

Considered: _____

VESTED RIGHT

WATER PERMIT NO. 1304-1

MAP No. 1304-1

Name of Applicant Audrey Anderson & Lempi Penn, 2555 Odell, Casper, Wyoming 82604

Post Office Address % Dave Penn, Operator, Star Route, Box 114, Buffalo, S.D. 57720

Amount of Water Claimed 0.16 Total Acres 11.00

Source of Water Supply Valley Creek

Water to be used for IRR County Harding

About 1E 1½ miles north of Harding

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved April 25, 1984 Subject to _____

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

PRIORITY _____ Date Received 3/9/84 Fee 10.50 Remarks _____

1/1/1947 Need fee, called Dave Penn 3/12/84 regarding fee, said it was being mailed 3/13/84 called Audrey Anderson 307-234-2143. She will be sending the fee 3/16/84 4/1 to 10/31

Corrected Application Received 3/16/84 Period of Annual Use 4/1 to 10/31

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

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

not applicable a vested right

Diversion Point _____

NW¼ SW¼ Section 19-T17N-R3E

Land to be Irrigated _____

E½ SE¼, Section 24-T17N-R2E and NW¼ SW¼, Section 19-T17N-R3E

	24		19		

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

assigned on 3/16/84 By Bette Westlund

Copied from [illegible]

No. <u>1304-1</u>	Hydrologic Unit <u>10110201</u>
Map No. <u>1304-1</u>	Basin <u>L. Missouri River</u>
Newspaper <u>N/A</u>	

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 Audrey Anderson & Lempi Penn Phone No. 375-3540
 (Dave Penn, Operator)
 Post Office Address Star Route, Box 114, Buffalo, SD State 57720
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) .16 Total acres irrigated 11.003. Source of Water supply Valley Creek4. Location of point of diversion 1200 ft S and 150 ft E of W $\frac{1}{2}$ Corner Section 19, T17N, R3E
(C.B.)County Harding5. Counties where water will be used Harding6. Annual period during which water is to be used April 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.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T17N, R2E	4 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T17N, R2E	2 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T17N, R3E	5 Acres

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)

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~~ Wyoming
County of NATRONA ^{SS}I, Lempi Penn and Audrey Anderson 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.ANN M. DIRICKSON
NOTARY PUBLIC

NATRONA COUNTY, WYOMING

My commission expires Jan. 6, 1985

Signed Lempi Penn & Audrey AndersonSubscribed and sworn to before me this 2th day of March 1984Ann M. Dirickson
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. 1304-1

Audrey Anderson & Lemp: Penn
(applicant)

2555 Odell, Casper
(post office address)

Wyoming
(state)

82604
(zip code)

Date of receipt of Application March 9, 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 January 1, 1947.
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 April thru October.

WATER MANAGEMENT BOARD

By: John H. Helt

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

May 21, 1984.

State of South Dakota

VESTED Water License No. 1304-1

(1) Audrey Anderson and Lempi Penn
c/o Dave Penn
of Star Route, Box 114, Buffalo, South Dakota 57720

Vested Right /a Vested Right
made Application No. 1304-1, March 9, 1984 for recognition of ~~for a water permit~~ to appropriate
0.16 cubic feet per second of water from Valley Creek
Harding County, South Dakota for Irrigation purposes.

Vested Right
Permit No. 1304-1, with a priority date of January 1, 1947
recognized April 25, 1984 and issued to applicant(s) for diversion of water ~~for~~ recognizing
was approved the construction of the described
water supply system to be completed on or before and ~~is~~ the application to beneficial use of said
water on or before

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 1200 feet South and 150 feet East
of the W $\frac{1}{2}$ Corner, Section 19, T17N, R3E (CB)

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

Section 24, T17N, R2E NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 Acres (DA)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2 Acres (DD)

Section 19, T17N, R2E NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 Acres (CB)

TOTAL 11 ACRES

(4) Pursuant to §46-5-30.1 Audrey Anderson and Lempi Penn
c/o Dave Penn

of Star Route, Box 114, Buffalo, South Dakota 57720

Vested Right
the holder(s) and/or owner(s) of Water Permit No. 1304-1 is issued a license to appropriate water, the right to use

0.16 cubic feet per second of water from Valley Creek with a priority date

of January 1, 1947 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

Vested Right
This license is subject to any limitations or qualifications listed in Water Permit No. 1304-1 and subject to South Dakota State Law.


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

JOHN HATCH

May 24, 1984

Affidavit of Water Use

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) Audrey Anderson or Lempi Penn

Post Office Address Star Route, Box 114, Buffalo, South Dakota 57720
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1947

C. Date that water was first applied to beneficial use 1947

D. Name of owner of original water supply system Earl Penn

E. Amount of water originally applied to beneficial use 10 cfs

F. Present Use of Water - Amount of water now being used 10 cfs

Date that this water was first used 1947

G. Chronological History of Water Use

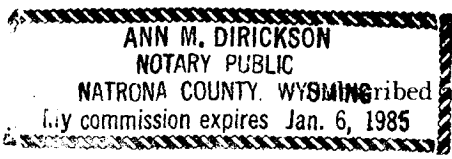
The irrigation system was constructed by Earl Penn in 1947. The system has been in continual use since it was constructed.

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 Wyoming)
~~South Dakota~~

County of NATRONA) ss

I, Audrey Anderson and Lempi Penn the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.



Signed Lempi Penn & Audrey Anderson
March 6th, 1984
Ann M. Dirickson
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____

Permit No. 1304-1Little Missouri River Water District # 10110201**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Audrey Anderson & Lempi Penn, Star Rt, Box # 114, Buffalo, S. Dak. 57720 holder of Permit No. 1304-1, bearing the priority of _____ 19 47 authorizing the diversion of .16 cu. ft. per second of the waters of Valley Creek. 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:

Diversion Dam. to divert water onto a flat area.

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

Spillway portion of Dam.

C. Works used to apply water to beneficial use:

Flood water spreads over the area.The system is in the following condition Good.The point of diversion is located 1200 ft S and 150 ft E of W 1/4 Cor of Section 19, T17N R3EThe 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:

NE 1/4 SE 1/4 Sec. 24 T17N R2E = 4 Ac.SE 1/4 SE 1/4 " 24 " " = 2 Ac.NW 1/4 SW 1/4 " 19 T17N R3E = 5 Ac.comprising a total of 11 acres of land and the license should be issued for .16 cfsApplicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date October 27, 1983

LeRoy J. Mernaugh
(signature)

RECEIPT

Division of Water Rights

No 4 9588 -

South Dakota Department of Water and Natural Resources

Pierre, March 16, 1984

RECEIVED OF Audrey Anderson, 2555 Odell, Casper, WY 82601

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

Fee for Application for Permit No. 1304-1 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)

WATER RIGHTS DIVISION
(605) 773-3352

January 19, 1984

Audrey Anderson & Lempi Penn
Star Route, Box 114
Buffalo, South Dakota 57720

Dear Mrs. Anderson and Penn:

On October 27, 1983, I along with Dave Penn made an inspection of an irrigated area along Valley Creek in Section 24, T17N, R2E and Section 19, T17N, R3E. This irrigated area will qualify for a Vested Right. In order to obtain a Vested Right for this system you will need to submit an application to this office.

Enclosed are two copies of a completed Form 2, "Application for Permit" and one copy of Form 2B, "Affidavit of Water Use". Please check over the Forms and make any changes necessary to make them as accurate as possible. Then sign all forms and have notarized and return to this office with a check for \$10.50 to cover the cost of the examining fee and the Water License.

Enclosed also is a copy of the Water Right map. Please check over and make any changes necessary to make it as accurate as possible. If you make changes on the map please return it to this office along with the forms so that we can correct our office copy. If there are no corrections you may keep the map for your files.

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.



No. 1304-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

May 24, 1984

Audrey Anderson & Lempi Penn
c/o Dave Penn
Star Route, Box 114
Buffalo, South Dakota 57720

Dear Sir:

Enclosed herewith are your Vested Right Permit, Water License No. 1304-1.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosures

Water Rights Program -- File Documentation

NAME: Audrey Anderson and Lempi Penn c/o Dave Penn

ADDRESS: Star Route, Box 114, Buffalo SD 57720

DATE: 4/17/96 **COUNTY:** Harding

RE: Readvertisement of Notice to Validate Vested Water Right Claim No. 1304-1

COMMENTS:

Vested Water Right Claim No. 1304-1 was published for validation along with all other Harding County validations on June 1 and 8, 1988, in the Nation's Center News published in Buffalo SD. An error was found in the publication concerning the location of the irrigated acreage. The acreage published as being in "R2E" of section 19 should have been published as "R3E."

INVESTIGATION RESULTS:

This claim was not contested by the Chief Engineer. An inspection was completed by Leroy Mernaugh in 1983 upon which the vested right claim is based. A review of the file did not turn up any other errors in the published notice.

RECOMMENDED ACTION:

A readvertisement notice needs to be prepared in accordance with SDCL 46-2A-22. If no petitions are received in response to the notice, the validation can be issued following the readvertisement.



Ron Duvall, Natural Resources Engineer
Water Rights Program



August 21, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Audrey Anderson and Lempi Penn
c/o David Penn
St Rt, Box 114
Buffalo SD 57720

Dear Mr. Penn

The original Notice of Intent to Validate your Vested Water Right Claim No. 1304-1 published with an error in the legal description of the lands irrigated. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Nation's Center News printed at Buffalo SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF HARDING) SS.
)

Linda Stephens of said County and State, being duly sworn, on his oath, says: That the NATION'S CENTER NEWS is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State by Linda Stephens, Owner and has been such newspaper during the time hereinafter mentioned and that I, Linda Stephens, the undersigned, am owner of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed Readvertisement - Water Right Claims
151 lines

a printed copy of
which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once a week for 2 successive weeks.

The first publication being made on the 28 day of August, 19 96

The second publication being made on the 4 day of September, 19 96

The third publication being made on the _____ day of _____, 19 _____

The fourth publication being made on the _____ day of _____, 19 _____

The last publication being made on the _____ day of _____, 19 _____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 65.50 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 5 day of August, 19 96

Linda Stephens
Walter Stephens
My commission expires JUNE 15, 2003

DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

READVERTISEMENT OF
NOTICE OF INTENT TO
VALIDATE VESTED WATER
RIGHT CLAIMS

Notice is given that the following vested water right claims in Harding County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 1 and 8, 1988 in the Nation's Center News is necessary to correct errors in the previously published notice.

Vested Water Right No. 1266-1, Alfred Davis and Shirley Blake, Camp Crook Rt, Belle Fourche, SD 57717 appropriates 2.96 cfs from Forty Eight Mile Creek and tributaries located in the SE1/4SE1/4 Section 12, SE1/4 SE1/4, SE1/4NW1/4 Section 13 and the NW1/4NE1/4 Section 14; all in T16N-R1E to irrigate 207 acres. The irrigated land is located in the SE1/4NW1/4, SW1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4 Section 11, S1/2 SW1/4, S1/2SE1/4 Section 12, NW1/4, SW1/4, S1/2SE1/4 Section 13, N1/2NE1/4 Section 14 and N1/2NE1/4 Section 24; all in T16N-R1E. The priority dates are October 1, 1898 (2.40 cfs) and September 28, 1949 (0.56 cfs).

Vested Water Right No. 1304-1, Audrey Anderson and Lemp Penn, Box 114, Buffalo, SD 57720 appropriates 0.16 cfs from Valley Creek located in the NW1/4SW1/4 Section 19-T17N.

R3E to irrigate 11 acres located in the E1/2SE1/4 Section 24-T17N-R2E and NW1/4SW1/4 Section 19-T17N-R3E. The priority date is January 1, 1947.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by September 20, 1996 with the Chief Engineer, Water Rights program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605-773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, October 2, 1996, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The October 2, 1996 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 20, 1996.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15

and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by September 20, 1996, at the above Water Right Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
8-28, 9-4

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1304-1 FOR IRRIGATION

Date of Receipt of Claim March 9, 1984.

Date of Validation October 2, 1996.

The Water Management Board validated Vested Water Right Claim No. 1304-1 for irrigation purposes for Audrey Anderson and Lempi Penn, c/o Dave Penn, St Rt, Box 114, Buffalo SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1304-1 appropriates 0.16 cubic feet of water per second from Valley Creek located in the NW 1/4 SW 1/4 Section 19-T17N-R3E to irrigate 11 acres located in the E 1/2 SE 1/4 Section 24-T17N-R2E and NW 1/4 SW 1/4 Section 19-T17N-R3E.
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. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1947.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: *John Hatch*
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Audrey Anderson and Lempi Penn
c/o Dave Penn
St Rt, Box 114
Buffalo Gap SD 57720

Dear Mr. Penn:

The Water Management Board has validated the enclosed Vested Water Right No. 1304-1. This validation gives legal status to the claim and is the final document for your vested right.

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 Program
605 773-3352

enclosure

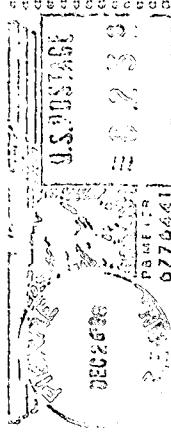
**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

ADDRESS CORRECTION REQUESTED



CLASS
CHICAGO
DEC 26 1997



1304-1



~~Audrey Anderson and Lempi Penn
c/o Dave Penn
St Rt, Box 114
Buffalo SD~~

* RETURN TO SENDER * ☐ VACANT
☐ FORWARDING ORDER EXPIRED
☒ NO SUCH STREET/NUMBER ☐ REFUSED
☐ MOVED LEFT NO ADDRESS ☐ UNCLAIMED
☒ INSUFF ADDRESS ☒ UNKNOWN