2}'' = 660'$
 $8'' = 1 \text{ mile}$

By L.D. Mernaugh

Painter Inc.

office copy

130-H