

VESTED RIGHT

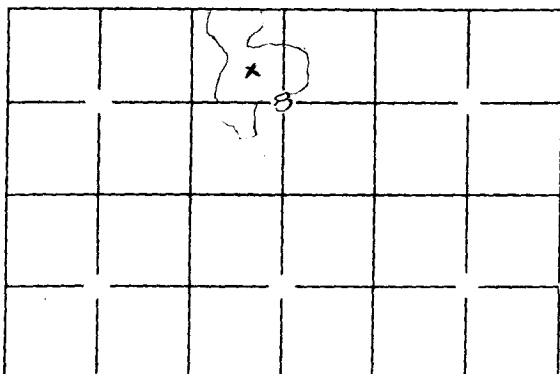
1. Considered: April 14, 1983 Water Right No. 1275-1
2. Name of Applicant Oliver and Aino Oleson
3. Post Office Address Box 4, Camp Crook 57724
4. Amount of Water Claimed 1.10 maximum acre feet 39
5. Source of Water Supply Sage Brush Draw
6. Water to be used for IRR acres to be irrigated _____
7. County Harding about 3W & 6 miles south of Camp Crook
(1 mile SW of Sky Ranch)
8. PROOF OF PUBLICATION: ^{N/A} Received _____ Not Received _____
APPLICATION: Approved _____ Subject to _____
Not Approved _____ Action Deferred _____

PRIORITY 1/1/1899 Dated Received 2/28/83 Application complete-yes _____ no _____ FEE 13.00
Remarks _____

Corrected Application received _____ Period of Annual Use _____

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

Disapproved _____ Returned _____



Diversion Point _____
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8-T17N-1E

Land to be irrigated _____
NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 8-
T17N R1E

WELL LOG Driller _____ Licensed - yes _____ no _____
Depth _____

Remarks _____

MAP Map No. 1275-1 Map located in Water Right xx Map file _____
 Type of Map aerial and drawn Prepared by Le Roy 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:

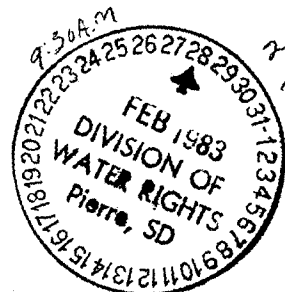
3/1/83

Darryl M. Teland
 (Signed)

+++++

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. 1275-1
 Map No. 1275-1 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 ☐ 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 3/1/83

3. Name of diversion work Oleson Irrigation Project #2 5-1-

4. Amount of water claimed (cubic feet per second) 1.1

5. Source of water supply Sage Brush Draw

6. Location of point of diversion 500'N and 2900'W of E $\frac{1}{2}$ corner Section 8, T17N, R1E (SE $\frac{1}{4}$ N $\frac{1}{2}$ W $\frac{1}{4}$)

County Harding

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 75

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T17N, R1E	14
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	17
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	6
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	30

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T17N, R1E	7
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	1

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 --- 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 with 12" CMP with headgate

B. Works proposed to transport water to place of use.
diversion dikes & ditches

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

NOTE: Applicable portions of Water Permit No. 0262-1 will be incorporated in this 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 OLESEN 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 Oleson

Subscribed and sworn to before me this 24th day of February, 1983

Boyle D. Estes
 Notary Public (or other qualified officer)

BOYLE D. ESTES, Notary Public
 My Commission Expires November 9, 1984

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 ^{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 Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued April 26, 1983

Water License Issued April 24, 1983

WATER LICENSE NO. 1275-1

(1) WHEREAS, On the 28th day of February A. D. 1983
Oliver and Alno Oleson
made Water Right Application No. 1275-1 Vested Right 1.10
of Sage Bruch 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. 1275-1, with a date of priority of January 1, 1899
was issued to said applicant S recognized
for the diversion of said water, and 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 1.10 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 8, T17N, R1E

NW1/4 NW1/4 14 acres (BB)

NE1/4 NW1/4 17 " (BA)

SW1/4 NW1/4 6 " (BC)

SE1/4 NW1/4 30 " (BD)

SW1/4 NE1/4 7 " (AC)

NE1/4 SW1/4 1 " (CA)

TOTAL 75 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 Anfo Oleson

_____ of Box 4, Camp Crook, SD 57774
the holder S and owner S ^{Vested Right} of said permit No. 1275-1 a water right, dating from January 1, 1899
_____ to use of 1.10 cubic feet per second of the waters
of Sage Bruch 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 a point 500'N and 2900'W of the E $\frac{1}{4}$ corner,
Section 3, T17N, R1E

and conducted to and upon portions of Section 3, T17N, R1E more fully described on
the face of this license.

for the purpose of Irrigation

The Water License No. 1275-1 is based on a Vested Right claim ^{recognized} ~~filed~~ by the Water Management Board. 97

Subject to any limitations listed in Water Right Permit No. 1275-1 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-three

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

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) _____

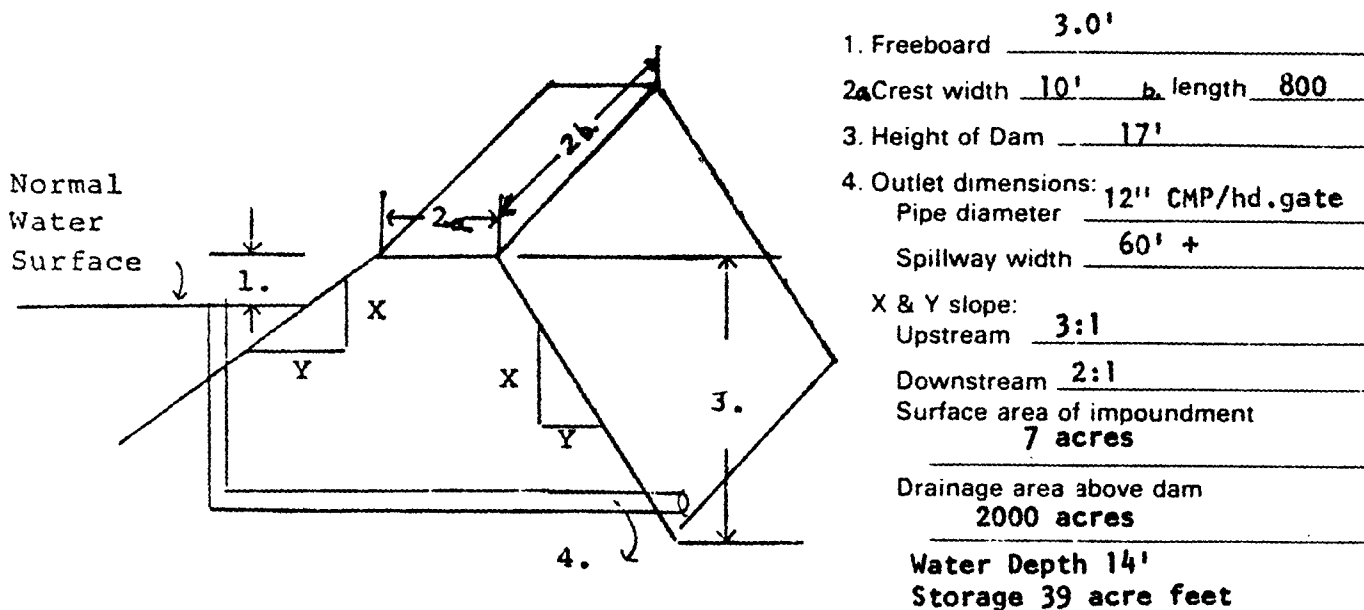
- (2) Distance to nearest existing household or livestock watering well.

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.



Permit No. 1275-1Water 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 + Anio Oleson of Box 4, Camp Crook, S.D. 57724 holder of Permit No. 1275-1, bearing date of priority of January 1, 1899 authorizing the diversion of 1.1 cu. ft. per second of the waters of Sage Brush 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 with 12" CMP. / Hd Gate. for outlet -

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

Division Dikes and Ditches

C. Works used to apply water to beneficial use.

Dikes and Ditches to spread water for flood Irrigation.The system is in the following condition: GoodThe point of diversion is located 500' N and 2900' W of E 1/2 Cor. Sec. 8, T17N R1E.The works are capable of diverting and conveying to the place of use 5.0 cu. ft. per second of water which is to be used for Irrigation.Water has been put to beneficial use to the maximum extent as follows: All in Section 8, T17N,

<u>R1E: NW 1/4 NW 1/4 14 acres (BB)</u>	<u>SW 1/4 NE 1/4 7 acres (AC)</u>
<u>NE 1/4 NW 1/4 17 " (BA)</u>	<u>NE 1/4 SW 1/4 1 " (CA)</u>
<u>SW 1/4 NW 1/4 6 " (BC)</u>	
<u>SE 1/4 NW 1/4 30 " (BD)</u>	

comprising a total of 75 acres of land.Dam = Same Information as found on form ~~NR~~ NR-802A-C.Date September 28, 1982
Leroy J. Mernagh
(Signature)

The portions of water Right Filing No. 0262-1 that apply to Vested Right No. 1275-1 have been incorporated into No. 1275-1 and the abandoned portions of No. 0262-1 have been cancelled.

For Section 8

Form 2B - Affidavit of Water Use (Supplement to Form 2)

No. _____

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 & Alno 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 May 17, 1899 Date of Recording May 22, 1899

Recording Data _____

14. Date of start of construction of water supply system May 15, 1899

15. Date that water was first applied to beneficial use 1899

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

17. Amount of water originally applied to beneficial use all water from Flat Cr. 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 1899

19. Chronological History of Water Use

Project built in 1899 and has been in constant use ever since.

The dam was rebuilt in 1948

NOTE: Information from ^{Filing} Permit # 0262-1 *gH*

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, 1983

DOYLE D. ESTES, Notary Public
My Commission Expires November 9, 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

LOCATION NOTICE

This Location Notice No. 344-1 is filed with V/R 1275-1 since it was never filed with rest of notices. (A copy also filed at beginning of 1982 Location Notices).

Know All Men by these Presents:

THAT Christopher Oleson, whose post office is Capitol, Montana, ~~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 $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{4}$ NE $\frac{1}{4}$ section 8 township 17 N., range 1 E., B. H. M. in Harding County, South Dakota. Said land comprising Desert Entry No. 0481, Bellefourche Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the ~~center of~~ ~~center of~~ section 9, 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 irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying water for said purpose.

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

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

From the center of Sec. 9, Twp. 17 N., R. 1 E., B. H. M.

The ditch will run in a westerly direction to and on said land for a distance of 1,800 feet.

Said location was made on the 1st day of June, 1905. ~~1905~~

Witness my hand and seal this 18th day of May, 1911. ~~1911~~

(signed) Christopher Oleson

Locator.

State of South Dakota,

ss.

County of Harding.

On the 18th day of May 1911, before me, a U. S. Commissioner, in ~~and for the County and State afore-~~ said, personally appeared Christopher Oleson to me personally known to be the person who executed the foregoing 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.

(signed) C. T. Martin

SEAL.

U. S. Commissioner.

~~Notary Public~~

Pierre, South Dakota, May 22nd 1911

This is to certify that the foregoing location notice was received at this office at 2 o'clock A. M., upon the 22nd day of May 1911, and after examination it was filed for record

(signed) Samuel H. Lea

State Engineer.

8-17-82 Cancell. This system never constructed or has been abandoned
LJ Mernaugh

0164-1 Oliver Oleson
Sent to: Box 4, Camp Creek 57724

COPY.

STATE OF MONTANA
COUNTY OF CUSTER
17356
PRESCRIPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY COME, Know ye, that We Thoreald Oleson and Christopher Oleson 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 we 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 Hawk Creek stream to the SE1/2 of the NE1/4 SE1/4 and SE1/4 of the SW1/4 of Section 3 in Township 17 of Range 1 E. B.H.M. more particularly described as follows: Commencing at the NW1/4 of the SW1/4 of section 16 in Township 17 N. of Range 1 E. B.H.M. running North-east direction to the land above described.

We also claim and have a valid right to the enjoyment and use of 2000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 29 day of April A.D. 1903.

Thoreald Oleson
Christopher Oleson

Notice posted on stream April 28, 1903.
Ditch commenced at stream April 27, 1903.

State of Montana {
County of Custer { ss.

On this 29 day of April 1903, before me a notary public in and for the County and State aforesaid, personally appeared Thoreald Oleson and Christopher 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.

Thoreald Oleson,
Notary Public.

Abandoned portion cancelled with
Approval of V/R. Covering This Area in Sec. 8.

#0262-1

Oliver Oleson

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 West $\frac{1}{4}$ 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.

D. M. Melum,

U S Commissioner

For Dist of Montana.

Oliver + Ains O'Leary
Camp Creek, S. Dak

Sec. 8.

0767-1 + 0764-1

etc. chel

Sept 28-82

~~28-82~~

Dam = 17' high 12' wide - Est 800' Long
D is dike behind dam to divert water. Also has 12" CMP / 14' gate
Surface. Av. 14' Water

Dam in Sec. 22 - to dike in Sec. 21

Dam Est 20' high. 12" CMP / 14' gate - 1100' long
7 AC. Surface. 8' Water
15 AC. on USGS map.

Dike about 6 AC Surface + 4' Water depth - to dike
area in NW 1/4 Sec 21

12-21-82

See Location Notice. 679-1 for dam in Sec 22 NW 1/4 SW 1/4
" " " 3259-1 " " NE 1/4 SW 1/4 21. 12-26-51

see back of this form for

see back side of 1/2 ch. sheet for 877-1

877-1 " " " SE 1/4 SW 1/4 3 - 10-24-1949

877-1 Location Notice, Oliver Olson - Info off W. Notice
Dam on Dry Draw situated in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T17N R1E
Claims 4-6 Ac Ft.

Location of Pt of Diversion From SE Cor Sec 8, T17N R1E
225 rds West and 25 Rds North.

Location made on 15 day Oct, 1949.

Witness seal on 21 " Oct 1949. Signed Oliver Olson.

Notarized Oct 21, 1949

Filed in State office Oct 24, 1949.

3259. Oliver Olson - Filed 12-26-51.

Dam in NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 21 - T17N R1E for D: 9 A.F.

344-1

Location Notice. Not on their film ^{in location notice film}. Put in their film
for V/R for Oliver Olson in Sec. 8.

This dam was never built. It was to have been built
in Section 29.

679-1

Location Notice Not on their film in Location Notice Microfilm

6-20-83. Oliver and Aino Olson.

Attorney Max Main wrote that Oliver Olson opposes the cancellation of Water Right Filing No 0264-1.

There is no irrigation on Olsons from Hawk creek as indicated in Water Right Filing No. 0264-1. See the attached maps. (Shaded in blue)

Water Right filing no. 0262-1 is to irrigate the NW $\frac{1}{4}$ Sec. 8 T17N R1E. This is incorporated into Vested Right No 1275-1. (Shaded in red).

Location Notice No 679-1 is to irrigate in the NW $\frac{1}{4}$ Sec. 22 T17N R1E, this is incorporated into VR No 1274-1. (Shaded in red)

Therefore Water Right filing No. 0264-1 is subject to cancellation for non use. There was no indication of an irrigation system on this land. Olsons should include areas that are being irrigated and they are now covered under the Vested Rights.

LeRoy J. Mearns

Conversation or File Documentation

NAME OF PERSON OR FILE: Oliver Oleson Permit

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

These two applications are for vested Rights. When they are approved, abandoned portions of Filings No. 0262-1 can be cancelled.

Location Notice No. 344-1 should be microfilmed on the permit in Section 8.

This location notice is blank in the location notice microfilm. I cross reference it on the micro-box.

For the permit in Section 21 & 22. Also microfilm the location notice on the permit. It is blank on the microfilm roll. I cross reference it on the microfilm box.

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.

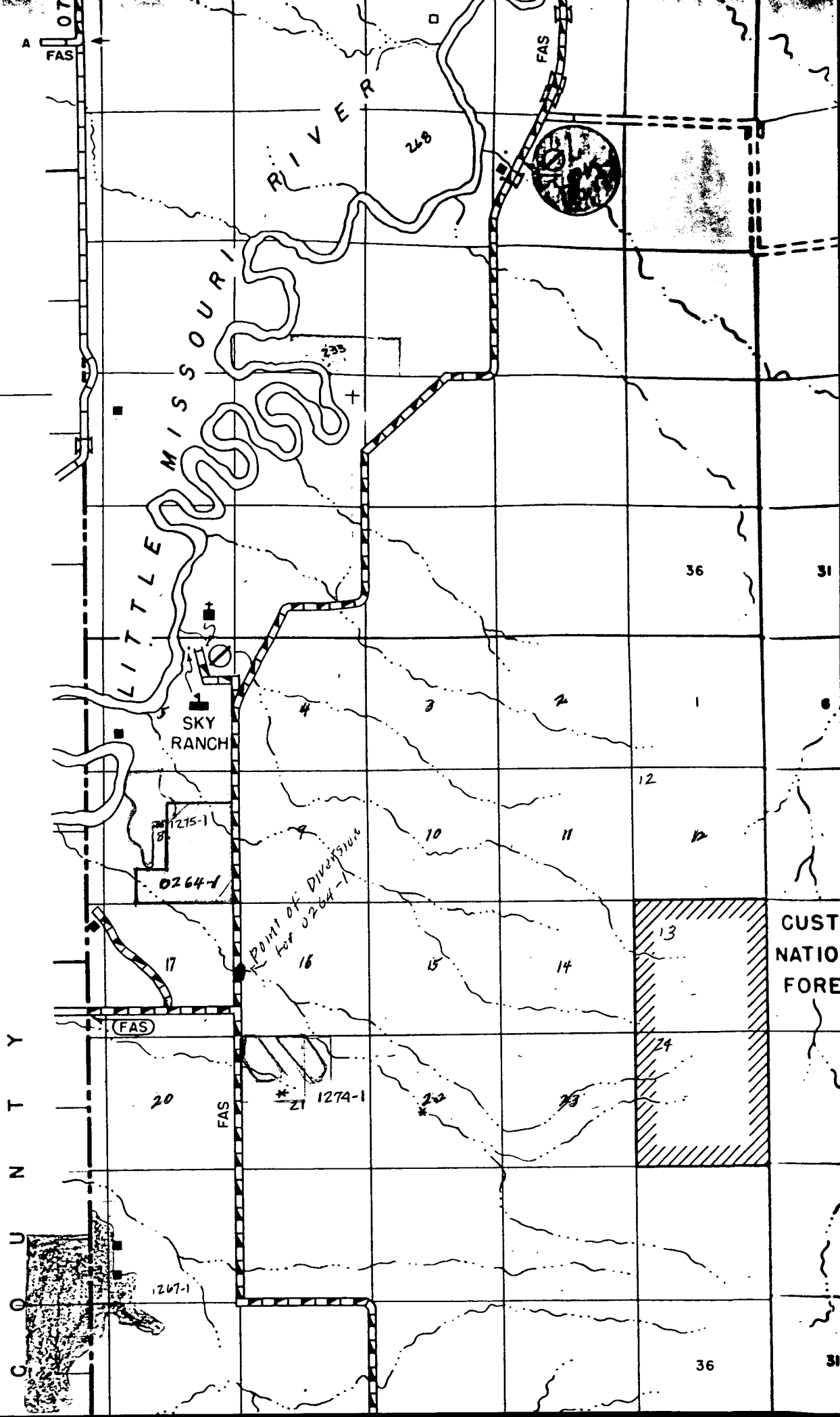
NAME: LeRoy J Mernaugh

A
N
A

T 17 N

T 18 N

45° 30'



1973

NW $\frac{1}{4}$ NW $\frac{1}{4}$
14 Ac

NE $\frac{1}{4}$ NW $\frac{1}{4}$
17 Ac

R I E

SE $\frac{1}{4}$ NW $\frac{1}{4}$

6.7 Ac

SE $\frac{1}{4}$ NW $\frac{1}{4}$

30 Ac

SW $\frac{1}{4}$ NE $\frac{1}{4}$

7 Ac

Div. / NW / GNP / Hed Gate
Dam / NW / GNP / Hed Gate

Div. PB.

Center 8

2900'

500'

IT
17
N

NE SW

Supply ditch

4 10'

0' 13.9

Oliver & Aino Oleson

Oliver Oleson & Aino

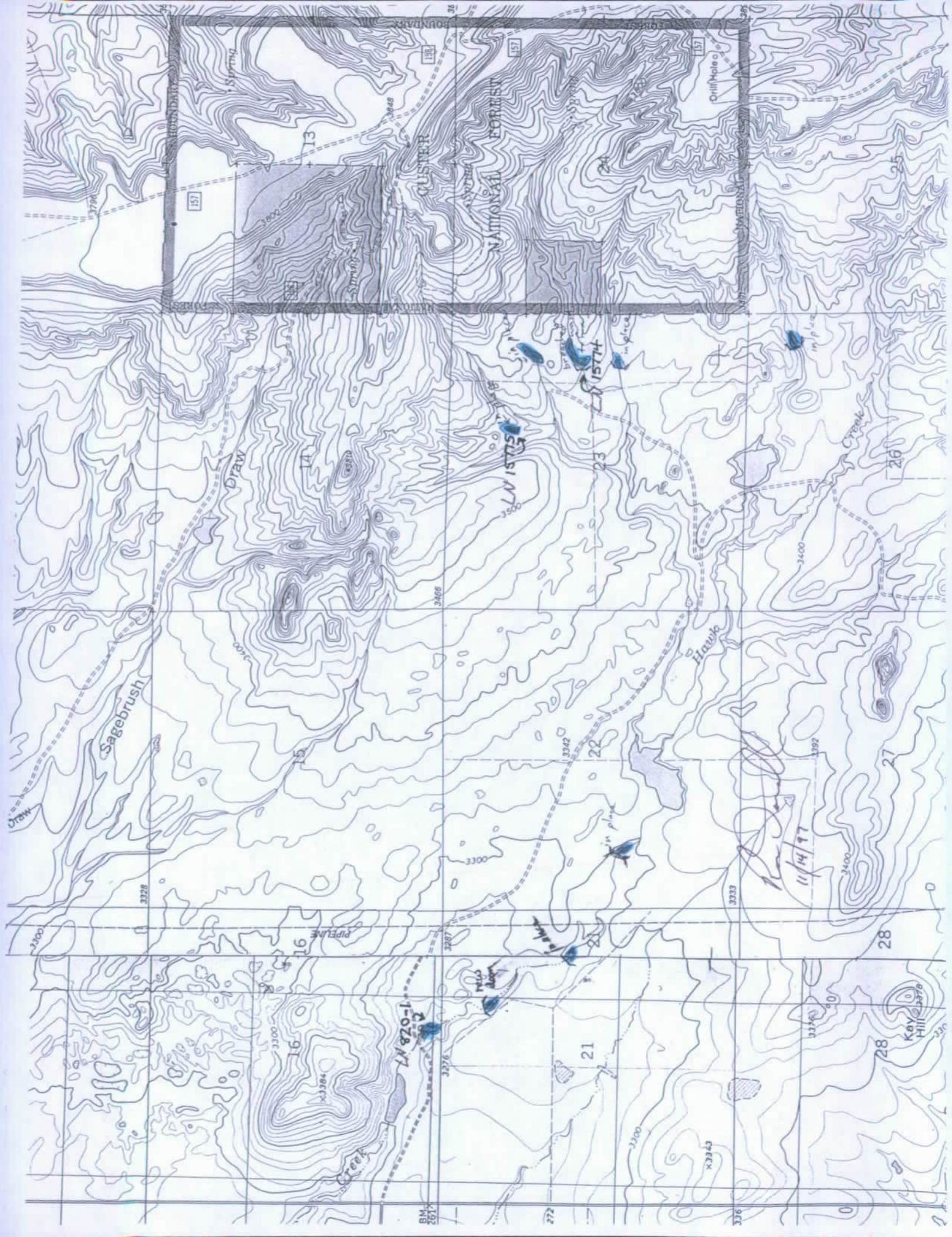
Sec 8-17-1

BOB-144 255

Map - 8" = 1 MI
by J. Marnau

Office Copy

UIR MAP & APPL # 1275-1

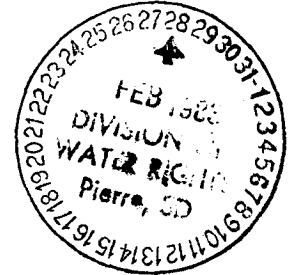


SOUTH Dakota Department of
Water & Natural Resources

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. Mermaugh / LJO

LEROY J MERNAUGH
Water Resources Engineer

LJM:ks

enclosures

Camp Creek, S. Dak.
Feb. 24, 1983

Dept of Water & Natural Resources,
Division of Water Rights
Joe Foss Bldg.
Pierre, S. Dak 57501

Dear sir:

I added a line showing the supply
ditch and a portion of land that would
be irrigated from this project on the
Section 8 reservoir project

Yours truly
Thom Oleson



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9168

PIERRE, February 28, 1983

RECEIVED OF Oliver Oleson, Box 54, 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>1275-1</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



No. 1275-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

April 22, 1983

Oliver & Aino Oleson
Box 4
Camp Crook, South Dakota 57724

Dear Sirs:

Enclosed herewith are your Vested Right Permit, Water License No. 1275-1.
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: ms

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1275-1 FOR IRRIGATION

Date of Receipt of Claim February 28, 1983.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1275-1 for irrigation purposes for Oliver & Aino Oleson, Box 4, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1275-1 appropriates 1.10 cubic feet of water per second from Sage Brush Draw to irrigate 75 acres. The point of diversion is located in the SE1/4 NW1/4 section 8 (storage dam - 39 acre feet capacity) and the irrigated acreage is located in the NW1/4, SW1/4 NE1/4, NE1/4 SW1/4 section 8; 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, 1899.
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

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.

WATER MANAGEMENT BOARD

By:  3-11-1993
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. 1275-1

Date: 3/30/93

I/We request that Vested Water Right No. 1275-1

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

be transferred to: (name & address) GEORGE & GERALD OLESON

HC 62 Box 3 (Telephone No) 797-4478

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

75 acres - NW 1/4, SW 1/4 NE 1/4, and NE 1/4 SW 1/4 Section 8, T17N, R1E

I/We understand that the validity of Vested Water Right No. 1275-1 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 GERALD & GEORGE 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 G. Oleson
Gerald G. Oleson
(Signed)

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

Letty 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

413705

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. 1275-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hader
Chief Engineer



1275-1

**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

Water Rights Program -- File Documentation

NAME: George Oleson

ADDRESS: HC 62 Box 3, Camp Crook SD 57724

DATE: October 27, 1997 **COUNTY:** Harding **TELEPHONE:** 797-4478

RE: Diversion of water upstream from No. 1275-1, George and Gerald Oleson

COMMENTS:

On October 25, 1997, George Oleson called concerning a dam put in above the Oleson's irrigation diversion point used for irrigation along Sagebrush draw. According to Mr. Oleson, the upstream dam was constructed during the 1970's and diverts water away from Sagebrush draw into an adjacent drainage to the north. Mr. Oleson indicated, the area irrigated under No. 1275-1 was hayed routinely before construction of the upstream dam and is only rarely hayed now due to the loss of water. I asked Mr. Oleson why the issue was not raised when the dam was constructed. Mr. Oleson indicated that the same concern existed when the dam was built but his grandparents did not want to start hard feelings with the neighbors. According to Mr. Oleson he needs to make his operation work and needs the water.

I informed Mr. Oleson that if the upstream dam is used for stock watering then there is nothing we can do since domestic use takes precedence over appropriate rights such as irrigation. Mr. Oleson indicated that the drainage was changed so that water bypassing the dam goes north into another drainage. I asked Mr. Oleson if there were any works constructed for using the diverted water for irrigation. Mr. Oleson believed there were no structures other than running the water over a flat area to the other drainage. In addition, Mr. Oleson stated he believed the grazing association had a well and did not need the water for stock watering. The upstream dam is located on property leased by a grazing association and in the last few years has had cattle run on the land by Max or Tom Moseley.

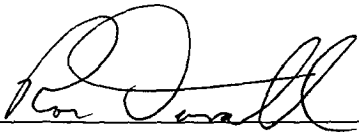
INVESTIGATION RESULTS:

A search of the water rights files found a location notice filed by the West Short Pines Hills Grazing Association and received on September 20, 1961 for a stock dam located in the N½ NW¼ section 14-T17N-R1E. The dry draw filing number is 22848. According to the filing, the dam is capable of impounding 28 acre feet and the amount of water claimed is 11.7 acre feet per year. A file documentation was also included in No. 1275-1 that referred to the same issue back in March of 1989. Jim Winterton, staff engineer, was contacted by Oliver and Charles Oleson concerning the same upstream dam. On October 27, 1997, I contacted Thomas Moseley concerning the upstream dam. Mr. Moseley indicated that the spillway direction was changed in response to the complaint filed earlier. Although not certain of the date when the spillway was rerouted back to Sagebrush draw, Mr. Moseley knew it predated 1993 which was when he let his share in the lease go.

On October 28, 1997 I contacted George Oleson and informed him the change made to the dam in about 1989. Mr. Oleson indicated that he had driven up to the dam and a dike had been put in place but he does not believe that the dike redirects the flow back into Sagebrush draw. According to Mr. Oleson, there is no evidence of water having flowed back into Sagebrush draw and the only way to know for certain is to survey the area. Mr. Oleson also indicated that there two dams at the site, a smaller one immediately upstream and a larger dam below the smaller dam.

RECOMMENDED ACTION:

The site needs to be surveyed to determine which way the water actually flows upon leaving the upstream dam. Water may be impounded for domestic use in the upstream dam but this does not allow the excess water to be diverted from the drainage it would normally flow down.

A handwritten signature in cursive script, appearing to read "Ron Duvall", is written over a horizontal line.

Ron Duvall, Natural Resources Engineer
Water Rights Program

November 10, 1997

Point A (Past east end of dike) is 3.5 feet higher than Point B (spillway channel)

Dam fill

Point B

Diversion dike

Point A



November 10, 1997

Facing west by southwest -- east end
of diversion dike is in foreground

Diversion dike



November 10, 1997

Facing east (upstream) -- View of drop off
from spillway channel to drainage channel

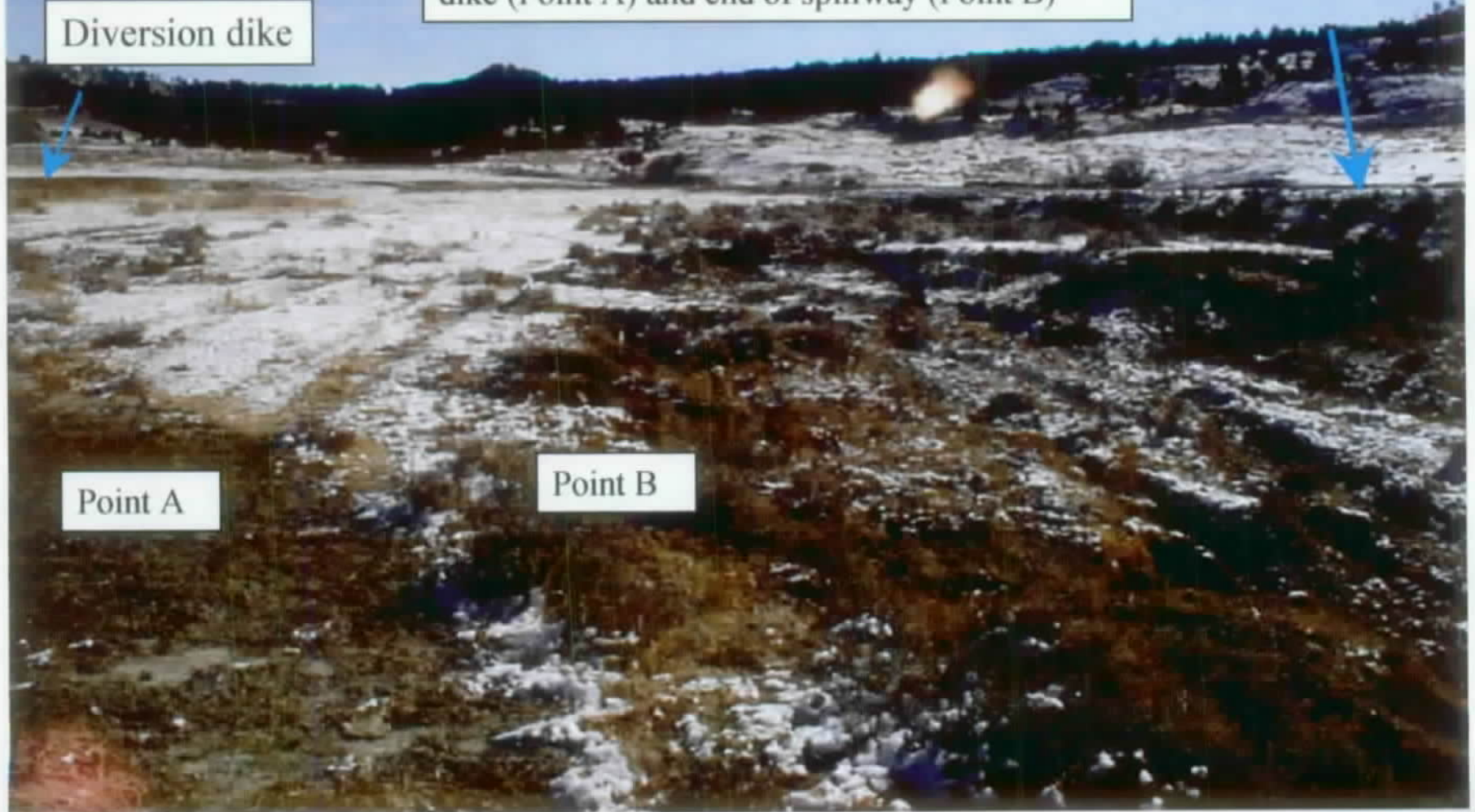
Elevation difference of 1.25 feet between top of
dike (Point A) and end of spillway (Point B)

Dam fill

Diversion dike

Point A

Point B



November 10, 1997

Facing east (upstream) -- Diversion dike
is in foreground -- Dam fill on right

Diversion dike

Spillway channel

Dam fill





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1997

No. 1275-1

George Oleson
HC 62 Box 3
Camp Crook SD 57724

Dear Mr. Oleson:

I am writing in response to our visit on Monday, November 10, 1997 when we looked at several dam sites in Harding County. Thank you for taking the time to show me around.

The first dam we looked at is located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ section 14-T17N-R1E on state property leased by the grazing association. This is the dam you originally called about on October 25, 1997 concerning whether the dam diverted water into a different drainage. Based on the elevation surveying we did at the site, the dike constructed in about 1989 is sufficiently high to keep the water in the same drainage. If the depth of flow around the dam exceeded 1.25 feet at the far west end of the dike then it may be possible for the dike to be overtopped and some water to run to the other drainage. Water would have to be over 3.5 feet deep in order for water to back around the east end of the dike. As I indicated to you and Max Moseley, who was also present while checking the elevations, the height of the dike could be increased at the discretion of you and the grazing association. Please contact School and Public Lands at 605 773-3303 before doing any work.

In regard to the other dams we looked at, I have enclosed a copy of a topo map showing the locations of the dams marked in blue. I have also enclosed a copy of all the location notices I could find in the name of Oleson. Three of these location notices match the locations of dams on the enclosed map. The number of the location notice is written beside the matching dam on the topo map. I have enclosed several blank location notice forms for you to use for those dams that are not covered by an existing location notice.

In closing, the spillway overflow you modified for the dam located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 26-T17N-R1E needs to be redirected back into the same drainage on which the dam is located. State law does not allow the course of the water to be changed. The downstream owner likely will have the same concerns you had with the first dam we looked at in section 14-T17N-R1E.

Please contact me if you have any questions. Thank you again for your assistance.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures