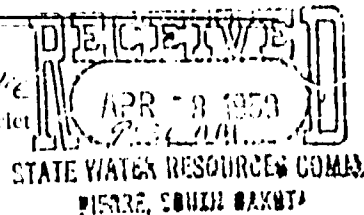


1. Considered July 9, 1958 Appl. No. 322-1
2. Name of Applicant Hugh and Pearl Keach
3. Post Office Address Imperial, Nebraska
4. Amount of water claimed 6.20 cfs
5. Source of water supply Keach Creek
6. Water to be used for waterspreading
Acres to be irrigated 439
7. Water to be diverted and used in Butte County about
14 miles northwest of Island.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

No. 222
 Water Division No. 1 District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant R. L. CUNDY
ST. OUG
 Postoffice address INDIAN LAKE, County BUTTE, State S. DAK.

I. If a corporation

- (a) Name of same
 (b) Date and place of incorporation
 (c) Amount of capital stock
 (d) Amount paid in
 (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment or others, or by direct labor)

- (b) Cash on hand, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work THE LEACH IRRIGATION PROJECT
 3. Amount of water claimed 6.2 cubic feet per second
 4. Source of water supply Check and storage dam on Leach Creek
 Between a point N 87° E 2242 Ft. from the W 1/4 cor. Sec. 5, T. 10 N., R. 4 E
 5. Location of point of diversion 100'
 and a point N 33° 15' E from S 1/4 cor. Sec. 7, T. 10 N., R. 4 E
or both bank Butte County.
 6. Annual period or periods during which water is to be used March 15 thru Nov. 15th
 7. To be used for: Irrigation
 I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
 (a) Number of acres to be irrigated 439 acres.

NW-SW-2 Ac., NE-SW-5 Ac., SE-SW-15 Ac., Sec. 5. 22 Ac.
 NW-NE-2 Ac., NE-NE-26 Ac., SW-NE-17 Ac., SE-NE-39 Ac., NE-SW-3 Ac.,
 SE-SW-26 Ac., NW-SE-34 Ac., NE-SE-34 Ac., SW-SE-30 Ac., ~~SE-NE-30 Ac.~~
 SE-SE-23 Ac., Sec. 7 - 233 Ac.
 NW-NW-32 Ac., NE-NW-7 Ac., SW-NW-22 Ac., NE-SW-10 Ac., Sec. 8 71 Ac.
 NW-NW-26 Ac., NE-NW-36 Ac., NW-NE-33 Ac., NE-NE-6 Ac., SW-NE-9 Ac.
 Sec. 18 113 Ac.
 439 Ac.

- (d) Method of developing power None
 (e) Point where water will be returned to stream N 1/2 S. 3. 12

Map No. 290-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
Operator has recently purchased this place and has over 30 check and storage dams which were on the place and built previous to 1957 and which were in need of repairs which he is making. Pipes are installed in a number of the dams to blow up the run-off. Project is generally doing a good job of flooding hay land. Water is being led by ditches as indicated by arrows.
II. Dimensions of works:
(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face
material used in construction
(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate: Width feet; height feet;
Material
(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 4 years.
11. Time required for complete application of water to the proposed beneficial use 4 years.
12. Choice of newspaper for publication of notice of intention to appropriate
The Valley Irrigator, Newall, So. Dak.

STATE OF SOUTH DAKOTA
County of Butte ss.

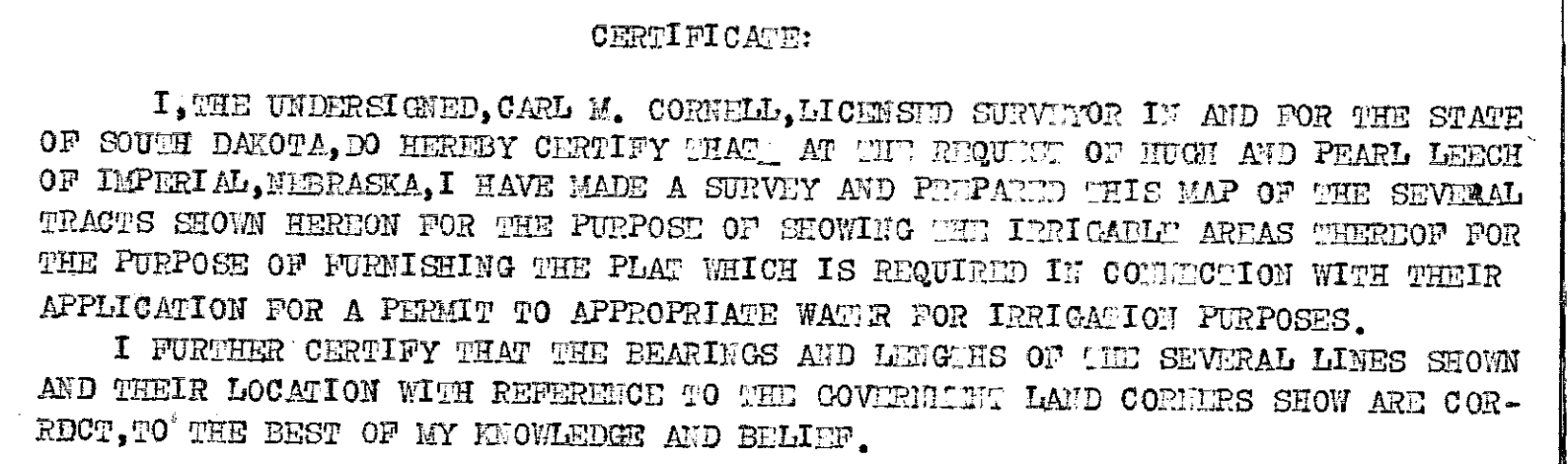
I, Hugh and Pearl Leach By Lester M. Woodworth, Mgr., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Hugh + Pearl Leach By Lester M. Woodworth

Subscribed and sworn to before me this 25th day of March 1958.
Carl M. Cornell
Carl M. Cornell - Notary Public (EX. OTHER SIGNATURES FORGONE)

*Each diversion must have a headgate or measuring device.

SCALE- 8 INCHES $\underline{=}$ 1 MILE.
1 INCH $\underline{=}$ 660 FEET.



SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTH DAKOTA THIS 18TH DAY OF APRIL 1958.

CERTIFICATE:

I, THE UNDERSIGNED, CARL M. CORNWELL, LICENSED SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF HUGH AND PEARL LEECH OF SIOUX FALLS, S.D. I HAVE MADE A SURVEY AND PREPARED THIS MAP OF THE SEVERAL TRACTS SHOWN HEREON FOR THE PURPOSE OF SHOWING THE IRRIGABLE AREAS THEREOF FOR THE PURPOSE OF FURNISHING THE PLAT WHICH IS REQUIRED IN CONNECTION WITH THEIR APPLICATION FOR A PERMIT TO APPROPRIATE WATER FOR IRRIGATION PURPOSES.

I FURTHER CERTIFY THAT THE BEARINGS AND LENGTHS OF THE SEVERAL LINES SHOWN AND THEIR LOCATION WITH REFERENCE TO THE GOVERNING LAND CORNERS SHOW ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED: Carl M. Cornell
CARL M. CORNELL, LICENSED SURVEYOR 144

SEAL)

SUBSCRIBED AND SWORN TO BEFORE ME AT BUTTALO, SOUTH DAKOTA THIS 1ST DAY OF
APRIL 1958.

SIGNED: M. R. Hann
NOTARY PUBLIC (SEAL)

SEAL)

Map No. 290-1
App'l. No. 322-1

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Flughers } ss.

Pierre, South Dakota, April 11, 1958

This is to certify that the foregoing application was received by the Commission at 2:30 o'clock
2 m. upon the 8 day of April, 1958

State Water Resources Commission

By: J. J. Rimmer
Chief Engineer, Executive Officer

Number of permit 322-1

Date of first receipt of application April 8, 1958

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 8, 1958

Approved July 9, 1958, Recorded in Book 5 Page 2

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

July 9, 1960

2nd. The whole of said work is to be completed on or before July 9, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

July 9, 1966

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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 injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 6.2 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 July 9, 1966, said water to be used during the following described annual period:

March to November inclusive

Witness my hand this 28 day of July, 1958

State Water Resources Commission

By: J. J. Rimmer
Chief Engineer, Executive Officer

Certificate of Construction Issued June 18, 1964

Water License Issued June 18, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 322-1

WHEREAS, On the 8th day of April A. D. 1958
Hugh and Pearle Leech

of Imperial County of _____ and State of
Nebraska duly made application (No. 322-1) to us for a permit to use 6.2
cubic feet per second of the waters of Leech Creek
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 9th day of July A. D. 1958
Permit No. 322-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 9th day of
July A. D. 62 and for the application to beneficial use of said
water on or before the 9th day of July A. D. 1966
and,

WHEREAS, On the 31st day of March A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of 5.8
cubic feet per second of said waters, as evidenced by our Certificate No. 322-1
dated June 12, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 5.7 cubic feet per second of water, with date of
priority of April 8, 1958 and,

WHEREAS, On the 31st day of March A. D. 1964
proof was duly made of the application to beneficial use of 5.7 cubic feet per second of said water;
for irrigating 399 acres in portions of Sections 5, 7, 8, and 18, T10N, R4E

Permit No. 322-1Water Division No. 1 Belle Fourche River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hugh and Pearle Leech

of Imperial, County of _____, and State of
Nebraska, the holder of Permit No. 322-1 Issued upon Application
 No. 322-1, bearing date of priority of April 8, 1958, authorizing the diversion of
6.2 cu. ft. per second of the waters of Leech Creek

County of Butte, State of South Dakota, ~~xx~~ between a point N87°E,
 2242 ft. from the W $\frac{1}{4}$ corner, Section 5, T10N, R4E and a point N39°15' E, 1290 ft. from
 the S $\frac{1}{4}$ corner, Sec. 7, T10N, R4E for irrigation

purposes have fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 5.8 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
 to-wit: All in T10N, R4E

Section 5	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2 acres	Section 18	NW $\frac{1}{4}$ NW $\frac{1}{4}$	26 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5 "		NE $\frac{1}{4}$ NW $\frac{1}{4}$	36 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15 "		NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 "
Section 7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2 "		NE $\frac{1}{4}$ NE $\frac{1}{4}$	2 "
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26 "		Total -	399 "
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	17 "			
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3 "			
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26 "			
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 "			
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 "			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30 "			
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 "			
Section 8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	32 "			
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7 "			
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22 "			
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10 "			

Witness my hand this 18th day of June A. D. 19 64

State Water Resources Commission

By:

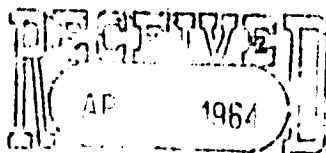
J. W. GRIMES

Chief Engineer, Executive Officer

Permit No. 322-1

Water Division No.

Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated March 10, 1964

19...., I have this day made a thorough examination of the diversion works constructed by

Pearl Leech of Imperial, Chase Co., Nebraska..... County, South Dakota, holder of Permit No. 322-1 issuedupon Application No. 322-1, bearing date of priority of 3-25-1958 19...., authorizing thediversion of 5.8 cu. ft. per second of the waters of Leech Creek for Stockwater Irrigation

purpose. I have to report on the condition of the same as follows:

The diversion works comprise: Over 20 spreader dams and dikes and ditchesOne 16700 cu. yd. storage Reservoir with flume and ditches for
spreader ditches and dikes.and the system is in the following condition: Excellent.The point of diversion is located Between a point N. 87° E. 2242 ft from the W 1/4 Cor.
Sec. 5, T. 10 N., R. 4 E-BHM and a point N. 39° 15' E. 1290 ft. from the S 1/4 Cor
Sec. 7, T. 10 N., R. 4 E-BHMThe works are capable of diverting and conveying to the place of use 5.8 cu. ft. per second of water,which is to be used for Stockwater and irrigation

NW-SW-2 ac., NE-SW-5 ac., SE-SW-15 ac. S. 5. T. 10 N., R. 4 E-BHM Total 22 ac.

The legal subdivisions to be irrigated are: NW-NE-2 ac., NE-NE-26 ac., SW-NE-17 ac.,

NE-SW-3 ac., SE-SW-26 ac., NW-SE-34 ac., NE-SE-34 ac., SW-SE-30 ac., SE-SE-30 ac

Sec. 7, T. 10 N., R. 4 E-BHM. Total 203 ac.

NW-NW-32 ac., NE-NW-7 ac., SW-NW-22 ac., NW-SW-10 ac., Sec. 8, T. 10, R. 4 71 ac.

NW-NW-26 ac., NE-NW-36 ac., NW-NE-33 ac., NE-NE-9 ac., Sec. 18, T. 10, R. 4 E 113 ac.

Total 409 ac.

comprising a 409 acres of land.The domestic use intended comprise: Stockwater and irrigation only

The utilization for power, mining, or other beneficial uses comprises:

NoneWitness my hand, this 31st day of March A. D. 19 64

—SEAL—

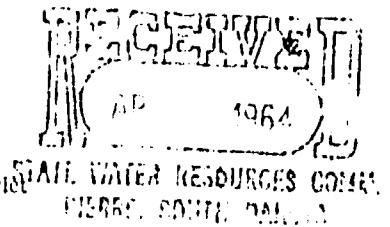
Carl M. Connell,
Buffalo, So. Dak.

Examining Engineer.

Permit No. 322-1

Water Division No. _____

Water District _____



NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Nisland, Butte Co., So. Dak.(Date) March 31, 1964

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

6.2 cu. ft. per second of the waters of the state from Leach Creek
through the Leach Irrigation Project
for Stockwater and irrigation purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Pearl Leach (heir of the Hugh and Pearl Leach estate)

2. The postoffice address of such person or the place of business of such corporation is Imperial
County of Chase State of Nebraska

3. The number of such permit is 322-1 and the date set for the completion of such work is 6-22-66

4. Said water to be used for Stockwater and irrigation purposes.

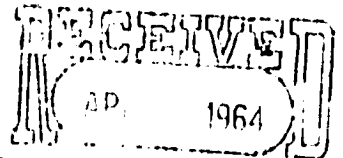
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is ~~5.8~~ 5.8 cubic feet per second.

6. The amount of land for which said water is available is ~~439X~~ 409 acres,
Nw-SW-2 ac., NE-SW-5 ac., SE-SW-15 ac., Sec. 5, T. 10 N., R. 4 E-BHM
particularly described as follows: Total 22 ac.
NW-NE-2 ac., NE-NE-26 ac., SW-NE-17 ac., SE-NE-38 ac., NE-SW-3 ac., SE-SW-26 ac.
NW-SE-34 ac., NE-SE-34 ac., SW-SE-30 ac., SE-SE-30 ac., S-7, T. 10 N., R. 4 E-BHM 203 ac
NW-NW-32 ac., NE-NW-7 ac., SW-NW-22 ac., NW-SW-10 ac. Sec. 8, T. 10 N., R. 4 E 71 ac
NW-NW-26 ac., NE-NW-36 ac., NW-NE-33 ac., NE-NE-9 ac., SW-NE-9 ac., Sec. 18, T.
T. 10 N., R. 4 E-BHM Total 113 ac.
Total - 409 ac

I hereby certify that the facts set forth in the above notice are true.
Kindly appoint Carl M. Cornell to
make the final examination.

(Signature of Owners)

Pearl Leach B. J.
Tester Workman
(Operator)

Permit No. 322-1

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**Notice of Application of Water to Beneficial Use**

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Nisland, Butte Co., So. Dak.(Date) 3/31/64

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 31st day of March
1964 at Nisland County of Butte State of South Dakota,
 before Carl M. Cornell proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 5.8 cubic feet per second of the waters of Leach Creek
 in accordance with the terms and conditions of Permit No. 322-1
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Pearl Leach, Imperial, Chase Co., Nebraska2. The use to which said water has been applied is Stockwater and irrigation3. The amount applied to beneficial use is 5.8 Sec.ft.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands ir-

rigated) NW-SW-2 ac., NE-SW-5 ac., SE-SW-15 ac. Sec. 5, T.10N., R.4 E-BHM 22 ac.
NW-NE-2 ac., NE-NE-26 ac., SW-NE-17 ac. SE-NE-33 ac., NE-SW-3 ac.,
SE-SW-26 ac., ~~XXXXXXXXXX~~ NW-SE-34 ac., NE-SE-34 ac., SW-SW-30 ac.,
SE-SE-30 ac. Sec. 7, T.10 N., R.4 E-BHM Total 203 ac.

NW-NW-32 ac., NE-NW-7 ac., SW-NW-22 ac., NW-SW-10 ac., Sec. 8, T.10 N. R. 4 E 71 ac.
NW-NW-26 ac., NE-NW-36 ac., NW-NE-33 ac., NE-NE-9 ac., SW-NE-9 ac. Sec. 12
T.10 N., R.4 E-BHM 113 ac.

Grand Total 409 ac.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

Spreader dams and ditches as indicated on map. Storage Reservoir
NE-NE Sec. 8, T10 N., R.4 E-BHM

6. The right to take the water from such works is based upon permit No. 322-17. The source of supply from which such water is diverted is Leach Creek8. The date of priority which said user is prepared to establish is April 8, 1958

(Sign)

Pearl Leach
By Lester Woodworth
(Operator)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Battle } ss.Hyman Gluckstein being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to appropriate Water was taken from the

Valley Irrigator a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Murrell County of Battle and State of South Dakota; that the said notice was published in said newspaper on the following dates:May 22, 1958May 29, 1958June 5, 1958June 12, 1958in each and every issue of the full number thereof, the first publication being made on the 22 day of May1958 and the last publication on the 12 day ofJune 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Editor the printer and publisher of the said newspaper.Hyman GlucksteinSubscribed and sworn to before me this 11 day of JuneA. D. 1958

Notary Public

RECEIVED
JUN 12 1958STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
April 11, 1958.Notice is hereby given that Hugh and Pearl Leech, whose postoffice address is Imperial, Nebraska, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.2 cubic feet of water per second of time from Leech Creek through the Leech Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, and a point in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, all in Twp. 10 N., Range 4 E. Said water to be used for the purpose of providing irrigation on parts of the following described land: SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ and SW $\frac{1}{4}$ ND $\frac{1}{4}$, Sec. 17; all in T. 10N., R. 4 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958, at 2:00 P. M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: J. W. Grimes, Chief Engineer,
Executive Officer (34-37)

(First Publication before May 16, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., April 11, 1958

Notice is hereby given that Hugh and Pearle Leach whose postoffice address is Imperial, Nebraska ~~XXXXXXXX~~ have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.2 cubic feet of water per second or time from ~~the~~ Leach Creek through the Leach Irrigation Project, the point of diversion of which is to be located on ~~the~~ both between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, and a point SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section Sec. 7 all in parts of SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; all in T 10 N R 4 E of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section Sec. 7 all in Twp. 10 N Range 4 E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Sec. 5; E $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 7; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8; NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17; all in T 10 N R 4 E
and for _____ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

cc Mr. F. Lynn Gladstone, Publisher
The Valley Irrigator
Newell, South Dakota

Form 20.

322-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date March 2, 1970

This is to notify you that title to the lands described as follows:

Portions of Sections 5, 7, 8 and 18, T10N, R4E, described in

Water Right 322-1

formerly owned by Hugh and Pearl Leech, Imperial, Nebr.

has been transferred to R.L. Cundy, Spearfish, South Dakota

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 322-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Lawrence) ss.

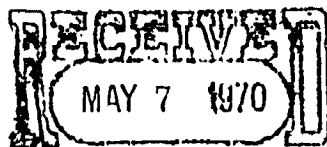
I, R. L. Cundy being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

R. L. Cundy
(Signed)

Suscribed and sworn to before me this 5th day of April, 1970

Jeannie Finner
(Notary Public)

JEANNIE FINNER, Notary Public
My commission expires February 14, 1971



STATE WATER RESOURCES COM. 7.
PIERRE, SOUTH DAKOTA



3.2.2-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1996

Marty Farrell, Attorney
Internal Revenue Service - Rm 221
515 9th St
Rapid City SD 57701

Dear Mr. Farrell:

Enclosed, as we discussed, are copies of Water Rights and Vested Water Rights held by Richard Cundy, St Onge, SD.

Water rights will remain active as long as the water use has not been abandoned and/or forfeited. I have enclosed excerpts of SD Water Laws and Water Management Board Rules dealing with legal excuse for nonuse of water and exceptions to forfeiture for nonuse of water. The question of whether a water right is valid must be addressed by the Water Management Board. If a water right holder is unsure whether a water right is valid, he or she can file a declaratory ruling request as outlined in Board Rules 74:02:01:46 (see enclosed excerpt). This type of proceeding is usually initiated when a land owner purchases property with existing water rights and wants to ensure validity of those rights.

Issues of abandonment or forfeiture are normally brought to the attention of the Board through the cancellation process. After completing an investigation, if the chief engineer believes a water right is subject to cancellation, the water rights program will schedule a hearing before the Board. The water right holder has the opportunity to present their case to the Board.

We discussed briefly the issue of saying whether or not a water permit or right was valid. I, as a staff person, do not have the authority to tell you whether water rights are valid. The case I referred to in our conversation is: 417 N. W. 2d 391, *ir. RE Cancellation of Stabio Ditch Water Right* (S. CT. 1987).

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

322-1



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,

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

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. 322-1

Date: August 27, 2019

I/We request that Water Right No. 322-1

formerly owned by: R L Cundy

be transferred to: (name & address) Bernice G Cundy Trust
% trustee LaVon M. Colwell
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:

399 acres - N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 5; N 1/2 NE 1/4, SW 1/4 NE 1/4, N 1/2 SW 1/4, SE 1/4 Section 7;

NW 1/4 Section 8; N 1/2 NW 1/4, N 1/2 NE 1/4 Section 18, T10N, R4E

I/We understand that the validity of Water Right No. 322-1 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

LaVon M. Colwell trustee
(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

Bernice G Cundy Trust ZLaVon Colwell 4669 S Idalia St. Aurora CO 80015

RECEIVED OF _____

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>322-1</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 09192

By

Jeanne Goodman
Chief Engineer
Jm

322-1



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