

Considered: _____

vested Right
WATER PERMIT NO. 1370-1 9

MAP No. same

Name of Applicant Benny F. Padden

Post Office Address Camp Creek, SD 57724

Amount of Water Claimed 2.43 cfs Total Acres 170

Source of Water Supply Antelope Creek

Water to be used for irrigation County Harding

About 16 miles W of Buffalo

PROOF OF PUBLICATION: Received ☒ Not Received _____

APPLICATION: Approved 3/4/87 Subject to _____

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

PRIORITY Date Received Sept 9, 1986 Fee \$15⁰⁰/₁₀₀ Remarks _____

Apr 1, 1903

Corrected Application Received _____ Period of Annual Use _____

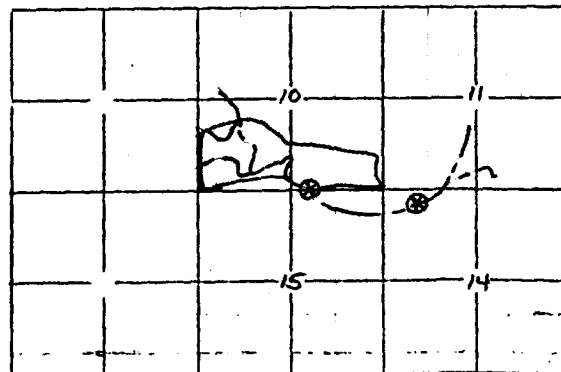
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point Div. Pt. No. 1: NW 1/4 NW 1/4 section 14;

Div. Pt. No. 2: section line between SW 1/4 SE 1/4 section 10 and NW 1/4 NE 1/4 section 15; all in T19N-R2E

Land to be Irrigated SW 1/4 S 1/2 SE 1/4 section 10-T19N-R2E



Well Log: Driller NA Licensed YES ☐ NO ☐

Depth of Well _____ REMARKS _____

Type of Map sketch PREPARED BY Leroy Mernaugh Reviewed and the Number assigned on October 22, 1986 By Ron Duvall

No. 1370-1 Hydrologic Unit 10110201
 Map No. same Basin L. Missouri River
 Newspaper Nation's Center News, Box 107 (Wed)
Buffalo

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 Benny F. Padden Phone No. (406) 972-4546Post Office Address Camp Crook South Dakota State 57724
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 2.43 Total acres irrigated 1703. Source of Water supply Antelope Creek4. Location of point of diversion Point #1 - 1100 ft E and 230 ft S of the NW Corner of
Section 14, T19N, R2E; Point #2 - 570 ft E of S $\frac{1}{4}$ Corner of Section 10, T19N, R2E
County 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.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T19N R2E	16
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T19N R2E	12
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T19N R2E	38
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T19N R2E	33

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T19N R2E	37
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T19N R2E	34

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)

Note: Upon approval of this application the applicable portions of WaterRight Filing No. 039-1 have been incorporated into this Vested Right and the abandoned portions of Filing No. 039-1 have been cancelled.

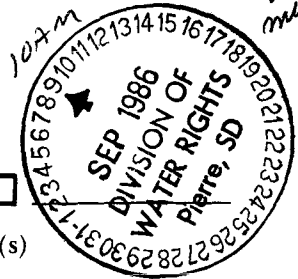
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

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

I, Benny F. Padden 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 Benny F. PaddenSubscribed and sworn to before me this 2nd day of September 19 86

Roland J. Gude
 Notary Public (or other qualified officer)



R 2 E

T 19 N



Benny F. Padden
Frank Latham

X.R. Appl. No. 1370-1

WATER PERMIT

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

(Applicant) (Post Office Address)

(State) (Zip Code)

With the following qualifications.

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: _____

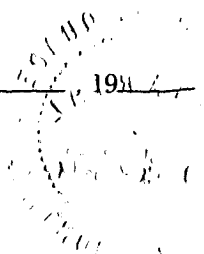
WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 1370-1.

Benny F. Padden

(applicant)

Camp Crook

(post office address)

South Dakota

(state)

57724

(zip code)

Date of receipt of Application September 9, 1986.

Validated March 4, 1987.

The Water Management Board hereby validates 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 13, 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 validated shall not exceed _____

2.43 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 1 - October 31.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer) JOHN HATCH

Division of Water Rights

Dept. of Water and Natural Resources

DEC 22 1987

, 1987.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1370-1 FOR IRRIGATION

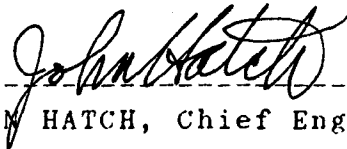
(1) Benny F. Padden
of Camp Crook, South Dakota 57724
made Application No. 1370-1, September 9, 1986
for validation of a vested right claim to appropriate 2.43
cubic feet of water per second from Antelope Creek,
Harding County, South Dakota for irrigation purposes.
Vested Water Right No. 1370-1 was validated March 4, 1987
with a priority date of April 13, 1903. Construction of the
described water supply system and application of water to
beneficial use has been completed and complies with applicable
provisions of South Dakota State Law.

(2) The applicant is entitled to divert 2.43 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) ~~is~~ are: #1 - 1100 feet east and 230 feet south of the
NW Corner of Section 14, T19N, R2E; #2 - 570 feet east of the S $\frac{1}{2}$ Corner
of Section 10, T19N, R2E.

The location of the irrigated acreage is: _____

T19N, R2E Section 10 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16 Acres
_____ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12 Acres
_____ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38 Acres
_____ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 Acres
_____ SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37 Acres
_____ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres
_____ TOTAL 170 ACRES

(3) Pursuant to Section 46-5-30.1 Benny F. Padden
of Camp Crook, South Dakota 57724
the holder(s) and/or owners(s) of Vested Water Right No. 1370-1
is issued a license to appropriate 2.43 cubic feet of
water per second from Antelope Creek with a
priority date of April 13, 1903 from the location specified in
(2) of this license. The water is to be used for the purpose of
irrigation. This license is subject to any limitations,
conditions or qualifications listed in Vested Water Right No.
1370-1 and subject to South Dakota State Law.



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

DEC 22 1987

STATE OF SOUTH DAKOTA

REISSUED VESTED WATER LICENSE NO. 1370-1 FOR IRRIGATION

(1) Benny F. Padden of Camp Crook, SD 57724 made Application No. 1370-1, September 9, 1986 for validation of a vested right claim to appropriate 2.43 cubic feet of water per second from Antelope Creek, Harding County, South Dakota for irrigation purposes. Vested Water Right No. 1370-1 was validated March 4, 1987 with a priority date of April 13, 1903. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Water Right Filing Nos. 038-1, 039-1 and 040-1 describe irrigation of land validated under Vested Right No. 1370-1. Although the applicable portions of Filing No. 039-1 were incorporated into No. 1370-1 when the claim was validated; none of the filings were included on the original license. Vested Right Water License No. 1370-1 is being reissued to include the applicable portions of Water Right Filing Nos. 038-1, 039-1 and 040-1. A priority date of April 13, 1903 is retained.

(2) The applicant is entitled to divert 2.43 cubic feet of water per second for beneficial use. The location of the diversion points are #1 - 1100 feet east and 230 feet south of the NW corner of Section 14, #2 - 570 feet east of the S1/4 corner of Section 10, all in T19N, R2E.

The location of the irrigated acreage is:

T19N, R2E Section 10	NW1/4 SW1/4	16	acres
	NE1/4 SW1/4	12	"
	SW1/4 SW1/4	38	"
	SE1/4 SW1/4	33	"
	SW1/4 SE1/4	37	"
	SE1/4 SE1/4	34	"
	Total	170	acres

(3) Pursuant to Section 46-5-30.1 Benny F. Padden of Camp Crook, SD 57724 the holder(s) and/or owner(s) of Vested Water Right No. 1370-1 is issued a license to appropriate 2.43 cubic feet of water per second from Antelope Creek with a priority date of April 13, 1903 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1370-1 and subject to South Dakota State Law.


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

SEP 12 1990

Supplemental Information

(type or print in ink)

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

b) Freeboard 3.0'

c) Crest Width 10'

Crest Length 300'

d) Height 8.0'

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width 50'

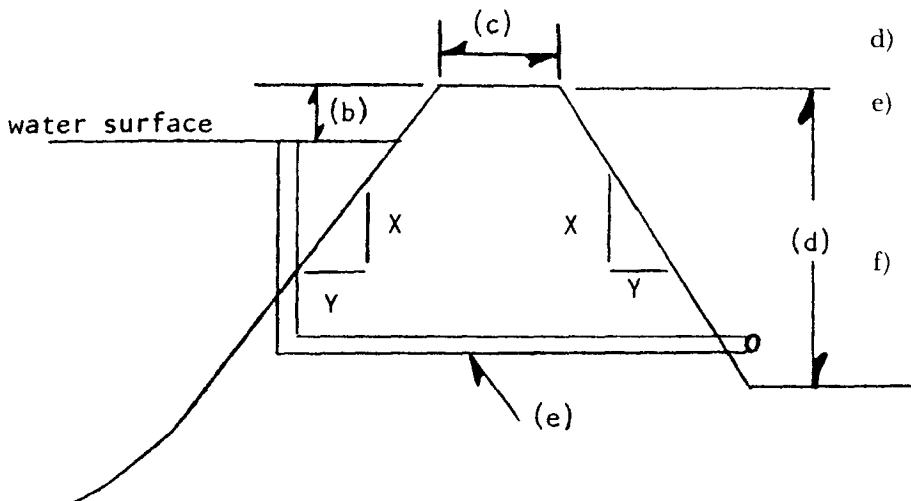
f) X & Y Slope
 Upstream 3:1

Downstream 2:1

Surface Area of Impoundment _____

Storage None acre feet

Drainage area above dam 5760



Benny H. Padden
 Signature of Applicant

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, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Benny F. Padden
Camp Crook, SD. 57724. holder ofPermit No. 1370-1, bearing the priority of April 13 19 03 authorizing
the diversion of 2.43 cu. ft. per second of the waters of Antelope 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:

Pt # 1. Diversion Dam.
Dimensions as shown on
Supplemental Form 2 A.Pt # 2. Small diversion dam 8.0' high
to divert water onto land to irrigate.
No storage in either dam

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

Diversion Ditch

C. Works used to apply water to beneficial use:

Dikes and ditches to spread water for flood irrigationThe system is in the following condition FairThe point of diversion is located Pt # 1 = 1100 ft E and 230 ft S of the NW cor of
Sec. 14, T19N R2E. Pt # 2 = 570 ft E of S $\frac{1}{4}$ Cor. of Sec. 10, T19N R2EThe works are capable of diverting and conveying to the place of use 20 +
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T19N R2E

<u>NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10 = 16 Ac</u>	<u>SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10 = 37 Ac.</u>
<u>NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10 = 12 Ac</u>	<u>SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10 = 34 Ac</u>
<u>SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10 = 38 Ac.</u>	
<u>SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10 = 33 Ac.</u>	

comprising a total of 170 acres of land and the license should be issued for 2.43 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date October 13, 1983This permit incorporatesWater Right Filings = 038-1, 039-1, 040-1.Leroy J. Mernaugh
(signature)

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) Benny F. Padden
 Post Office Address Camp Crook, South Dakota 57724
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation _____ Date of Posting April 13, 1903
 Date of recording _____ Recording date _____
Where Book Page
B. Date of start of construction of water supply system April, 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system Chas. A. BolesE. Amount of water originally applied to beneficial use 20 cfsF. Present Use of Water - Amount of water now being used 20 cfsDate that this water was first used 1904

G. Chronological History of Water Use

Chas. A. Boles constructed system

The Justin Berg family owned the property for a period of time

The system was reworked in 1953

Benny Padden obtained the property on October 12, 1974

The system has been in continual use 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 _____)

I, Benny F. Padden the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed

Benny F. PaddenSubscribed and sworn to before me September 2, 1986Roland J. Gude
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.

Benny F. Padden 1986
(Print name)

 _____ 19____
(Print name)

5 9/10

T19N R2E

Use This for V/R

pt of Div on Benny Padden.

10-13-83

File for V/R under this Filing

Cancel 038 + 040-1 Double Coverage.

039-1

COPY

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

TO WHOM THESE PRESENTS MAY CONCERN, Know ye, that I Chas. A. Boles 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 Antelope Creek stream to the part of Section 9, 10 in Township 19 N. of Range 2 E. more particularly described as follows: Commencing by a peg located 3 chains east of the NE corner of the NW1/4 of the NW1/4 of section 14 Township 19 N. Range 2 East B.H.Ver. and a ditch from said peg to and upon a part of Sections 9, 10 and 15 of said Township, Range.

I also claim and have a valid right to the enjoyment and use of 1000 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 13 day of April A.D. 1903.

Chas. A. Boles.

Notice posted on stream April 13. 1903.

State of South Dakota } ss.
County of Butte

On this 13 day of April 1903, before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Chas. A. Boles to me 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, the day and date above written.

(SUAL)

John T. Brown, U.S. Com. for Dist. of S. Dak.

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM REPRODUCTIONS. REDUCTION 25% ROLL NO. 1 DATE MICROFILMED 1-1-82

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410550

Pierre, September 9, 19 86

RECEIVED OF Benny F. Padden, Camp Crook, South Dakota 57724

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

Fee for Application for Permit No. <u>1370-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	✓R
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 _____			
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	15	00

By

John Hatch
Chief Engineer

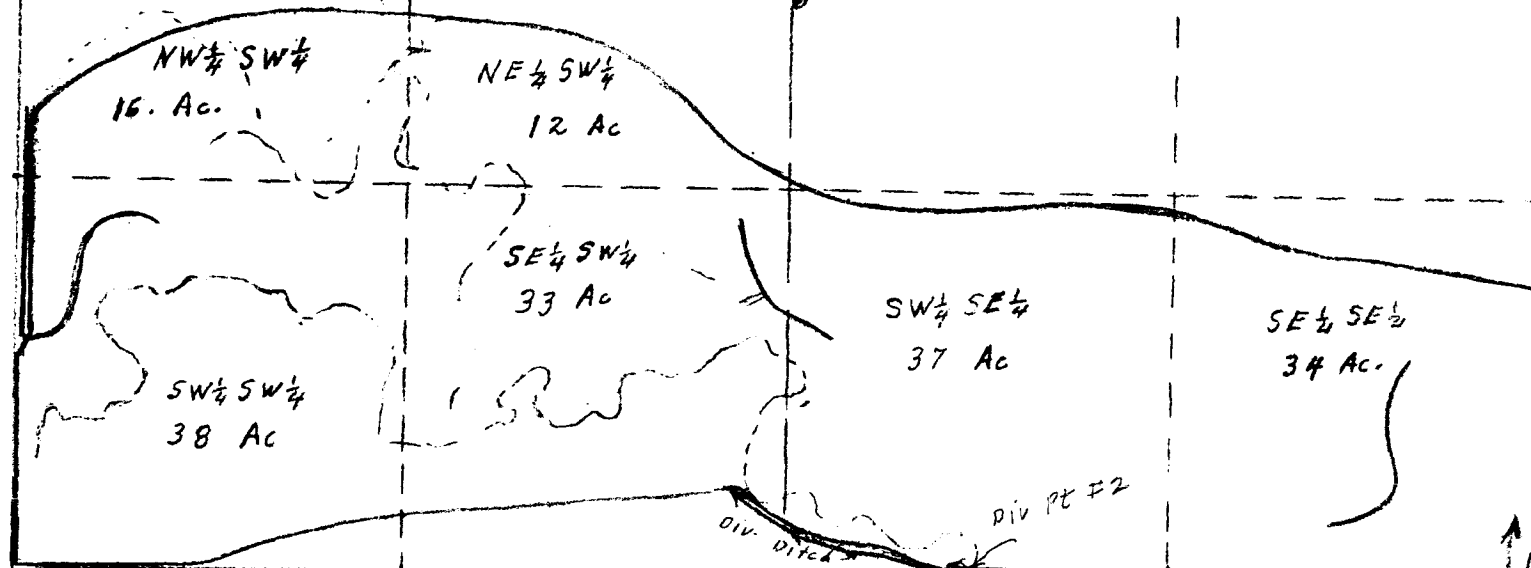
JOHN HATCH

MS

R2E

T
19
N

N



Benny Padden

Scale 1" = 660'

8" = 1 mile

Map by J. J. Marmagh

Office Copy.

V.R. A. 11 1

1370-1



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

DEC 22 1987

Benny Padden
Camp Crook
South Dakota 57724

Dear Mr. Padden:

Enclosed are your Validated Vested Water Right and Water License No. 1370-1.
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
605 773-3352

JH:ms

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

1370-1

SEP 12 1990

Benny F. Padden
Camp Crook, SD 57724

Dear Mr. Padden:

Enclosed is your reissued Vested Right Water License No. 1370-1. The license was reissued to include the applicable portions of Water Right Filing Nos. 038-1, 039-1 and 040-1. These filings describe irrigation of land already validated under Vested Water Right No. 1370-1.

As long as you use the water beneficially, as stated in the water license, 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
605 773-3352

enclosures

WATER RIGHTS DIVISION
(605) 773-3352

January 19, 1984

Benny F. Padden
Camp Crook, South Dakota 57724

Dear Mr. Padden:

On October 13, 1983 I met with you regarding a possible Vested Right Application for the irrigation system you have in sections 10,14 and 15, T19N, R2E in Harding County, South Dakota. In order to up date the system with a modern permit you should submit an application for a Vested Right.

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

Enclosed also is a map of the area. If you make any changes on the map please return it along with the forms so that we may correct our office copy. If the map is correct you may keep it for your files.

This Vested Right Application is based on Water Right Filing No. 039-1. Water Right Filings No. 038-1 and 040-1 have the same diversion point as No. 039-1 and were to irrigate some of the same areas that will be irrigated under the Vested Right Application. At a later date Water Right Filings Nos 038-1 and 040-1 will be presented to the Water Management Board for Cancellation. Cancelling Filings Nos 038-1 and 040-1 will eliminate duplicate coverage. You will be notified of the date when they are presented to the Board.

Enclosed also is a copy of Water Right Filings Nos 038-1, 039-1 and 040-1. You may keep these for your use.

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

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:ms
Enc.



Department of Water & Natural Resources

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

August 5, 1986

NOTICE

TO: Benny Padden, Camp Crook, SD 57724

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice of Requirement to File Vested Water Right Claim

This Notice is in regard to your water spreading system located along Antelope Creek in Harding County, South Dakota. LeRoy Mernaugh, Staff Engineer, with the Division of Water Rights inspected your system October 13, 1983. On January 19, 1984, partially completed application forms were sent to you for filing a vested right claim. To date, we have not received the application from you.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the Chief Engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file the vested right claim within 90 days. Any claim filed after the 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee is now \$15.00 for filing a vested right application.

Enclosed is a partially completed set of application forms to claim vested rights. If your application is received after the 90 days have lapsed, the filing fee for your application will be \$250.00. This amount is based on the 170 acres listed on your application. We will be glad to help you complete the application and answer any questions you may have.

CERTIFICATION

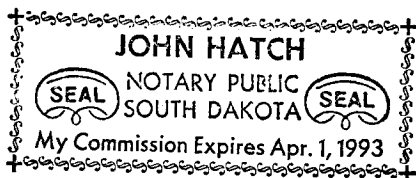
I hereby certify that on August 5, 1986 I have personally deposited with the U.S. Mail postage prepaid envelopes containing Notice pertaining to Requirement to File Vested Right Claim addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of August, 1986.



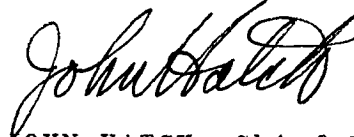
John Hatch
Notary Public

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1370-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1370-1, Benny F. Padden, Camp Crook, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1370-18 because 1) water has been appropriated as described for irrigation use with a April 13, 1903 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
October 31, 1986

Report on Vested Right Application No. 1370-1
Benny F. Padden
October 23, 1986

Application No. 1370-1 requests validation of a vested right claim to appropriate 2.43 cfs from Antelope Creek. The water has been used following construction of the system during 1903, to irrigate 170 acres. The points of diversion, ditches, and irrigated acreage are located in Sections 10, 14, and 15, T19N-R2E.

Conclusions:

1. According to the affidavit of water use the system was constructed during 1903 and water has been put to beneficial use since that time.
2. The project is a water spreading system. It was inspected by LeRoy Mernaugh and found to exist as described.
3. It is recommended that the vested right claim be validated.
4. A priority date of April 13, 1903 should be assigned since the notice was posted at that time.

LeRoy Mernaugh
LeRoy Mernaugh *by DDB*
Water Resources Engineer

 **Department of
Water & Natural Resources**

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

November 5, 1986

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Benny F Padden
Camp Crook SD 57724

Dear Mr. Padden:

Your Application No. 1370-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the NATION'S CENTER NEWS printed at Buffalo SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

November 5, 1986

NATION'S CENTER NEWS
Box 107
Buffalo SD 57720

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1370-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 12, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Date_____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate A Vested Right Application which
was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before November 12, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1370-1 to Appropriate Water

Notice is hereby given that Benny F Padden whose mailing address is Camp Crook, South Dakota has filed an application to validate a vested right claim to appropriate 2.43 cubic feet of water per second from Antelope Creek to irrigate 170 acres with a claimed priority date of April 13, 1903. The points of diversion are located in the NW 1/4 NW 1/4 Section 14; and on the section line between the SW 1/4 SE 1/4 Section 10 and NW 1/4 NE 1/4 Section 15; all in T19N, R2E. The irrigated land is located in the SW 1/4, S 1/2 SE 1/4 Section 10, T19N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1370-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of April 1, 1903, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

1370-1 Benny F. Padden

Newspaper called. Stated
that Mr. Padden did not con-
tact them to run the publica-
tion. Did not get advertised
for Dec Meeting



Department of Water & Natural Resources

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

January 27, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Benny F. Padden
Camp Crook SD 57724

Dear Mr. Padden:

Your Application No. 1370-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the NATION'S CENTER NEWS printed at Buffalo SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

January 27, 1987

NATION'S CENTER NEWS
Box 107
Buffalo SD 57720

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1370-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before February 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1370-1 to Appropriate Water

Notice is hereby given that Benny F. Padden whose mailing address is Camp Crook, South Dakota has filed an application to validate a vested right claim to appropriate 2.43 cubic feet of water per second from Antelope Creek to irrigate 170 acres with a claimed priority date of April 13, 1903. The points of diversion are located in the NW 1/4 NW 1/4 Section 14; and on the section line between the SW 1/4 SE 1/4 Section 10 and NW 1/4 NE 1/4 Section 15; all in T19N, R2E. The irrigated land is located in the SW 1/4, S 1/2 SE 1/4 Section 10, T19N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1370-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of April 13, 1903, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, March 4, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Harding) ss.

I, LaVerne E. Helms, Bus. Mgr. hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Nation's Center News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Town of Buffalo

County of Harding and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

February 4, 1987

February 11, 1987

LaVerne E. Helms
(Signature)

Business Manager
(Title)

2-11-87
(Date Signed)



Cost of Printing: _____

2-4 - 106 lines x .209 \$22.15

2-11 - 106 lines x .209 x .90 17.72

Total 39.87

NOTICE OF HEARING
TO VALIDATE

Vested Right Application No. 1370-1
to Appropriate Water

Notice is hereby given that Benny F. Padden whose mailing address is Camp Crook, South Dakota has filed an application to validate a vested right claim to appropriate 2.43 cubic feet of water per second from Antelope Creek to irrigate 170 acres with a claimed priority date of April 13, 1903. The points of diversion are located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; and on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15; all in T19N, R2E. The irrigated land is located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10, T19N, R2E.

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This application is made pursuant to the provisions of SDCL 46-1-1

thru 46-1-9, 46-1-12 thru 46-1-15;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13,
46-2-17; 46-2A-1 thru 46-2A-10,
46-2A-12, 46-2A-14, 46-2A-15,
46-2A-18; 46-5-1 thru 46-5-11,
46-5-13 thru 46-5-15, 46-5-24,
46-5-25, 46-5-30.2, 46-5-30.4,
46-5-31, 46-5-49; and Board Rules
ARSD 74:02:01:01 thru 74:02:01:15
and 74:02:01:19 thru 74:02:01:22.

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2-4, 11

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUN - 5 2008

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1370-1Date: June 2, 2008I/We request that Water Right/Permit No. 1370-1 formerly owned by:Benny F. Padden

be transferred to:

New Owner Name: Padden Land & Cattle, LLC, Dorothy M. Padden, ManagerAddress: P.O. Box 97City, State, Zip Camp Crook SD 57724 Telephone No. (406) 972-4546

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

Township 19 North, Range 2 East, B.H.M.
Section 10: S $\frac{1}{2}$;
Section 14: NW $\frac{1}{4}$;
Section 15: NE $\frac{1}{4}$ and SW $\frac{1}{4}$;
Section 21: E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Section 22: W $\frac{1}{2}$ SW $\frac{1}{4}$.

☒ I understand that the validity of Water Right/Permit No. 1370-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Padden Land & Cattle, LLC, the new owner, certify that the above information is true and correct.

PADDEN LAND & CATTLE, LLC
DOROTHY M. PADDEN, MANAGER

Dorothy M. Padden, manager
(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 6/5/, 20 08

RECEIVED OF Padden Land & Cattle Co PO Box 97 Camp Crook SD 57724

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	2	50
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 _____ 1370-1		
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	
	2	50

No.

03875

By

Michael Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 6, 2008

1370-1

Dorothy M Padden, Mgr
Padden Land & Cattle LLC
PO Box 97
Camp Crook SD 57724-0097

Dear Ms. Padden:

Thank you for following up on the ownership change for Vested Water Right No. 1370-1. The transfer has been completed. The vested water right formerly listed in the name of Benny F Padden is now listed in the name of Padden Land & Cattle LLC.

Enclosed is your Receipt No. 03675 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure