

Considered: \_\_\_\_\_

WATER PERMIT NO. 1325-1

MAP No. same

Name of Applicant Richard L. or Bernice G. Cundy

Post Office Address RT. 1 Box 55 St. Ouge

Amount of Water Claimed 2.56 cfs Total Acres 179

Source of Water Supply K-Bar creek & Dry Draw

Water to be used for IRR County Harding

About \_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_.

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received \_\_\_\_\_ Fee \_\_\_\_\_ Remarks \_\_\_\_\_

Corrected Application Received \_\_\_\_\_ Period of Annual Use \_\_\_\_\_

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point #1 NE<sup>4</sup> SE<sup>4</sup> sec. 22 T19N R1E

#2 NW<sup>4</sup> NE<sup>4</sup> sec. 35 T19N R1E

Land to be Irrigated SW<sup>4</sup> sec. 24, SE<sup>4</sup> sec. 24,  
NW<sup>4</sup> and SW<sup>4</sup> sec. 25, SE<sup>4</sup> sec. 25, NE<sup>4</sup> sec. 35  
NW<sup>4</sup> sec. 36 T19N R1E

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Well Log: Driller \_\_\_\_\_ Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map \_\_\_\_\_ PREPARED BY \_\_\_\_\_ Reviewed and the Number

assigned on 2-22-85 By RCY

No. 1325-1 Hydrologic Unit 10110201  
 Map No. Same Basin Little Missouri River  
 Newspaper \_\_\_\_\_

# 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 Richard L or Bernice G. Cundy Phone No. 642-3130

Post Office Address Route #1, Box 55 St. Onge State SD 57779  
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 2.56 Total acres irrigated 179

3. Source of Water supply K-Bar Creek and Dry Draw

4. Location of point of diversion Point #1 - 2300'N and 900'W of SE Corner of Section 22,  
T19N, R1E. Point #2 - 100'S and 1370'W of NE Corner of Section 35, T19N, 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. |
|---------------------------|----------------|
| <u>See attached sheet</u> |                |
|                           |                |
|                           |                |

| 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)

Water is diverted out of K-Bar Creek and dry draws for flood irrigation by using dikes and ditches.

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 Lawrence)<sup>ss</sup>

I, Richard L. Cundy 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.

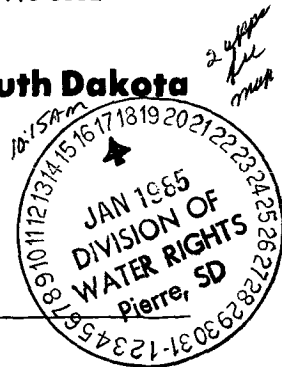
KIM A. HABECK, Notary Public  
 My Commission Expires 11-1-92

Signed

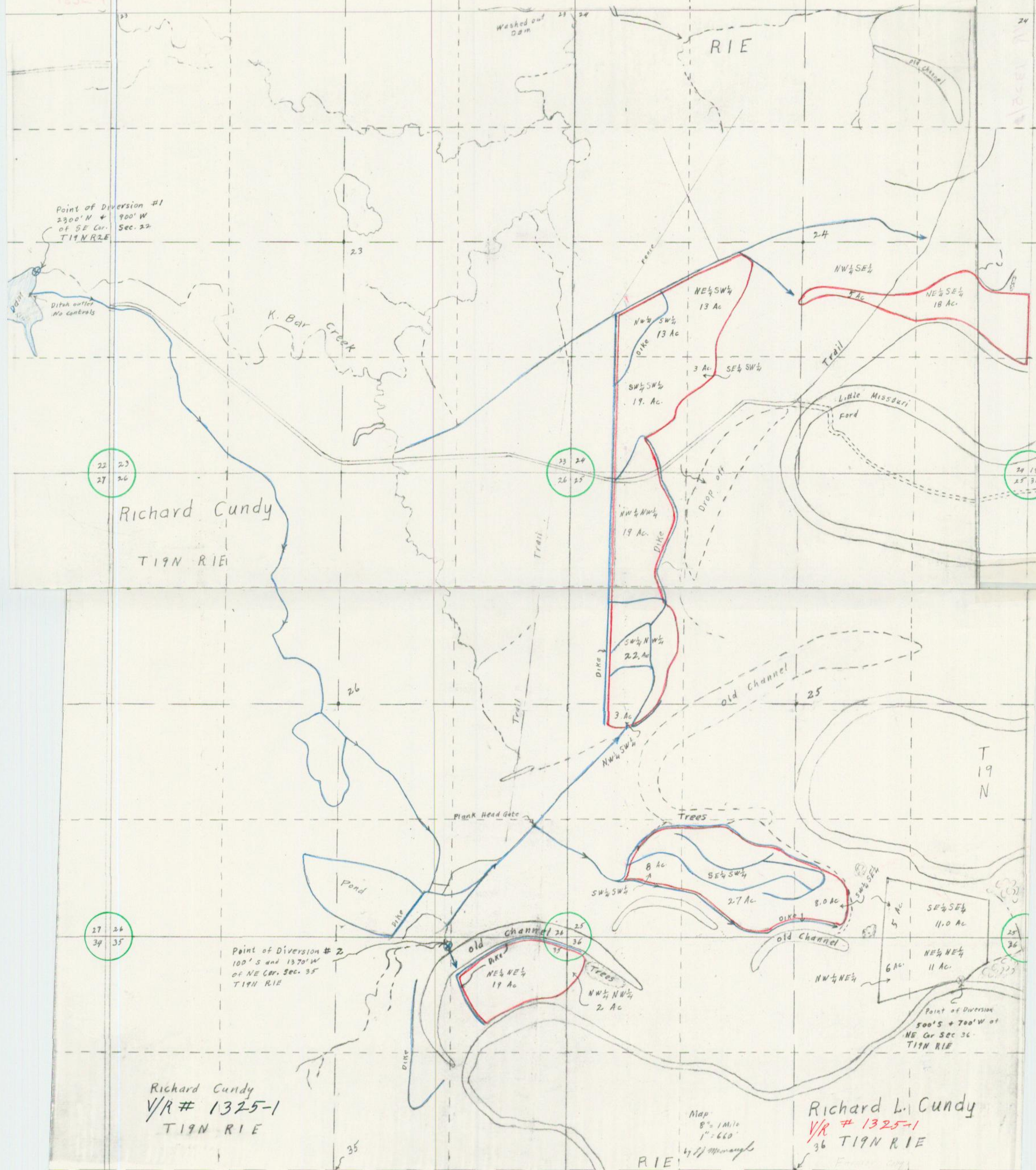
Richard L. Cundy

Subscribed and sworn to before me this 11th day of January, 19 85

Kim A. Habeck  
 Notary Public (or other qualified officer)



1325-1



Richard Cundy

T19N R1E

Richard Cundy  
V/R # 1325-1  
T19N R1E

Richard L. Cundy  
V/R # 1325-1  
36 T19N R1E

Map  
8" = 1 Mi.  
1" = 660'  
by J. J. Munn

# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1325-1  
Richard L or Bernice G. Cundy Route #1, Box 55, St. Onge,  
(Applicant) (Post Office Address)  
South Dakota 57779 With the following qualifications.  
(State) (Zip Code)

See VR-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\_\_\_\_

Richard L or Bernice G. Cundy

Paragraph #7 Area Irrigated

|                                                           |           |
|-----------------------------------------------------------|-----------|
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T19N, R1E | 13 Acres  |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T19N, R1E | 13 Acres  |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T19N, R1E | 19 Acres  |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 24, T19N, R1E | 3 Acres   |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T19N, R1E | 5 Acres   |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 24, T19N, R1E | 18 Acres  |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 25, T19N, R1E | 19 Acres  |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 25, T19N, R1E | 22 Acres  |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25, T19N, R1E | 3 Acres   |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25, T19N, R1E | 8 Acres   |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 25, T19N, R1E | 27 Acres  |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 25, T19N, R1E | 8 Acres   |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 35, T19N, R1E | 19 Acres  |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 36, T19N, R1E | 2 Acres   |
| TOTAL                                                     | 179 ACRES |

## VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1325-1

Richard L or Bernice G. Cundy  
(applicant)

Route #1, Box 55, St. Onge  
(post office address)

South Dakota  
(state)

57779  
(zip code)

Date of receipt of Application January 17, 1985.

Recognized March 6, 1985.

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, 1936.
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 \_\_\_\_\_

2.56 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 Hatch

(Chief Engineer)

Division of Water Rights  
Dept. of Water and Natural Resources

APR 24 1985

, 19 \_ .

# State of South Dakota

VESTED RIGHT Water License No. 1325-1

(1) Richard L. or Bernice G. Cundy  
of Route #1, Box 55, St. Onge, South Dakota 57779  
made Application No. 1325-1, January 17, 1985 for recognition of ~~for a water permit~~ **/a vested right** to appropriate  
2.56 cubic feet per second of water from K-Bar Creek and dry draw,  
Harding County, South Dakota for Irrigation purposes.

## Vested Right

Permit No. 1325-1, with a priority date of January 1, 1936  
was ~~approved~~ **recognized** March 6, 1985 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 \_\_\_\_\_.

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 2.56 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is are Pt#1-2300'N and 900'W of the SE Corner  
of Section 22 (DA); Pt#2- 100'S and 1370'W of the NE Corner of Section 35 (AB), all  
in T19N, R1E.

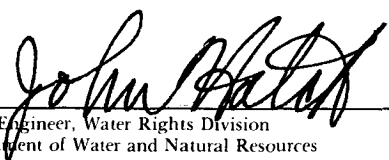
and

(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 T19N, R1E

|                   |                                                             |                 |             |                   |                                                             |                  |             |
|-------------------|-------------------------------------------------------------|-----------------|-------------|-------------------|-------------------------------------------------------------|------------------|-------------|
| <u>Section 24</u> | <u>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>13 Acres</u> | <u>(CB)</u> | <u>Section 35</u> | <u>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>19 Acres</u>  | <u>(AA)</u> |
|                   | <u>NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>13 Acres</u> | <u>(CA)</u> | <u>Section 36</u> | <u>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>2 Acres</u>   | <u>(BB)</u> |
|                   | <u>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>19 Acres</u> | <u>(CC)</u> | <u>TOTAL</u>      |                                                             | <u>179 ACRES</u> |             |
|                   | <u>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>3 Acres</u>  | <u>(CD)</u> |                   |                                                             |                  |             |
|                   | <u>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u> | <u>5 Acres</u>  | <u>(DB)</u> |                   |                                                             |                  |             |
|                   | <u>NE<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u> | <u>18 Acres</u> | <u>(DA)</u> |                   |                                                             |                  |             |
| <u>Section 25</u> | <u>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>19 Acres</u> | <u>(BB)</u> |                   |                                                             |                  |             |
|                   | <u>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>22 Acres</u> | <u>(BC)</u> |                   |                                                             |                  |             |
|                   | <u>NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>3 Acres</u>  | <u>(CB)</u> |                   |                                                             |                  |             |
|                   | <u>SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>8 Acres</u>  | <u>(CC)</u> |                   |                                                             |                  |             |
|                   | <u>SE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math></u> | <u>27 Acres</u> | <u>(CD)</u> |                   |                                                             |                  |             |
|                   | <u>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math></u> | <u>8 Acres</u>  | <u>(DC)</u> |                   |                                                             |                  |             |

(4) Pursuant to §46-5-30.1 Richard L. or Bernice G. Cundy  
of Route #1, Box 55, St. Onge, South Dakota 57779  
the holder(s) and/or owner(s) of Vested Right Water Permit No. 1325-1 is issued a license to appropriate water, the right to use  
2.56 cubic feet per second of water from K-Bar Creek and dry draw with a priority date  
of January 1, 1936 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 Water Permit No. 1325-1 and subject  
to South Dakota State Law.

  
\_\_\_\_\_  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources  
**JOHN HATCH**  
**APR 24 1985**

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, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Richard L or Bernice G.Cundy, Rt #1, Box 55 of St Onge, S. Dak. 57779 holder ofPermit No. 1325-1, bearing the priority of \_\_\_\_\_ 1936 authorizingthe diversion of 2.56 cu. ft. per second of the waters of K-Bar Creek + 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:

Div. Pt #1 = Diversion Dam. Ht - 12 ft, length 350 ft, Slopes. 3:1 + 2:1  
8' Top width, Em Spill. 180' Wide., Surface Ac. = 12 AC.Div Pt #2 = Small Diversion Dam to Divert water from Dry Draw

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

Diversion Dikes and Ditches

## C. Works used to apply water to beneficial use:

Spreader Dikes and Ditches for Flood IrrigationThe system is in the following condition Fair.The point of diversion is located Pt #1 = 2300' N + 900' W of SE Cor. of Sec. 22, Pt #2 =  
100' S and 1370' W of NE Cor. of Sec. 35 All in T19N R1EThe works are capable of diverting and conveying to the place of use 10 cfs Est.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: \_\_\_\_\_

See Reverse Side of this sheet.comprising a total of 179 acres of land and the license should be issued for 2.56 cfsApplicable permit qualifications have been complied with X Yes \_\_\_\_\_ NoExceptions to compliance are: \_\_\_\_\_ Date 9/14/83

(over)

LeRoy J Mernaugh  
(signature)

|                                   |         |      |     |           |
|-----------------------------------|---------|------|-----|-----------|
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | Sec. 24 | T19N | R1E | = 13. Ac. |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | " 24    | "    | "   | = 13 Ac.  |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | " 24    | "    | "   | = 19 Ac.  |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | " 24    | "    | "   | = 3 Ac.   |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | " 24    | "    | "   | = 5 Ac.   |
| NE $\frac{1}{4}$ SE $\frac{1}{4}$ | " 24    | "    | "   | = 18 Ac.  |

|                                   |      |   |   |          |
|-----------------------------------|------|---|---|----------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | " 25 | " | " | = 19 Ac. |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | " 25 | " | " | = 22 Ac. |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | " 25 | " | " | = 3 Ac.  |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | " 25 | " | " | = 8 Ac.  |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | " 25 | " | " | = 27 Ac. |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | " 25 | " | " | = 8 Ac.  |

|                                   |      |   |   |          |
|-----------------------------------|------|---|---|----------|
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | " 35 | " | " | = 19 Ac. |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | " 36 | " | " | = 2 Ac.  |

Total.

---

179 Ac.

# Supplemental Information

Richard L or Bernice Cundy

(type or print in ink)

Dam in NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.22-19N-1E

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth of Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:
- On applicants property \_\_\_\_\_ On property owned by others \_\_\_\_\_

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

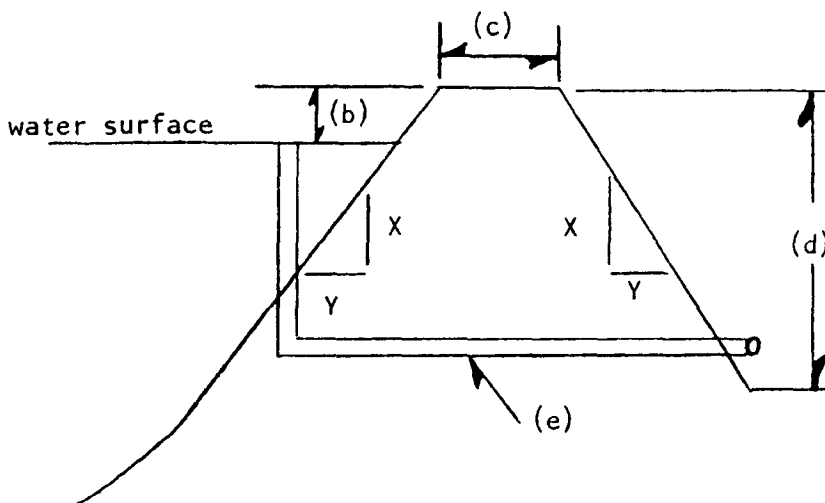
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Note: Dam used to divert water only

There are no controls on this dam

- b) Freeboard 4.5 ft.
- c) Crest Width 8.0 ft.  
Crest Length 350 ft.
- d) Height 12.0 ft
- e) Outlet Dimensions:  
Pipe diameter none  
Spillway width 180 ft
- f) X & Y Slope  
Upstream 3:1  
Downstream 2:1



Surface Area of Impoundment 12-0  
water depth 7.0 ft estimate  
Storage 33.6 acre feet  
Drainage area above dam 3930 acres

Signature of Applicant

**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) Richard L or Bernice G. Cundy

Post Office Address Route #1, Box 55, St. Onge, South Dakota 57779  
(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 1936C. Date that water was first applied to beneficial use 1937D. Name of owner of original water supply system Louis MartinE. Amount of water originally applied to beneficial use 20<sup>+</sup> CFS ESTIMATEF. Present Use of Water - Amount of water now being used 20<sup>+</sup>CFS ESTIMATEDate that this water was first used 1937

## G. Chronological History of Water Use

1936 The dam and water spreading system was constructed by Louis Martin

1952 The property was purchased in 1952 by Richard L. Cundy.  
 The system has been in continual use since 1936.

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 Lawrence ) SS

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

Signed Richard L. CundySubscribed and sworn to before me January 11, 1985

KIM A. HABECK, Notary Public  
 My Commission Expires 11-1-92

Kim A. Habeck  
 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.

\_\_\_\_\_, 19\_\_\_\_  
(Print name)\_\_\_\_\_, 19\_\_\_\_  
(Print name)

# RECEIPT

Division of Water Rights

No 4 9901

South Dakota Department of Water and Natural Resources

Pierre, January 17, 19 85

RECEIVED OF Richard L. or Bernice G. Cundy, Route #1, Box 55, St. Onge, SD 57779  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                                       |       |       |
|---------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>VR 1325-1</u> 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. <u><del>VR 1325-1</del> VR 1325</u>     | 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)



No. 1325-1

# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
(605) 773-3352

APR 24 1985

Richard L. or Bernice G. Cundy  
Route #1, Box 55  
St. Onge, South Dakota 57779

Dear Mr. & Mrs. Cundy:

Enclosed herewith are your Vested Right Permit, Water License No. 1325.  
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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:

enclosures

## **SOUTH DAKOTA**

### **VESTED WATER RIGHT NO. 1325-1 FOR IRRIGATION**

Date of Receipt of Claim January 17, 1985.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1325-1 for irrigation purposes for Richard L or Bernice G Cundy, Route 1, Box 55, St. Onge SD 57779 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1325-1 appropriates 2.56 cubic feet of water per second from K-Bar Creek and a dry draw to irrigate 179 acres. The points of diversion are located in the NE1/4 SE1/4 section 22 (storage dam - 33.6 acre feet); NW1/4 NE1/4 section 35 and the irrigated acreage is located in the SW1/4, N1/2 SE1/4 section 24; W1/2 NW1/4, W1/2 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4 section 25; NE1/4 NE1/4 section 35; NW1/4 NW1/4 section 36; all in T19N-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 January 1, 1936.
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

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

1325-1  
1326-1  
1327-1  
1328-1

Richard L or Bernice G Cundy  
Route 1, Box 55  
St. Onge SD 57779

Dear Mr. and Ms. Cundy:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1325-1, 1326-1, 1327-1, and 1328-1. 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,

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

enclosure

1325-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

August 22, 2019

LaVon M Colwell  
4669 S Idalia St  
Aurora CO-80015

RE: Ownership changes on Water Right or Vested Water Right Nos. 322-1, 709-1, 1325-1, 1326-1, 1327-1, 1328-1 and 1416-1

Dar Ms. Colwell:

Thank you for visiting with me regarding the ownership changes for the water rights and vested water rights listed under Richard L & Bernice G Cundy.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$350). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of all the water rights and vested water rights for your review. You may keep these for your records. If you have any questions, please let me know.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures

RECEIVED

AUG 30 2019

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

PAID

AUG 30 2019

Ck# 2101

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

No. 1325-1

Date: August 27, 2019

I/We request that Vested Water Right No. 1325-1

formerly owned by: Richard L or Bernice G Cundy

be transferred to: (name & address) Bernice G. Cundy Trust

% Lavon M. Colwell - trustee

4669 S. Idalia St. Aurora, CO 80015 Telephone No. 303-690-6457

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

179 acres - SW ¼, N ½ SE ¼ Section 24; W ½ NW ¼, W ½ SW ¼, SE ¼ SW ¼, SW ¼ SE ¼ Section

25; NE ¼ NE ¼ Section 35 & NW ¼ NW ¼ Section 36, all in T19N, R1E

I/We understand that the validity of Vested Water Right No. 1325-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Lavon M. Colwell, the new owner, certify that the above information is true and correct.

Lavon M. Colwell  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date August 30, 20 19

RECEIVED OF Bernice G Cundy Truat & LaVon Colwell 4669 S Idalia St Aurora CO 80015

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 | 50    | 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. _____            |       |    |
| Fee for Filing Transfer Form <u>1325-1</u>                                                                     |       |    |
| Fee for _____                                                                                                  |       |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. 09197

By Jeanne Goodman  
Chief Engineer vm

1325-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

September 4, 2019

LaVon M Colwell  
4669 S Idalia St  
Aurora CO-80015

RE: Ownership changes on Water Right or Vested Water Right Nos. 322-1, 709-1, 1325-1, 1326-1, 1327-1, 1328-1 and 1416-1

Dear Ms. Colwell:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for the above listed water rights and vested water rights.

The ownership changes have been completed. Water Right or Vested Water Right Nos. 322-1, 709-1, 1325-1, 1326-1, 1327-1, 1328-1 and 1416-1 are now all listed under "Bernice G Cundy Trust" with you listed as the trustee.

Enclosed for your records are seven receipts in the amount of \$50 each which you paid for filing the ownership changes. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures