

VESTED RIGHT

1. Considered: April 14, 1983 Water Right No. 1274-1
2. Name of Applicant Oliver and Aino Oleson
3. Post Office Address Box 4, Camp Crook 57724
4. Amount of Water Claimed 1.04 maximum acre feet 48
5. Source of Water Supply Hawk Creek and dry draw
6. Water to be used for IRR acres to be irrigated 73
7. County HARDING about 8S & 2 miles west of Camp Crook
8. PROOF OF PUBLICATION: Received _____ Not Received _____
 APPLICATION: Approved _____ Subject to _____
 Not Approved _____ Action Deferred _____

PRIORITY

1/1/39

Dated Received 2/28/83 Application complete-yes x no _____ FEE 13.00
 Remarks _____

Corrected Application received _____ Period of Annual Use April thru October

WATER
QUALITY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes _____ no _____ Remarks _____
not applicable

Disapproved _____ Returned _____

Diversion Point _____
 On Hawk Creek in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22-
 T17N, R1E and dry draw in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21-
 T17N-R1E

Land to be irrigated _____
W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ both in
 Section 21-T17N R1E

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

N/A

Remarks _____

MAP Map No. 1274-1 Map located in Water Right xx Map file _____
Type of Map aerial and drawn Prepared by LeRoy Mernaugh

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

3/1/83

LeRoy Mernaugh
(Signed)

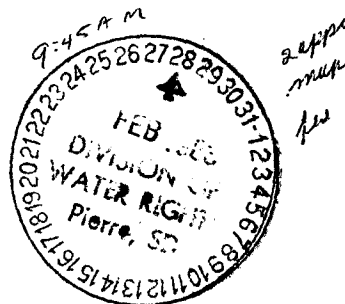
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PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____

OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____

ETC. Remarks _____

No. 1274-1Map No. 1274-1 Water Division No. 1 Little Missouri R District
Above for Office Use 10110201

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New Vested Right X Future Use Change in Diversion Additional Diversion Change in Acreage Additional Acreage

1. Name of Applicant Oliver & Aino Oleson Phone No. 797-4480
 Post Office Address Box 4 Camp Crook State SD 57724
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed 3/1/833. Name of diversion work Oleson Irrigation Project #1 1.044. Amount of water claimed (cubic feet per second) 5. Source of water supply Hawk Creek and Dry Draw

6. Location of point of diversion Pt #1 = 1340'N and 1800'E of SW corner of Section 22, T17N, (NE⁴SW⁴)
R1E and Pt #2 = 2150'S and 530'W of N¹/₄ corner Section 21, T17N, R1E (SE⁴NW⁴)

County Harding7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 73

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 ¹ / ₄ NW ¹ / ₄ Sec 21, T17N, R1E	23
NE ¹ / ₄ NW ¹ / ₄ "	16
SW ¹ / ₄ NW ¹ / ₄ "	6
SE ¹ / ₄ NW ¹ / ₄ "	6

Land Description	No. Acres Irr.
NW ¹ / ₄ NE ¹ / ₄ Sec 21, T17N, R1E	18
SW ¹ / ₄ NE ¹ / ₄ "	4

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water ----

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
dam, storage reservoir and diversion dike

B. Works proposed to transport water to place of use.
supply ditches

C. Works proposed to apply water to beneficial use.
dikes and ditches for flood irrigation

NOTE: Applicable portions of Location Notice #679-1 will be incorporated into this water permit.

Estimated Total Cost \$

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

STATE OF SOUTH DAKOTA)
 County of Pennington) ss.

I, OLIVER OLESSEN the applicant, certify that I have read the foregoing application and 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 Oliver OlesonSubscribed and sworn to before me this 24th day of February, 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1274-1

Oliver & Aino Oleson

Box 4 Camp Crook

(Applicant)

(Post Office Address)

South Dakota

(State)

With the following qualifications.

"Vested Right claimed"

The applicable portions of Location Notice No. 679-1 have been incorporated into this Vested Right No. 1274-1 and the abandoned portions of Location Notice No. 679-1 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. 1274-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1274-1 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, 1939
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 1.04 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~~ ^{was} 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: John H. Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued April 26, 1983

Water License Issued April 26, 1983

679-1

RECEIVED

SEP 18 1939
8:30 AM

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

The applicable portions
of Location Notice #679-1
has been incorporated into
Voted Right No. 1274-1 and the
abandoned KNOW ALL MEN BY THESE PRESENTS:
portions of Location
Notice No. 679-1 That
have been cancelled.

Oliver Oleson
Camp Creek

whose post office is. Camp Creek, South Dakota, a citizen of the
United States, above the age of 21 years, being in possession of the following
described land, to wit:

N 1/2, Sec. 21, N 1/2 of NE 1/4 Sec. 20,
S.W. 1/4 Section 22 Township 17
range 1 B.H.M., in Harding County, South Dakota.

Availing self of the right granted under the provisions of
Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has loc-
ated and claims the right to construct a certain dam across a dry draw
situated in the NW 1/4 of the SW 1/4 of section 22 township 17 N.
range 1 E., B.H.M. and has located and claims the right to construct ditches
and flumes for the purpose of directing flood waters from said dam for irri-
gation of the land first above described and for Live Stock Purposes, and
claims the right of way across any land for the purpose of conveying water
for said purposes.

Said locator claims for the above purpose 5 cubic feet of water
per second during the following described annual periods
inclusive, each year.

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

From the S.E. cor. of S.W. 1/4 Sec. 22 T. 17 N. R. 1 E. B.H.M.
S.D. N. 39° 4' W. 178.5 feet

The ditch will run in a Northwesterly direction to
and on said land for a distance of 1 1/2 mile

Said location was made on the 31 day of August 1939.

Witness my hand and seal this 31 day of August 1939.

Oliver Oleson
Locator

STATE OF SOUTH DAKOTA,)
County of Butte) ss.

On the 31 day of August 1939, before me
a Notary Public in for
the County and State aforesaid, personally appeared Oliver Oleson to me
personally known to be the person who executed the foregoing instrument and
acknowledged that he executed the same for the use and purposes therein set fort

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

Notary Public
My Commission Expires June 12, 1941

WATER LICENSE NO. 1274-1

(1) WHEREAS, On the 28th day of February A. D. 1983

Oliver and Anio Oleson

made Water Right Application No. 1274-1 Vested Right 1.04 cubic feet per second of the waters of Hawk Creek and dry draw

County of Harding, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 14th day of April A. D. 1983

Permit No. 1274-1, with a date of priority of January 1, 1939

was issued to said applicant S for the diversion of said water, and recognized provided for the completion of construction of the water supply system therein described on or before the day of A. D. 19 and for the application to beneficial use of said water on or before the day of A. D. 19

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.04 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

to irrigate the following land all in Section 21, T17N, R1E

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 " (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 6 " (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6 " (BD)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 18 " (AB)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 " (AC)

TOTAL 73 acres

(5) 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 Oliver and Aino Oleson

Box 4, Camp Crook, South Dakota 57724

of _____
the holder s and owner s of said permit No. 1274-1 a water right, dating from January 1, 1939

to use of 1.04 cubic feet per second of the waters of Hawk Creek and dry draw

in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at pt #1 - 1340'N and 1880'E of the SW corner (CA)

Section 22, T17N, R1E; Pt #2 - 2150'S and 530'W of the N½ corner (BD) Section 21, T17N, R1E

and conducted to and upon portions of Section 21, T17N, R1E more fully described on
the face of this License

for the purpose of irrigation

This Water License No. 1274-1 is based on a Vested Right claim ^{recognized} ~~filed~~ by the Water Management Board *JH*

Subject to any limitations listed in Water Right Permit No. 1274-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of April A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Oliver & Aino Oleson

Post Office Address Box 4 Camp Crook, State SD 57724

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording August 31, 1939

Recording Date _____

14. Date of start of construction of water supply system 1939

15. Date that water was first applied to beneficial use 1939

16. Name of owner of original water supply system Oliver Oleson

17. Amount of water originally applied to beneficial use 5.0 c. f. s.

18. Present Use of Water

Amount of water now being used 5.0 c. f. s.

Date that this amount of water was first used 1939

19. Chronological History of Water Use

Constructed by Oliver Oleson in 1939 and has been used continuously since.

Dike in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, constructed in 1950 to irrigate area in NW $\frac{1}{4}$ Section 21.

NOTE: information taken from Location Notice No. 679-1

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)

County of Pennington) ss.

I, OLIVER OLESON, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Oliver Oleson

Subscribed and sworn to before me this 24th day of February, 19 83

DOYLE D. ESTES, Notary Public
My Commission Expires November 11, 1985

Doyle D. Estes
(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.

Oliver Oleson

D Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

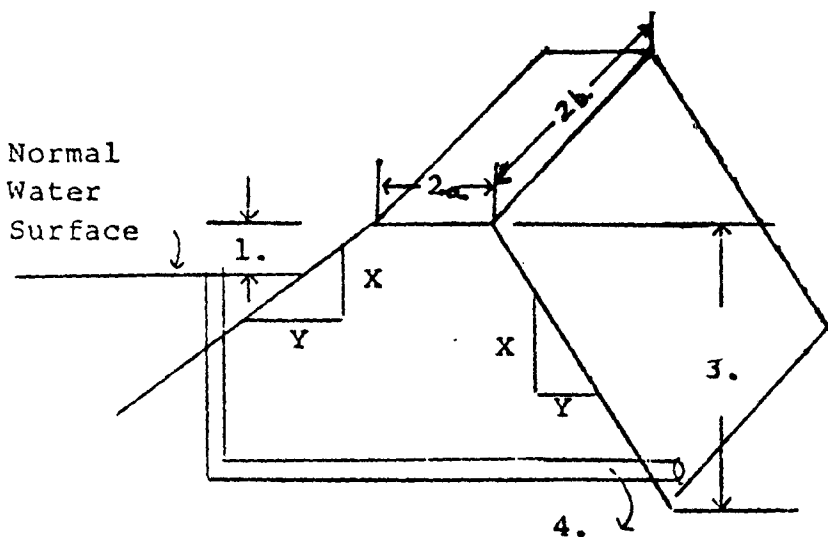
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 3.0
- 2a Crest width 10 b. length 800'
3. Height of Dam 20'
4. Outlet dimensions:
Pipe diameter 12" CMP/hd gate
Spillway width 50'+
- X & Y slope:
Upstream 3:1
Downstream 2:1
Surface area of impoundment
15 acres
Drainage area above dam
3000 acres

Water Depth - 8.0'
Storage = 48 ac ft

Permit No. 1274-1Water Division 1 Little Missouri River Water District
10110201REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Oliver + Aino Oleson of Box 4 Camp Creek, S. Dak. 57724 holder of Permit No. 1274-1, bearing date of priority of January 1, 1939 authorizing the diversion of 1.04 cu. ft. per second of the waters of Hawk Creek + Dry Draw for Irrigation purposes, in Harding County.

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

The Water Use System consists of,

A. Works used to divert the water:

Dam in Sec. 22 - with 12" cmp. / Hd Gate.Diversion Dike in NW 1/4 Sec. 21. Diverts water to NW 1/4 Sec. 21.

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

Irrigation Supply Ditches.

C. Works used to apply water to beneficial use.

Dikes and Ditches for flood IrrigationThe system is in the following condition: Good

The point of diversion is located Pt #1 = 1340' N and 1800' E of SW CORNER SEC. 22 - T17N R1E. Pt #2 = 2150' S and 530' W of N 1/4 Cor SEC. 21, T17N R1E

The works are capable of diverting and conveying to the place of use 5.0cu. 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 Section 21, T17N

<u>R1E;</u>	<u>NW 1/4 NW 1/4</u>	<u>23 acres (BB)</u>	<u>NW 1/4 NE 1/4</u>	<u>18 acres (AB)</u>
	<u>NE 1/4 NW 1/4</u>	<u>16 acres (BA)</u>	<u>SW 1/4 NE 1/4</u>	<u>4 acres (AC)</u>
	<u>SW 1/4 NW 1/4</u>	<u>6 acres (BC)</u>		
	<u>SE 1/4 NW 1/4</u>	<u>6 acres (BD)</u>		

comprising a total of 73 acres of land.

Dam = Same information as found on form WNR-802A0.

Date September 28, 1982LeRoy J. Mernaugh
(Signature)

The applicable portions of Location Notice No. 679-1 have been incorporated into Vested Right No. 1274-1 and the abandoned portions of Location Notice No. 679-1 have been cancelled.

JH

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9167

PIERRE, February 28, 1983

RECEIVED OF Oliver Oleson, Box 57, Camp Crook, SD 57724

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

Fee for Application for Permit to Appropriate Water No. <u>1274-1</u> (examination, processing, recording and filing) -----	13	00
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 -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	13	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH *ms*

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T 18 N

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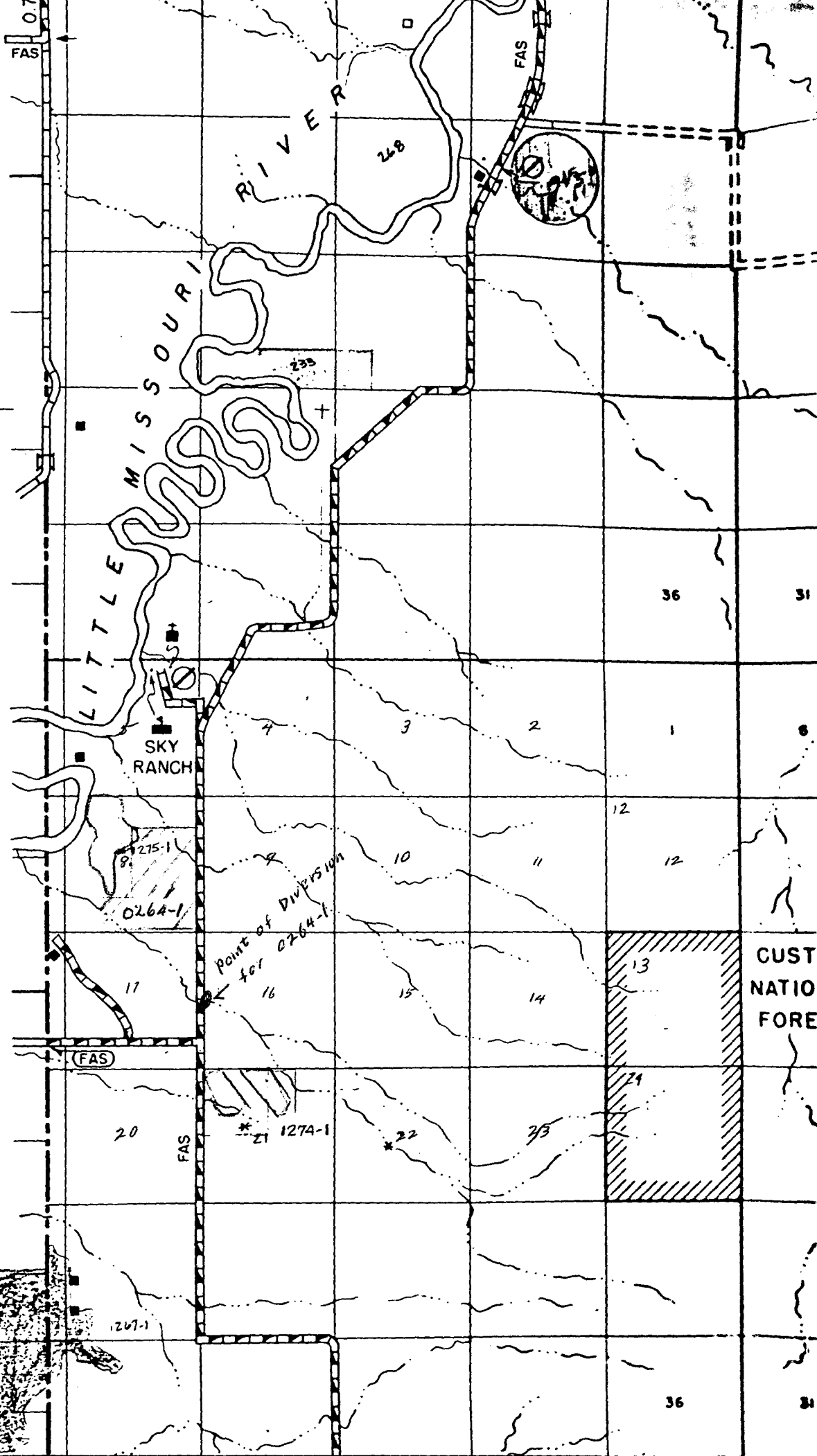
UTAH
FAS

FAS

(FAS)

FAS

45° 30'



Oliver Oleson

T
17
N

Dike

21

22

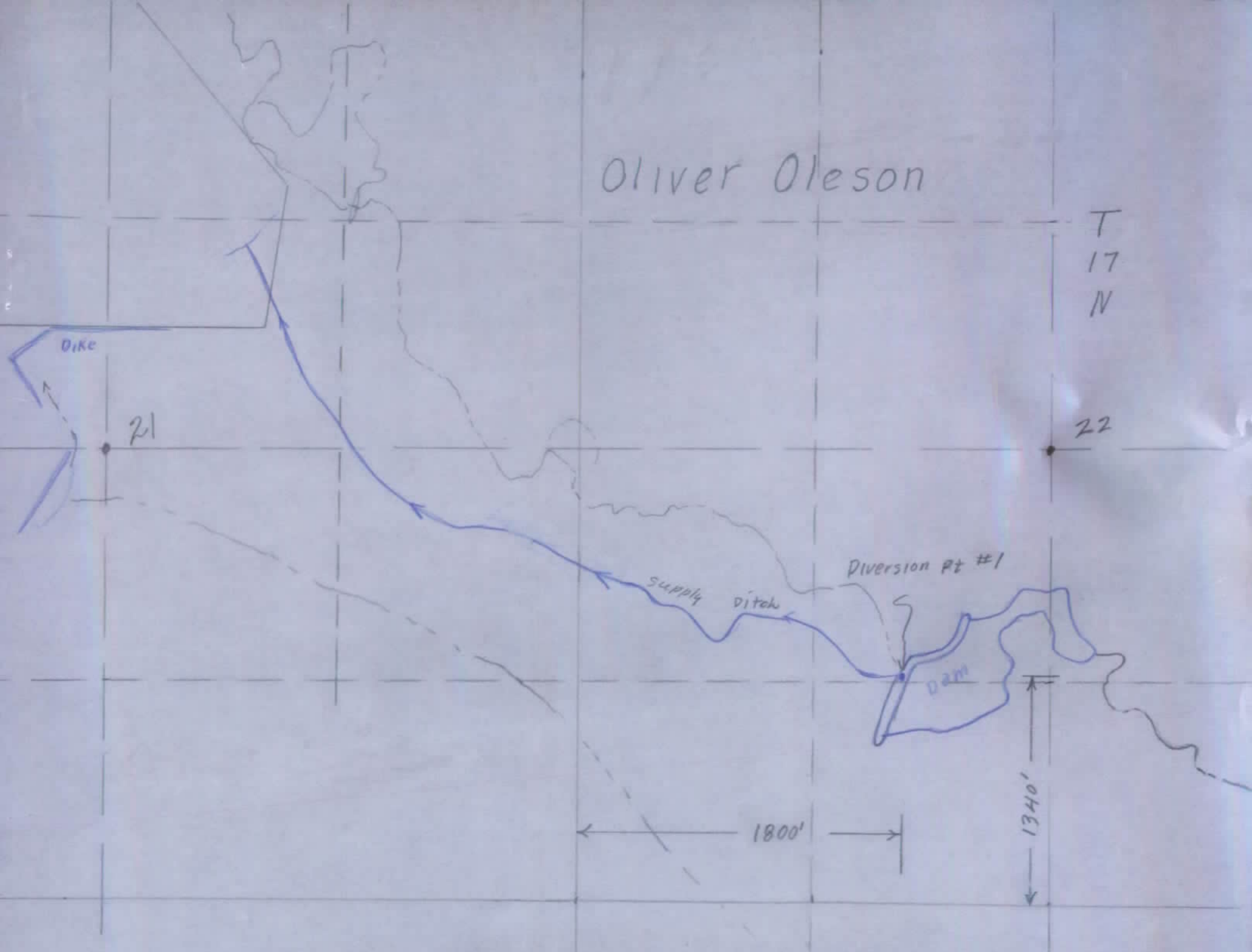
Diversion pt #1

Supply Ditch

Dam

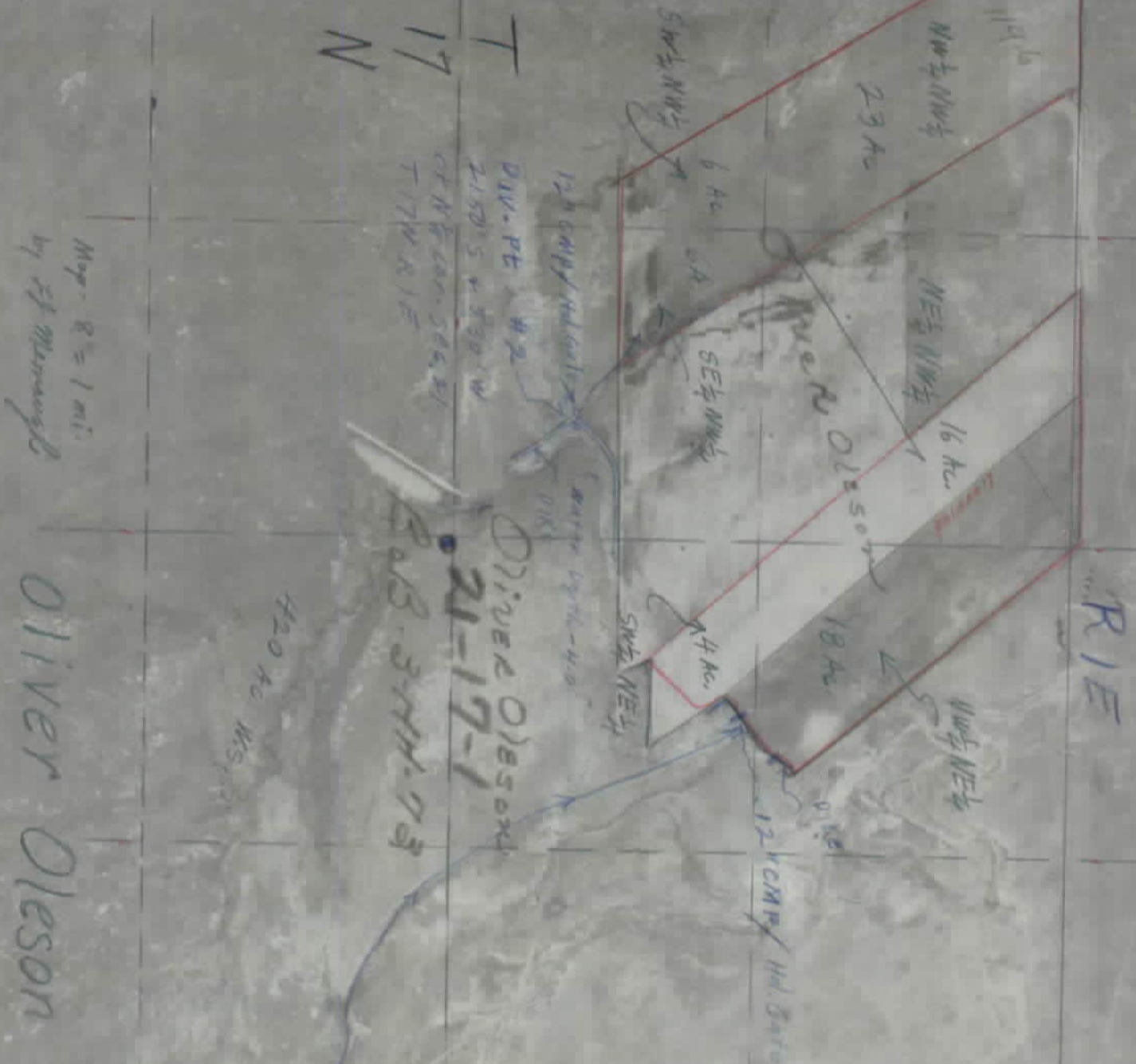
1800'

1340'



NOT TO SCALE

1974



Oliver Oleson



Office Copy

Map & App # 1274-1

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

December 28, 1982

Oliver Oleson
Box 4
Camp Crook SD 57724

Dear Mr. Oleson:

On September 28, 1982, I was at your place to check over your irrigation systems and update the records to conform to the modern permits. In order to do this we are asking that you file for two Vested Rights. One for each of the locations. One area in Section 8 and the other area in Sections 21 and 22, T17N, R1E.

Enclosed are two sets of completed applications. Each set consists of two copies of Form 2, "Application for Permit, two copies of the form for the dam information, one copy of Form 2B "Affidavit of Water Use" and a map of the areas involved. Would you please check over all of the forms and make any corrections necessary. Then sign and have notarized all of the forms where indicated and return all of the forms to this office with a check for \$26.00 which covers the cost of the filing fees for both applications, including the Certificate of Completion of Works and the Water License.

Also check over the Water Right maps make any changes necessary and return them along with the forms so that we may correct our office copy. If there are no changes on the maps you may keep them for your records.

Also enclosed is an instruction sheet for filing for a vested right.
If you have any questions, please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh

LEROY J MERNAUGH
Water Resources Engineer

LJM:ks

enclosures

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

April 25, 1983

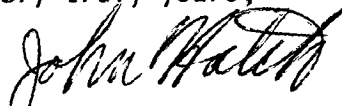
Oliver & Aino Oleson
Box 4
Camp Crook SD 57724

Dear Mr. Oleson:

Enclosed herewith are your Vested Right Permit, Water License No. 1274-1.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

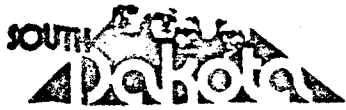
Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

June 29, 1983

NOTICE

TO: Max Main, Attorney, 618 State St, Belle Fourche SD 57717

FROM: John Hatch, Chief Engineer, Division of Water Rights

SUBJECT: Automatic Extension for Time of Hearing on Cancellation of
Water Right Filing No. 0264-1

The time of the hearing July 19, 1983 for cancellation of Water Right Filing No. 0264-1 is automatically extended pursuant to S 46-2A-4 (8) and 46-2A-5. The Water Management Board will now consider cancellation of Water Right Filing No. 0264-1 at 11:00 am, October 5, 1983, Civil Defense Meeting Room, State Capitol, Pierre SD.

The enclosed map and the following explanation may answer the concerns expressed in the Petition to Oppose Cancellation of Water Right Filing No. 0264-1. Filing No. 0264-1 was to divert water from Hawk Creek on the west side of Section 16 with irrigation of the blue area in Section 8. No evidence was found during investigation of any irrigation system using the Section 16 Hawk Creek diversion point or irrigation of the designated lands.

During the investigation by Water Rights Division Engineer, Mr. LeRoy Mernaugh, Mr. Oleson showed Mr. Mernaugh the lands actually being irrigated. These lands, shaded pink on the map, are recognized by the Water Management Board as the following Vested Rights: 1) Water Right Filing No. 0262-1 was for diversion of water from Sage Brush Draw (named Flat Creek Stream in Filing) to irrigate the western part of Section 8. The applicable portions of No. 0262-1 have been incorporated into Vested Right No. 1275-1 and the abandoned portions of Filing No. 0262-1 have been cancelled. 2) Location Notice No. 679-1 was for construction of a dam across a dry draw to irrigate lands in Sections 20 and 21. The applicable portions (see pink shaded area) of No. 679-1 have been incorporated into Vested Right No. 1274-1 and the abandoned portions of Location Notice No. 679-1 have been cancelled. Mr. Oleson has copies of No. 1275-1 and 1274-1.

The purpose in recognizing Vested Rights No. 1275-1 and 1274-1 and placing abandoned portions in cancelled status is to provide up-to-date records of actual water rights held and used and lands being irrigated by Mr. Oleson and for better management of the State's Waters. Mr. Oleson will not lose any water rights through official action by the Water Management Board to cancel Filing No. 0264-1. Any rights to water and to irrigate other lands not included in No. 1275-1 and 1274-1 were abandoned sometime in the past when intent to use the water and to irrigate ceased. Once abandoned, water rights can not be reclaimed.

cc: Oliver Oleson

VESTED WATER RIGHT NO. 1274-1 FOR IRRIGATION

Date of Validation September 27, 1989.

1. Vested Water Right No. 1274-1 appropriates 1.04 cubic feet of water per second from Hawk Creek and a dry draw to irrigate 73 acres. The points of diversion are located in the NE1/4 SW1/4 section 22 (storage dam - 48 acre feet capacity); SE1/4 NW1/4 section 21; and the irrigated acreage is located in the NW1/4, W1/2 NE1/4 section 21; all in T17N-R1E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1939.
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.

The applicable portions of Location Notice No. 679-1 have been incorporated into this Vested Right No. 1274-1 and the abandoned portions of Location Notice No. 679-1 have been cancelled.

By: John H. Atch MAR 11 1993
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1274-1
1275-1

Oliver and Aino Oleson
Box 4
Camp Crook SD 57724

Dear Mr. and Ms. Oleson:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1274-1 and 1275-1. This validation gives legal status to the claims and is the final document for your vested rights.

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

Very truly yours,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1993

No. 1274-1
1275-1

Gerald Oleson
Box 3
Camp Crook, SD 57724

Dear Mr. Oleson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1274-1 and 1275-1. The water rights are currently listed in the name of Oliver & Aino Oleson.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1274-1

Date: 3/30/93

I/We request that Vested Water Right No. 1274-1

formerly owned by: OLiver & Aino Oleson, Box 4, Camp Crook, SD 57724

be transferred to: (name & address) Gerald J. Oleson HCE2 Bx3 Camp Crook, S.D. & George
(Telephone No) 797-4478

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

73 acres - NW 1/4, W 1/2 NE 1/4 Section 21, T17N, 1E

I/We understand that the validity of Vested Water Right No. 1274-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Harding)

I/We George & Gerald Oleson 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 that I know of my own personal knowledge that the information herein stated is true.

George & Gerald Oleson
(Signed)

Subscribed and sworn to before me this 30 day of March, 19 93.

Jetty Plante
(Notary Public)

my commission expires March 26, 1999

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

413706

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 1, 19 93

RECEIVED OF George & Gerald Oleson, HC 62 Box 3, 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 _____		
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>Vested Water Right No. 1274-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



1274-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 2, 1993

No. 1274-1
1275-1

George and Gerald Oleson
HC 62, Box 3
Camp Crook, SD 57724

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Vested Water Right Nos. 1274-1 and 1275-1.

Our records now show you as the owner of Vested Water Right Nos. 1274-1 and 1275-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1996

Gerald Oleson
HC 62, Box 3
Camp Crook SD 57724

Ernie Melum
HC 62, Box 5
Capitol MT 59319-9201

Gentlemen:

I am writing in response to our phone conversations on September 4, 1996, concerning diversion of water in section 17-T17N-R1E along the road for irrigation use.

Mr. Melum indicated that a portion of the diversion (via culvert through the road) follows a drainage into Montana where some acreage is irrigated. Mr. Oleson indicated that water not diverted through the culvert follows the drainage to the north and is used for irrigation. After reviewing our records, I can not locate a water right permit for either of these water uses.

According to South Dakota Codified Law 46-1-13, a South Dakota water permit is needed for any in-state diversions that are used for out-of-state purposes including irrigation. The procedure used to process the application is the same as any other application for a water permit. Irrigation of the areas you both described may qualify for vested right status provided the water use or construction of project works began by March 2, 1955. A priority date is assigned based on documentation provided as part of the vested right claim. Any recent increase in historical water use can not be claimed as a vested water right. A new permit application would be required for any increase in water usage.

I am enclosing application forms for either a new permit application or vested right claim. Instruction sheets are enclosed with the application forms. If you have any questions about completing the forms, please let me know at (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures