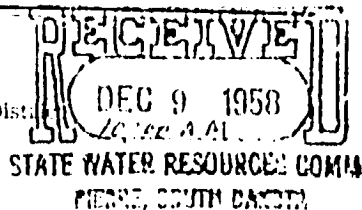


No. 509-2
 Water Division No. 2 Big River Dist. 10, sec 4, T1
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant Emil W. Sieler PENNO FARMS, INC. trans.
 Postoffice address Quinn, County Pennington, State South Dakota 6-15-80

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 of others, or by direct labor)

Contract and direct labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Sieler Waterspreader System No. 13. Amount of water claimed 5.1 4.17 cubic feet per second and all flood waters.4. Source of water supply Dry draw.Diversion No. 1--40 rods E and 8 rods S of NW corner of Sec. 16, T-2-N, R-17-E. See attached5. Location of point of diversion sheet for complete list of diversions. on bank County.6. Annual period or periods during which water is to be used Throughout year whenever run off occurs.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity.(a) Number of acres to be irrigated 358 292 acres.(b) Legal subdivisions to be irrigated See attachment.

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. See must also be shown on accompanying map.)

(c) Statement as to domestic use (give location, etc.) Stockwater--7E-SE1 Sec. 16 andNW1-SW1 Sec. 16.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwater

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 501-2

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.)

Dikes and Ditches

II. Dimensions of works:

(a) Dam: Height 10 feet; length at bottom 500 feet; length at top 500 feet; thickness at bottom 60 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction Earth Fill
 (b) Reservoir: Capacity when filled None acre feet. Surface area at highwater mark 0.0 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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 2.0 *Completed* years.
 11. Time required for complete application of water to the proposed beneficial use 2 *Completed* years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Pennington

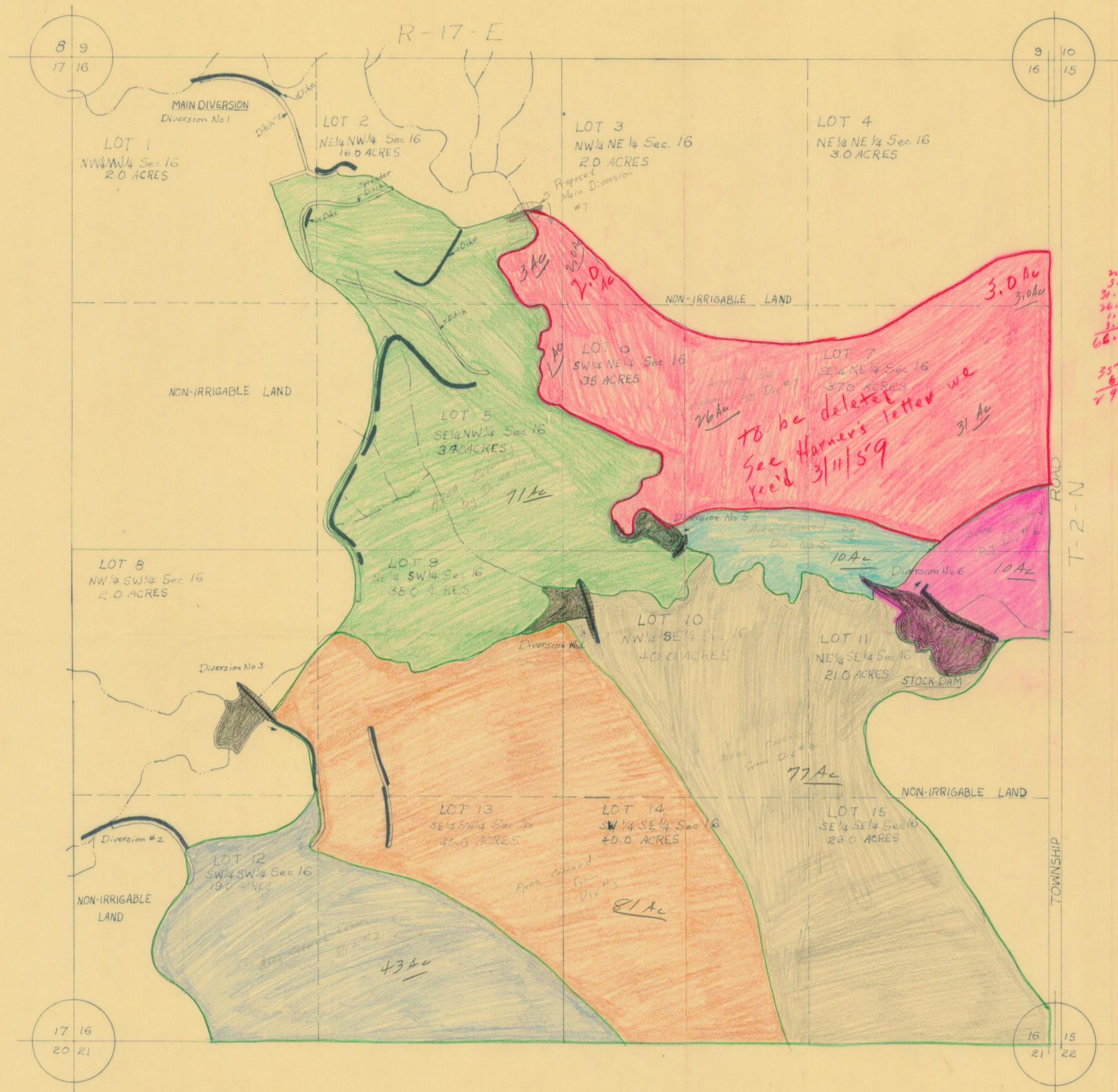
ss.

I, Emil W. Sieler, 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

Subscribed and sworn to before me this 16th day of Sept 1958

Notary Public (or other qualified officer.)



20
31.0
31.0
36.0
11.0
3.0
66.0
358.0
66
19940

SKETCH MAP

EMIL W. SIELER

WATERSPREADING SYSTEM NO. 1

Diversions No 2, 3, 4, 5, + 6 Constructed in 1954
Proposed Diversion (No 7) is the only new main diversion to be constructed on the Draws.
All other work to be done consists of the construction of minor ditches and dikes on the spreader areas to improve water distribution and retention.

EMIL W. SIELER WATERSPREADING SYSTEM Pennington County, South Dakota Scale: 1" = 330'			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Drawn		Title	
Traced		Title	
Checked		Sheet No.	Drawing No.
		of	

Map No. 501-2
(App. No. 509-2)

Remarks by State Water Resources Commission:

"Vested Right" claimed

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

Hughes

ss.

Pierre, South Dakota,

December 13, 1958

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

9 m. upon the 9 day of December, 1958

State Water Resources Commission

By:

W. O. Schinner

Chief Engineer, Executive Officer

Number of permit

Vested Right
509-2

Date of first receipt of application

December 9, 1958

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

December 12, 1958

Date of receipt of corrected application

February 28, 1959
February 17, 1959
March 1, 1959

Date from which applicant may claim right

September 1951 for 3.47 cfs.
1952 for 0.70 cfs.

Approved

March 11, 1959

11

1959

Recorded in Book

Vested Right
Page 138

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

Completed, 1959

2nd. The whole of said work is to be completed on or before

Completed, 1959

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

Completed, 1959

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 4.17 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 June 30, 1957, said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

6

day of

May

1959

State Water Resources Commission

By:

W. O. Schinner

Chief Engineer, Executive Officer

Certificate of Construction issued

May 6, 1959

Water License issued

May 6, 1959

ATTACHMENT FOR EMIL W. SIELER APPLICATION
FOR A VESTED WATER RIGHT

List of Points of Diversion: (All in Sec. 16, T-2-N, R-17-E, BHM, Pennington Co.)

Diversion No. 1: 40 rods East and 8 rods South of the NW corner of Section 16, T-2-N, R-17-E, BHM, Pennington County, South Dakota.

Diversion No. 2: 68 rods North and 7 rods East of the SW corner of Sec. 16.

Diversion No. 3: 111 rods North and 60 rods East of the SW corner of Sec. 16.

Diversion No. 4: 153 rods West and 146 rods North of the SE corner of Sec. 16.

Diversion No. 5: 121 rods West and 158 rods South of the NE corner of Sec. 16.

Diversion No. 6: 35 rods West and 138 rods North of the SE corner of Sec. 16.

List of Lands Irrigated: (All in Sec. 16, T-2-N, R-17-E, BHM)

NW 1/4 NW 1/4	of Section 16.....	2 Acres	
NE 1/4 NW 1/4	" " ".....	16	13 Ac.
SE 1/4 NW 1/4	" " ".....	34	33 Ac.
NW 1/4 NE 1/4	" " ".....	2	"
NE 1/4 NE 1/4	" " ".....	3	"
SW 1/4 NE 1/4	" " ".....	35	9 Ac.
SE 1/4 NE 1/4	" " ".....	37	6 Ac.
NW 1/4 SW 1/4	" " ".....	2	"
NE 1/4 SW 1/4	" " ".....	38	"
SW 1/4 SW 1/4	" " ".....	19	"
SE 1/4 SW 1/4	" " ".....	40	"
NW 1/4 SE 1/4	" " ".....	40	"
NE 1/4 SE 1/4	" " ".....	21	"
SW 1/4 SE 1/4	" " ".....	40	"
SE 1/4 SE 1/4	" " ".....	29	"

TOTAL -358- Acres
292

Permit No. 509-2BadWater Division No. 2 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Emil W. Sieler PENG FARMS INC.of Quinn, County of Pennington, and State ofSouth Dakota

the holder

Vested Rightof Permit No. 509-2No. 509-2, bearing date of priority of September 1952 for 0.70 c.f.s., authorizing the diversion of4.17

cu. ft. per second of the waters of

a dry drawCounty of PenningtonState of South Dakota

South of the NW Cor., Sec. 16; 68 rods north and 7 rods west of the SW Cor., Sec. 16; 111 rods north and 60 rods east of the SW Cor., Sec. 16; 153 rods west and 146 rods north of the SE Cor., Sec. 16; 121 rods west and 158 rods south of the NE Cor., Sec. 16; 35 rods west of the SE Cor., Sec. 16 all in T 2N, R 17E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of Vested Rightcompletion 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 4.17 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:	<u>N$\frac{1}{2}$NW$\frac{1}{4}$</u>)	<u>2 acres</u>
	<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>)	<u>13 acres</u>
	<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>)	<u>33 acres</u>
	<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>)	<u>9 acres</u>
	<u>SE$\frac{1}{4}$NE$\frac{1}{4}$</u>)	<u>6 acres</u>
	<u>NW$\frac{1}{4}$SW$\frac{1}{4}$</u>)	<u>all in Sec. 16</u> <u>2 acres</u>
	<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>)	<u>T 2 N, R 17 E</u> <u>38 acres</u>
	<u>SW$\frac{1}{4}$SW$\frac{1}{4}$</u>)	<u>19 acres</u>
	<u>SE$\frac{1}{4}$SW$\frac{1}{4}$</u>)	<u>40 acres</u>
	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>)	<u>40 acres</u>
	<u>NE$\frac{1}{4}$SE$\frac{1}{4}$</u>)	<u>21 acres</u>
	<u>SW$\frac{1}{4}$SE$\frac{1}{4}$</u>)	<u>40 acres</u>
	<u>SE$\frac{1}{4}$SE$\frac{1}{4}$</u>)	<u>29 acres</u>
	Total	292 acres

Witness my hand this 6th day of May A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 509-2

WHEREAS, On the 9th day of December A. D. 1958
~~Paul W. Sieler~~ PENC FORMS INC.

of Quinn County of Pennington and State of
South Dakota duly made application (No. 509-2) to us for Vested Right permit to use 4.17
cubic feet per second of the waters of a dry draw
County of Pennington, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 6th day of May A. D. 1959
Vested Right Permit No. 509-2 was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described on or before the 30th day of
June A. D. 1957 and for the application to beneficial use of said
water on or before the 30th day of June A. D. 1957
and,

WHEREAS, On the 9th day of December A. D. 1958
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.17
cubic feet per second of said waters, as evidenced by our Certificate No. 509-2
dated May 6, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.17 cubic feet per second of water, with date of
priority of 1951 and September 1952 and,

WHEREAS, On the 9th day of December A. D. 1959
proof was duly made of the application to beneficial use of 4.17 cubic feet per second of said water;
on 292 acres located in parts of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
and SE $\frac{1}{4}$ all in Sec. 16, T 2 N, R 17 E more particularly described
in Certificate of Completion of Works No. 509-2

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to Emil W. Sieler

of Quinn, South Dakota the holder and owner of said ^{Vested Right} permit No. 509-2

a water right, dating from 1951 for 3.47 cfs and September/ 1952 for 0.70 cfs to the use of 4.17

cubic feet per second of the waters of a dry draw

In the County of Penningson and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at 40 rods east and 8 rods south of the NW Cor. Sec. 16; 68 rods north and 7 rods east of the SW Cor. Sec. 16; 111 rods north and 60 rods east of the SW Cor. Sec. 16; 153 rods west and 146 rods north of the SE Cor. Sec. 16; 121 rods west and 158 rods south of the NE Cor. Sec. 16; 35 rods west and 138 rods north of the SE Cor. Sec. 16 all in T 2 N, R 17 E.

--NW $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ all in Sec. 16,

T 2 N, R 17 E more particularly described in Certificate of

Completion of Works No. 509-2

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,

this 6th day of May A. D. Nineteen

Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Location No. 229-2Water Division No. 2 Big River Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Emil W. Sieler, Rancher, Quinn, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water supply is a dry draw.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Diversion No. 1--500' long, 10' high; Diversion No. 2--660' long, 3' high;Diversion No. 3--800' long, 15' high; Div. No. 4--360' long, 15' high;Div. No. 5--150' long and 12' high; Div. No. 6--500' long, 18' high. DiversionNo. 1 was completed in September, 1952. Others were completed prior to 1955.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. All in Section 16, T-2-N, R-17-E, BEM: NW $\frac{1}{4}$ NW $\frac{1}{4}$ --2 Ac; NE $\frac{1}{4}$ NW $\frac{1}{4}$ --16 Ac; NW $\frac{1}{4}$ NE $\frac{1}{4}$ --2 Ac;NE $\frac{1}{4}$ NE $\frac{1}{4}$ --3 Ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ --34 Ac; SW $\frac{1}{4}$ NE $\frac{1}{4}$ --35; SE $\frac{1}{4}$ NE $\frac{1}{4}$ --37 Ac; NW $\frac{1}{4}$ SW $\frac{1}{4}$ --2Ac; NE $\frac{1}{4}$ SW $\frac{1}{4}$ --38 Ac;SW $\frac{1}{4}$ SE $\frac{1}{4}$ --40 Ac; NE $\frac{1}{4}$ SE $\frac{1}{4}$ --21; SW $\frac{1}{4}$ SW $\frac{1}{4}$ --19 Ac; SE $\frac{1}{4}$ SW $\frac{1}{4}$ --40 Ac; SW $\frac{1}{4}$ SE $\frac{1}{4}$ --40 Ac; SE $\frac{1}{4}$ SE $\frac{1}{4}$ --29 Ac.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 358 Acre-Feet of Water

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. All water coming to the system has been used for irrigation and stockwater since the system was installed. The water has been used throughout the year whenever runoff has occurred.

(Sign) Emil W. Lickers

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Wheat, County of Trimont

State of South Dakota, on this 16th day of Sept A. D. 1918

Wm. L. Johnson
Wm. C. Kuchner } Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Tony H. Kiebo

Location No. -----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

FORM 20



NO. 509-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: FEB 11, 1980

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

N $\frac{1}{2}$ NW $\frac{1}{4}$ 15 ac; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 ac; S $\frac{1}{2}$ NE $\frac{1}{4}$ 15 ac; SW $\frac{1}{4}$ 99 ac; SE $\frac{1}{4}$ 130 ac. all in Section 16;
T2N, R17E

formerly owned by Emil W Sieler, Quinn, SD 57775

has been transferred to Peno Farms/ Quinn, SD 57775

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 509-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Lincoln) ss.

I Emil W Sieler, Quinn 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.

Emil W Sieler, Quinn
(Signed)

Subscribed and sworn to before me this 11 Day of Feb, 1980.

[Signature]
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7317

PIERRE, February 12, 1980

RECEIVED OF Anna E Sieler, Peno Farms Inc. Quinn, SD 57775

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing ...transfer of water rightNo. 509-2		2 50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		2 50

WATER-RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH (gy)

South Dakota Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

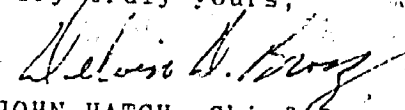
Peno Farms, Inc
PO Box 162
Wall SD 57790

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 509-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



**SOUTH Dakota Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 509-2

Peno Farms, Inc
PO Box 162
Wall SD 57790

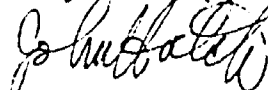
Dear Sir:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWR
Conversation or File Documentation

File No. 509-2

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY Pennington

DATE: 7-24-90 TELEPHONE _____

RE: Vested Right Claim Inspections in

COMMENTS:

On July 16, 1990

The following vested right claims were inspected and are

Recommended for Validation:

461-2, ~~462-2~~, ~~463-2~~, 769-2, 509-2, 565-2, 94A-2

495-2 and 926-2.

July 19, 90

The following vested right claims were inspected and ~~are~~ are recommended

for validation.

5-2, 489-2, and 925-2

* This claim is for groundwater and surface water (Cheyenne River)
the groundwater part of it never developed.

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.

4/82

NAME: NRH had

SOUTH DAKOTA

VESTED WATER RIGHT NO. 509-2 FOR IRRIGATION

Date of Receipt of Claim December 9, 1958.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 509-2 for irrigation purposes for Peno Farms, Inc., Quinn, SD, 57775 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 509-2 appropriates 4.17 cubic feet per second of water from dry draws to irrigate 292 acres. The points of diversion are located in Section 16, T2N, R17E. The irrigated lands are located in the NW1/4 NW1/4, E1/2 NW1/4, S1/2 NE1/4, SW1/4 and SE1/4 all in Section 16, T2N, R17E.
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: January 1 to December 31.
3. The priority dates of the Vested Water Right are:
January 1, 1951 - 3.47 cfs
September 1, 1952 - 0.7 cfs
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.

QUALIFICATIONS

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.

WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer

MAR 12 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



MAR 12 1993

509-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Peno Farm, Inc.
Quinn SD 57775

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 509-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

WTR 4.10
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

509-2

