

No. 0262-1

Office of State Engineer
DOCUMENT FILE

Name: Olsen, Christopher

County: White Mt

Date: May 22, 1899

Filed: May 29, 1899

Location: Flat Creek
Ill

Pre-Emption of Right of Way and Location of Water.

To Whom These Presents May Concern, Know ye, that I Christopher Oleson
standing 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 Flat or stream to the

Western part

of Section Eight in Township 17 of Range 1 more particularly described as follows: Commencing at the South east corner of the South east 1/4 of the north West 1/4
Section (8) in Township (17) of range 1 East B.T.M.

I also claim and have a valid right to the enjoyment and use of all the water from said stream for irrigating purposes to be conveyed through such flume or waterditch 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 22 day of May 1899.

Christopher Oleson

Notice posted on stream May 17 1899.

Ditch commenced at stream May 15 1899.

Montana
State of South Dakota
County Butte

On this 22 day of May 1899, before me a US Commissioner for
the District of Montana

In and for the County and State aforesaid, personally appeared Christ Oleson

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.

E. B. M. Williams

US Commissioner

for Dist of Montana

(SEAL)

Butte

Page No. 29

May

1887

235

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7.

352

W E Foster

J. W. Van Horn

CHRISTOPHER OLESON

No. 0262-1

1064

SEP 24 1906

H E Frost

W. P. Sewell

De pocius.

Pre-Emption of Right of Way and Location of Water.

To Whom These Presents May Concern, Know ye, that I, Christopher Oleson of the County of Harding, 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 Harding, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Flat Creek stream to the Western part of Section eight in Township 17 of Range 1 more particularly described as follows: Commencing at the south east corner of the South east $\frac{1}{4}$ of the North East $\frac{1}{4}$ Section (8) in Township (17) of Range 1 East B.H.M.

I also claim and have a valid right to the enjoyment and use of all the 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 22 day of May, 1899.

Christopher Oleson.

Notice posted on stream May 17 1899.

Ditch commenced at stream May 15, 1899.

State of Montana,)
County of Custer) ss

On this 22 day of May 1899, before me a U S Commissioner for the District of Montana, in and for the County and State aforesaid, personally appeared Christ Oleson, 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.

E. W. Molan,

U S Commissioner

(Seal)

For Dist of Montana.

No. 0267-1

COPY

Water Right

Located by

Christopher Oleson,

May 22, 1899.

Harding or Butte Co.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES,

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same is filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota

this 4 day of February 1909.

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

0262-1

0264-1

Camp Creek, S. Dak.
Oct. 19, 1961

Water Resources Comm
Pierre, S. Dak.

c/ Mr. Grimes.

Dear sir:—

RECEIVED
OCT 19 1961

STATE WATER RESOURCES COMM.

PIERRE SOUTH DAKOTA

201 0226

I have a water right on sage
brush draw with dam dikes and
ditches for irrigation in Sec. 8 Twp 17.
Rge 1; I have hay meadows below
this project.

I have a water right on Hawk Creek
also about 3 miles south and east of
this project for irrigation.

There are several people that have
put in dams and dug out on these
projects this summer and are stopping
some of my water. These people
have had springs and dams for
their livestock before this summer,
but these are additional dams
I am referring to.

I went to see the soil conservation
people in our county and they told
me to go to see Larken Davis in
Belle Fourche.

Mr Davis referred me to you
and felt this matter needed
looking into.

Yours truly
Oliver Olson

(0262-1)
0264-1

October 30, 1961

Oliver Oleson
Camp Crook, S. Dak.

Dear Mr. Oleson:

Reference is made to your recent letter regarding stockwater dams and dugouts above your irrigation project.

A check of our records reveals that Christopher Oleson made a filing (0264-1) on May 22, 1889 for waters from Flat Creek (we assume this is Sage Brush Draw), and Thorwald and Christopher Oleson made another filing on April 29, 1903 for waters from Hat Creek. Both were for irrigating lands in Section 8, T17N, R1E.

It is requested that you inform us of the lands you now have under irrigation in each quarter-quarter, as well as the location of the point of diversion. We need this data to determine if the water right you now claim is based on the above filings..

Stockwater use under South Dakota statute is considered a domestic use, and as such does not require an appropriative permit. About the only control is that the stockgrower does not store in excess of his needs. Normally stockwater structures are built under SCS or ASC programs. They have spacing restrictions which must be met before payment is made. We assume that such spacings have been complied with.

As to what constitutes excess storage, no agency has been given the authorization under the statutes to make this determination.

Upon receipt of the above data, we will check further into the matter.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1275-1

Oliver & Aino Oleson
(Applicant)

Box 4 Camp Crook
(Post Office Address)

South Dakota 57724
(State)

With the following qualifications

"Vested Right claimed"

Applicable portions of Water Right Filing No. 0262-1 have been incorporated into this Vested Right No. 1275-1 and the abandoned portions of Water Right Filing No. 0262-1 have been cancelled.

Date of first receipt of application February 28, 1983
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved April 14, 1983, Recorded in Book Page

WATER RIGHT PERMIT NO. 1275-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1275-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 1, 1989
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before , 19
3. The whole of said work is to be completed on or before Complete, 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is , 19
5. The water appropriated shall be used for the purpose of Irrigation

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 injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.10 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, and if 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 July 1, 1955; said water to be used during the following described annual period: April - October

Witness my hand this 22nd day of April, 1983

THE WATER MANAGEMENT BOARD

By [Signature]
Chief Engineer, Water Rights

Certificate of Construction Issued April 1 '86, 19

Water License Issued April 1 '86, 19