

Considered: _____

WATER PERMIT NO. 1327-1

MAP No. Same

Name of Applicant Richard L. or Bernice G. Cundy

Post Office Address RT. 1 Box 55 ST. Ouge S.D.

Amount of Water Claimed 0.47 cfs Total Acres 33

Source of Water Supply Little Missouri river

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 _____

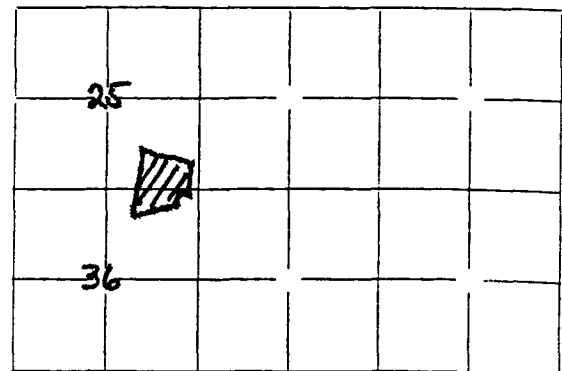
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point NE⁴NE⁴ sec. 36 T19N R1E

Land to be Irrigated SE⁴ sec. 25, NE⁴ sec. 36
T19N R1E



Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Drawn PREPARED BY Leroy Merwaugh Reviewed and the Number
assigned on 2-22-85 By KCY

No. 1327-1 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. 642-3130Post Office Address Route #1, Box 55, St. Onge State SD Zip Code 57779
(Street, RR or Box)2. Amount of water claimed (c.f.s.) .47 Total acres irrigated 333. Source of Water supply Little Missouri River4. Location of point of diversion 500 ft S and 700 ft W of NE Corner of Section 36, T19N, R1ECounty Harding5. Counties where water will be used Harding6. 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.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T19N, R1E	5
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T19N, R1E	11
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T19N, R1E	6
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T19N, R1E	11

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)

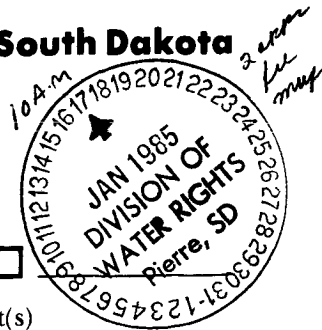
This area is irrigated by a sprinkler system and flooding

~~Note: Upon approval of this application the applicable portions of Water Right Filing No. 058-1 have been incorporated into this Vested Right and the abandoned portions of Filing No. 058-1 have been cancelled.~~ *y.m.*

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)^{ss}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.Signed Richard L CundySubscribed and sworn to before me this 11th day of January 19 85KIM A. HABECK, Notary Public
My Commission Expires 11-1-92

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



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1327-1
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)
Sec 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____.

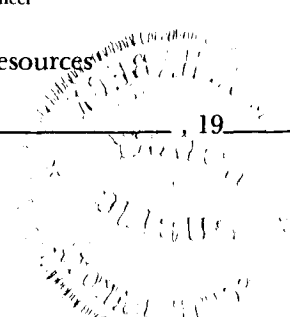
The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

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____



VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1327-1

Richard L or Bernice G Cundy
(applicant)

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

South Dakota 57779
(state) (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 April 27, 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 _____

0.47 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 Water License No. 1327-1

(1) Richard L. or Bernice G. Cundy
of Route #1, Box 55, St. Onge, South Dakota
made Application No. 1327-1, January 17, 1985, for recognition ^{/of a Vested Right} for a water permit to appropriate
0.47 cubic feet per second of water from the Little Missouri River,
Harding County, South Dakota for irrigation purposes.
Vested Right
/Permit No. 1327-1, with a priority date of April 27, 1903
^{/recognized} March 6, 1985 and issued to applicant(s) for diversion of water ^{recognizing} ~~with~~ 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. 058-1 and Location Notice No. 639-1
have been incorporated into this Vested Right Water License No. 1327-1 with the
abandoned portions of Filing No. 058-1 and Location Notice No. 639-1 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 0.47 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 500'S and 700'W of the NE Corner of
Section 36, T19N, R1E (AA)

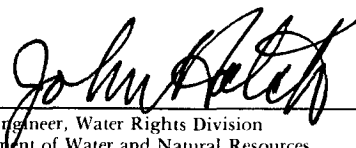
and

(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

Section 25	SW ~~1~~ SE ~~1~~	5 Acres	(DC)
	SE ~~1~~ SE ~~1~~	11 Acres	(DD)
Section 36	NW ~~1~~ NE ~~1~~	6 Acres	(AB)
	NE ~~1~~ NE ~~1~~	11 Acres	(AA)
	TOTAL	33	ACRES

(4) Pursuant to §46-5-30.1 Richard L. or Bernice Cundy
of Route #1, Box 55 St. Onge, South Dakota
the holder(s) and/or owner(s) of Vested Right Water Permit No. 1327-1 is issued a license to appropriate water, the right to use
0.47 cubic feet per second of water from the Little Missouri River with a priority date
of April 27, 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 Water Permit No. 1327-1 and subject
to South Dakota State Law.


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

Affidavit of Water Use

Based on Water Right

Filing No. 058-1

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) Richard L. or Bernice G. Cundy

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

A. Notice of Appropriation _____ Date of Posting April 27, 1903

Date of recording April 27, 1903 Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1903C. Date that water was first applied to beneficial use 1904D. Name of owner of original water supply system Clarence A. BrownE. Amount of water originally applied to beneficial use 40 cfsF. Present Use of Water - Amount of water now being used 1.78Date that this water was first used 1952

G. Chronological History of Water Use

1903 Constructed by Clarence A. Brown
 Lathams owned the property for a period of time

1952 Property obtained by Richard L. Cundy. The area has been irrigated
 continually since 1904

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)

ss

County of Lawrence)

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 11th, 19 85

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)

LeRoy J. Mervanck
(signature)

RECEIPT

Division of Water Rights

No 4 9898

South Dakota Department of Water and Natural Resources

Pierre, January 17, 1985

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

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

Fee for Application for Permit No. <u>1327-1</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>1327-1</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 (RIS)

LOCATION NOTICE

639-1
Book III
Page 237

KNOW ALL MEN BY THESE PRESENTS:

THAT Clarence H. Brown whose post office is
Camp Crook, South Dakota, a citizen of the United States, above the age of
21 years, being in possession of the following described land, to-wit: Lots 7, 10, 11, 5 1/2 SW 1/4 section
25 township 19N range 1E B. H. M
in Harding County, South Dakota. Said lands comprising Desert Entry No. _____
Land District, availing _____ self of the right granted _____ under the provisions
of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to
construct a certain dam across a dry draw situated in the Lots 3 & 4 1-4 of the 1-4 section 36
township 19N range 1E B. H. M. and has located and claims the right to construct
ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above
described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose one cubic feet of water per second during the follow-
ing described annual periods April to October inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the Near center of east line of Lot 3, Sec. 36 - 19N - 1E

The ditch _____ will run in a northeasterly direction to and on said
land for a distance of 2,600.00 feet.

Said location was made on the 29 day of Jan. 1917

Witness my hand and seal this 29 day of Jan. 1917

Clarence H. Brown

Locator.

State of South Dakota,

County of Harding } ss

On the 29 day of January 1917, before me C. T. Martin
a U.S. Commissioner, a notary public in and for the County and State aforesaid, personally
appeared Clarence H. Brown to me personally known to be the person who executed
the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, the day and date above written.

C. T. Martin

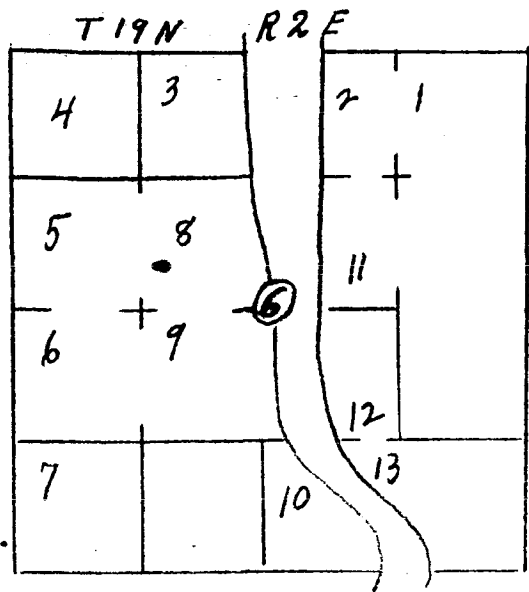
Notary Public.

Pierre, South Dakota, Mar. 1 1917

This is to certify that the foregoing location notice was received at this office at 9 o'clock a. M.,
upon the 1st day of March 1917, and after examination it was filed
for record

Horner M. Levy

State Engineer.

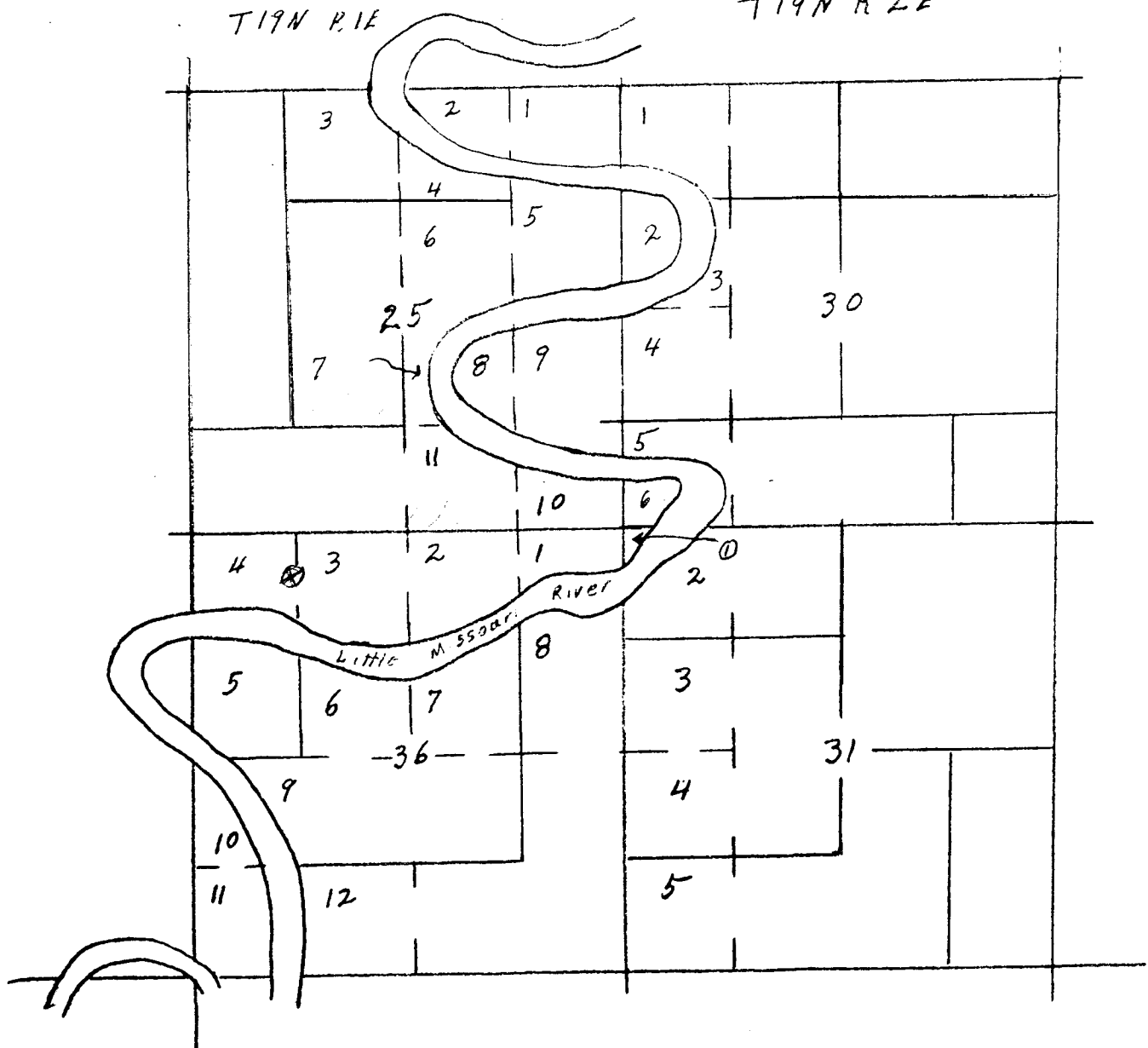


Location Notice # 639-1

Turbiville

Cundy

T19N R2E





WATER RIGHTS DIVISION
(605) 773-3352

March 30, 1984

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

Dear Mr. & Mrs. Cundy:

On February 14, 1984 I met with you and we went over your irrigation projects in Harding County. In order to update your irrigation systems it was decided to have you apply for four Vested Rights.

Enclosed are the completed copies of the necessary forms and maps for each of the four applications. Please check all of the forms for accuracy and make any corrections necessary to make them as accurate as possible. Then sign all of the forms where indicated and have them all notarized and return all of the forms to this office with a check for \$42.00 to cover the cost of the examining fees and the Water License.

If you do not make any corrections or changes on the water right map you may keep it for your use. If you do make changes on the map please return it with the forms so that we may correct our office copy. You may keep the copies of Water Right filings Nos. 059-1, 073-1 and 0158-1 for your use.

At a later date the old Water Right filings that are located on your property and have been abandoned will be presented to the Water Management Board for cancellation. You will be notified when they will be presented to the Board.

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

Sincerely,

LeRoy Mernaugh
Water Resources Engineer

LJM:ms
Enc.

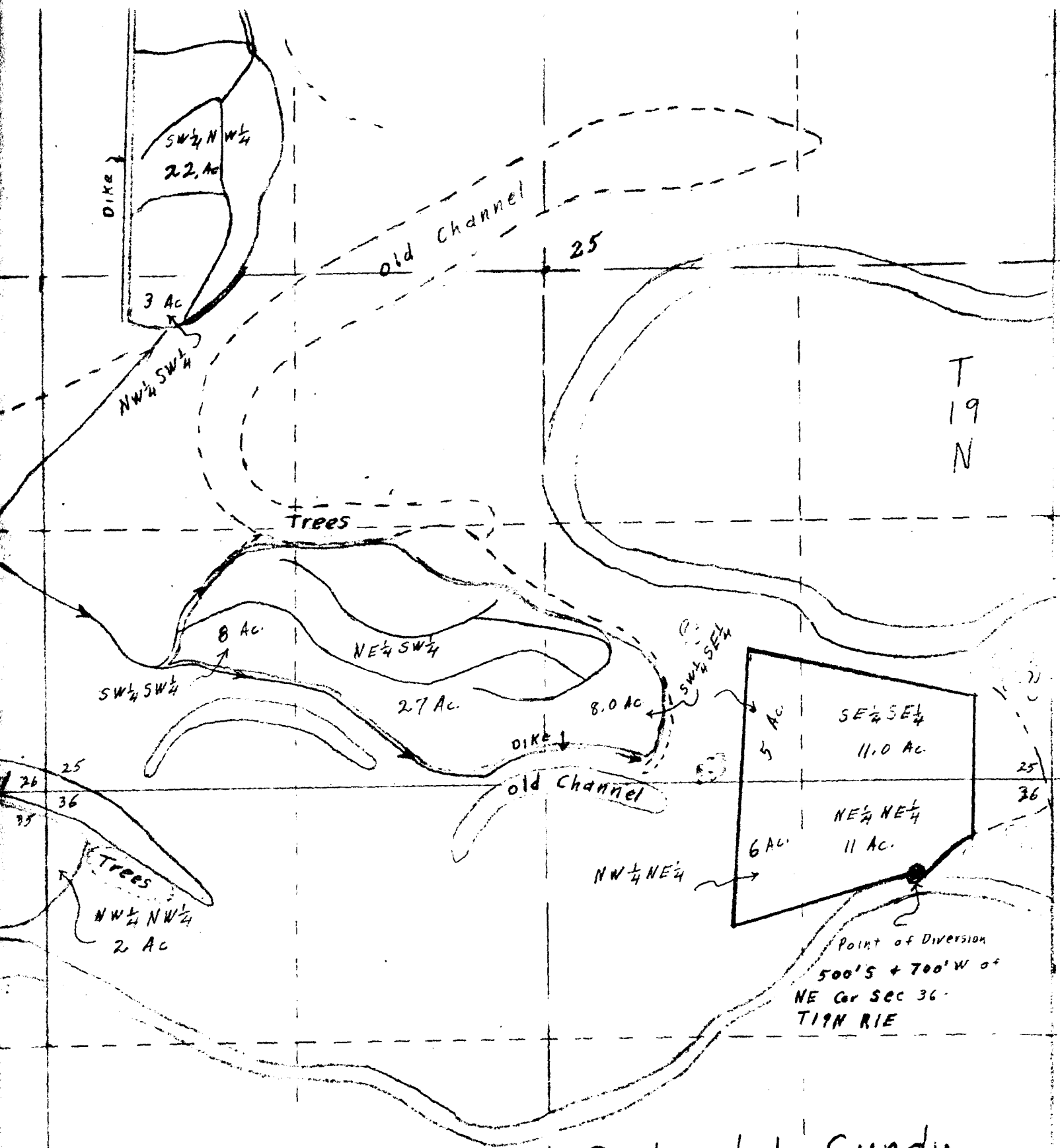
NAME OF PERSON OR FILE: Richard or Bernice Cundy,ADDRESS: Rt #1, Box 55, St. Onge, S.D. 57779 COUNTY HardingDATE: Apr. 10, 1984 TELEPHONE 642-3130RE: Cancellation of Location Notice #639-1

COMMENTS:

In going through the files I found that the Location
Notice is to irrigate from a point near Water Right
Filing 078-1 and 058-1. There is a Vested Right
pending that will cover ^{portions of} this same area. Therefore
this location notice should be presented to the
Water Management Board for cancellation. This system
has either never been constructed or has been abandoned
long ago.

Note: Location Notice No. 639-1 carries a priority date of 1-29-17 (GM)
Vested Right No. 1327-1 carries a priority date of 4-27-03

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Map
8" = 1 Mile
1" = 660'

by J. J. M. M. M.

R1E

Richard L. Cundy

36 T19N R1E

Office Copy V/R #1327-1

058-1

Richard L. Cundy
Incorporated into V/R. # 1327-1

COPY.

PRE-EMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY COME. Know ye, that I Clarence A. Brown of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Little Missouri River stream to the a part of Section 25 in Township 19 of Range 1 more particularly described as follows: Commencing at a point near the Southwest corner of lot 3 in Section 36 in Township 19 N. of Range 1 E. B.H.Wer. a ditch from said point to and upon Lots 7, 10 and 11 of section 25 in Township 19 N. Range 1 E. B.H.Wer.

I also claim and have a valid right to the enjoyment and use of ^{410 cfs} 2000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining. Witness my hand and seal this 27 day of April A.D. 1903.

Clarence A. Brown.

Notice posted on stream April 27, 1903.

State of South Dakota } ss.
County of Butte

On this 27 day of April 1903, before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Clarence A. Brown to be personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, this day and date above written.

(SEAL)

John Thompson, U.S. Commissioner
for Dist. of S.D. Dak.

ORIGINAL RECORD AND WAS MICROFILMED IN THE FEDERAL COMMISSION OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA CIVIL LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTO REPRODUCTIONS. REDUCTION 25%
FBI NO. 1-27-4
FBI NO. 1-27-4



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. 1327-1.
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,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures

The applicable portions of Water Right Filing No. 058-1 and Location Notice No. 639-1 have been incorporated into Vested Right No. 1327-1 with the abandoned portions of Filing No. 058-1 and Location Notice No. 639-1 cancelled.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

1327-1

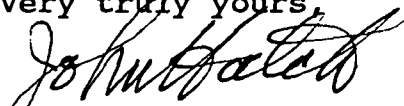
RICHARD/BERNICE CUNDY
RT 1 BOX 55
ST. ONGE, SD 57779

Dear Mr. and Mrs. CUNDY:

I am writing to follow up on Montana Water Permit Application No. 76844-S39F, Charles Oleson, for irrigation from the Little Missouri River, in Montana. During the April 16, 1991 informal hearing in Camp Crook by the Montana Department of Natural Resources and Conservation, Mr. Oleson agreed to a minimum flow bypass to protect of downstream water right holders, including those in South Dakota. Mr. Oleson agreed to condition his permit so that he can only pump when at least 30 cubic feet of water per second (cfs) is flowing at the U.S. Geological Survey (USGS) gaging station at Camp Crook. We have checked with USGS concerning the April 10 flow that was discussed April 16. The USGS inspected the gage April 11 and the April 10 flow was actually 11 cfs. On April 25, 1991, the flow at the Camp Crook gage was 7.5 cfs.

I have enclosed a list of South Dakota Water Rights on the Little Missouri River. The list includes priority dates. If at any time you wish to know the flow at the Camp Crook gage or have any questions, contact either Del Brosz or Mark Rath, Water Rights Division, telephone number (605) 773-3352.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

1327-1

SOUTH DAKOTA WATER RIGHTS/PERMITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			MOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BURGHDUFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		8/01/1951	1.97
265-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGEM		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
236-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TURBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1327-1 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. 1327-1 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. 1327-1 appropriates 0.47 cubic feet of water per second from the Little Missouri River to irrigate 33 acres. The point of diversion is located in the NE1/4 NE1/4 section 36 and the irrigated acreage is located in the S1/2 SE1/4 section 25; N1/2 NE1/4 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 April 27, 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.

WATER MANAGEMENT BOARD

By:  MAR 11 1993
Chief Engineer 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

1327-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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. 1327-1

Date: August 27, 2019

I/We request that Vested Water Right No. 1327-1

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:

33 acres - S 1/2 SE 1/4 Section 25 and N 1/2 NE 1/4 Section 36, T19N, R1E

I/We understand that the validity of Vested Water Right No. 1327-1 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 Trust Z 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 _____ 1327-1		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **09195**

By Janne Goodman
Chief Engineer cm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

enclosures