

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1295-1

MAP No. 1295-1

Name of Applicant Rhoda McDonald,

Post Office Address Rt. 1, Box 46, Hulett, Wyoming 82720

Amount of Water Claimed 0.39 (40 ac ft storage) Total Acres 27.00

Source of Water Supply Dry Draw

Water to be used for IRR County Harding

About 6½ S 8½ W miles west of Ladner.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 1/16/84 Fee 10.50 Remarks _____

10/24/1904

Corrected Application Received _____ Period of Annual Use 3/1 thru 10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

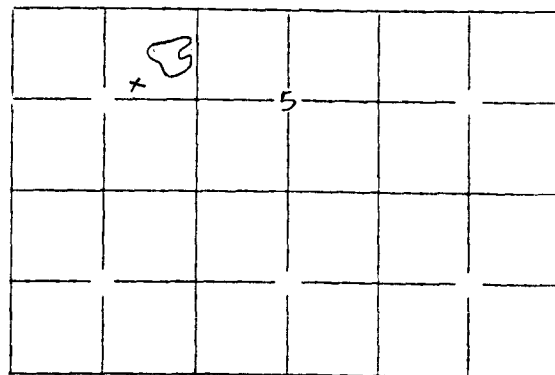
WI-1 Description same as Application YES _____ NO _____ REMARKS _____
not applicable

Diversion Point _____

SW¼ NE¼ Section 5-T20-R2E

Land to be Irrigated _____

NE¼ NE¼ AND SE¼ NE¼, Section 5-20-2

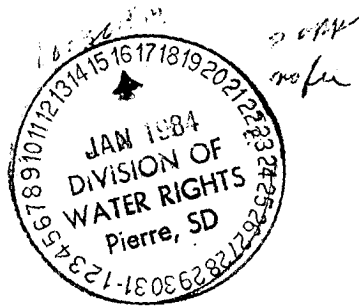


Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS 18' high dam, storage 40 ac ft.

Type of Map aerial PREPARED BY LeRoy Mernaugh Reviewed and the Number

assigned on 1/24/84 By B.J. Westlund



No. 1295-1
 Map No. 1295-1 Water Division No. 1 Little Missouri River 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 Rhoda McDonald Phone No. 307-467-5547
 Post Office Address Rt. 1 Box 46 Hulett State Wyoming 82720
(Street, RR, or Box) (Town) (Z, 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. Name of diversion work _____
 4. Amount of water claimed (cubic feet per second) 0.39
 5. Source of water supply Dry Draw
 6. Location of point of diversion 2140 ft S and 1820 ft W of the NE corner, Section ~~X~~5, T20N, R2E

_____ County Harding
 7. Annual period or periods during which water is to be used March 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 27

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.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec X 5, T20N, R2E	9		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "	18		

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.
storage dam with 12" CMP/head gate
 B. Works proposed to transport water to place of use.
ditch from dam to field
 C. Works proposed to apply water to beneficial use.
diversion ditches and dikes for flood irrigation

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 Harding) ss.

I, X Rhoda Mae McDonald 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 X Rhoda Mae McDonald
Elizabeth J. Brown
 Notary Public (or other qualified officer)
 Notary Public, BUTTE COUNTY, S. DAK.
 My Commission Expires SEPT. 19, 1985

Subscribed and sworn to before me this 12 day of January, 1984

"Vested" WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby ^{recognizes} ~~approves~~ Water Right Application No. 1295-1
Rhoda McDonald RT. 1 Box 46 Hulett
(Applicant) (Post Office Address)
Wyoming 82720 With the following qualifications.
(State)

"Vested Right"

The applicable portions of Water Right Filing No. 0161-1 were incorporated into Vested Right No. 1295-1 and the abandoned portions of Filing No. 0161-1 have been cancelled.

Date of first receipt of application January 16, 1984
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
^{recognized}
~~Approved~~ February 15, 1984, Recorded in Book Page

Vested WATER RIGHT PERMIT NO. 1295-1

The Water Management Board hereby ^{recognizes} ~~grants and issues~~ this ^{Vested} Water Right Permit No. 1295-1 ^{recognizing} ~~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 ^{Vested} ~~Water Right Application approval~~, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 24, 1904
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~~ , 19
4. The ~~limit of time from proof of~~ beneficial use of water appropriated in accordance herewith is completed, 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 0.39 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~~ , 19 ; said water to be used during the following described annual period: March 1 thru October 31

Witness my hand this 17th day of April, 1984

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued April 18, 1984
Water License Issued April 18, 1984

State of South Dakota

VESTED Water License No. 1295-1

(1) Rhoda McDonald
of RR#1, Box 46, Hulett, Wyoming
made Application No. 1295-1, January 16, 1984 for recognition ^{/of a Vested Right} ~~of a water permit~~ to appropriate
0.39 cubic feet per second of water from a dry draw
Harding County, South Dakota for irrigation purposes.
Vested Right Permit No. 1295-1, with a priority date of October 24, 1904
recognized ^{recognizing} ~~was approved~~ February 15, 1984 and issued to applicant(s) for diversion of water ~~with~~ construction of the described
water supply system ~~to be completed on or before~~ and ~~by~~ the application to beneficial use of said
water ~~on or before~~.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.39 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2140 ft S and 1820 ft W of the NE
Corner of Section 5, T20N, R2E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 5,

T20N, R2E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 9 Acres (AA)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18 Acres (AD)

TOTAL 27 ACRES

(4) Pursuant to §46-5-30.1 Rhoda McDonald

of Rt#1, Box 46, Hulett, Wyoming 82720

Vested Right
the holder(s) and/or owner(s) of Water Permit No. 1295-1 is issued a license to appropriate water, the right to use 0.39 cubic feet per second of water from a dry draw with a priority date of October 24, 1904 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

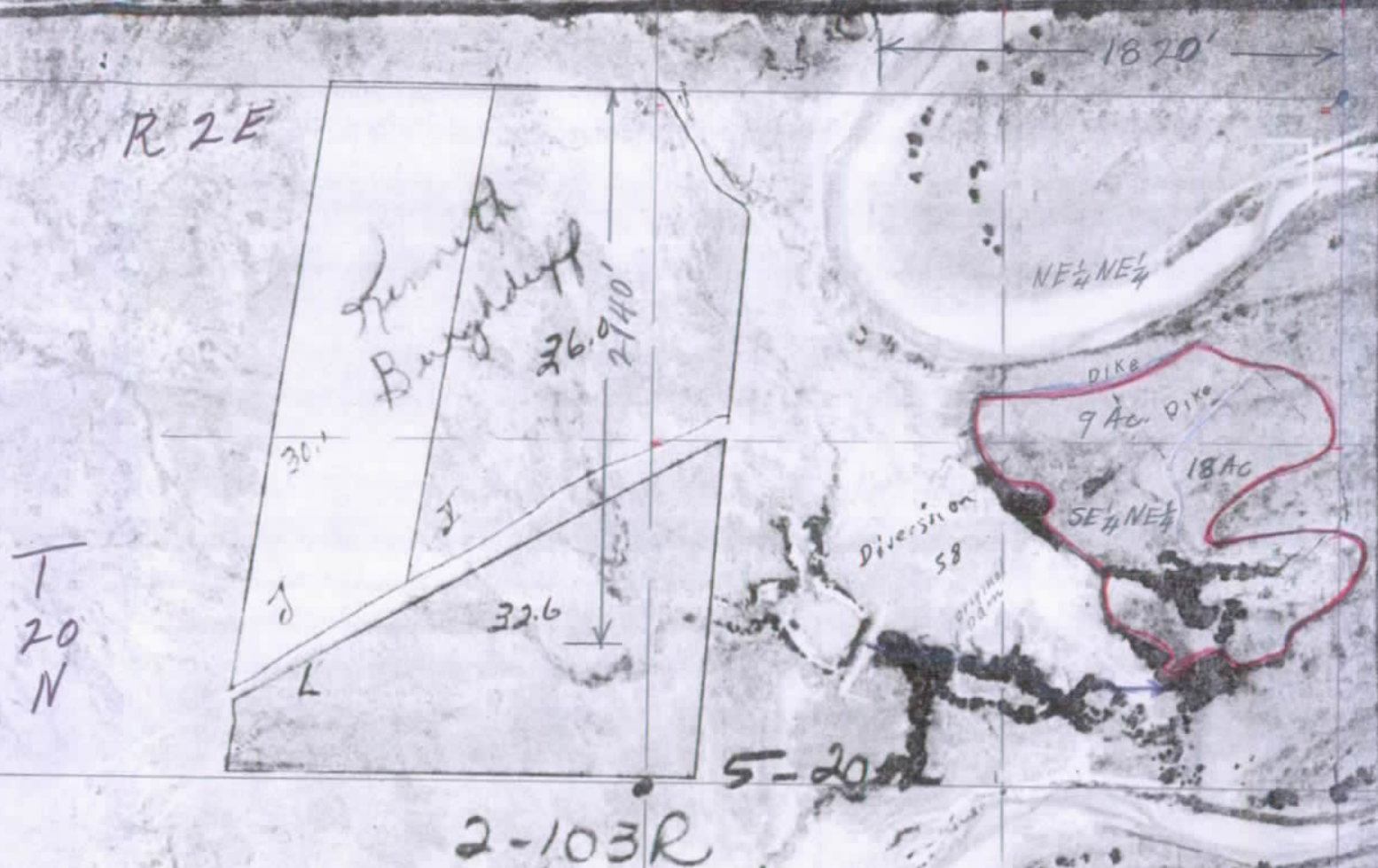
Vested Water Right
This license is subject to any limitations or qualifications listed in Water Permit No. 1295-1 and subject to South Dakota State Law.

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

April 18, 1984

NOT TO SCALE



V/R using 0161-1

Rhoda McDonald
Hulett, Wyoming

20-2

Map by Leroy J. Mernough 2-103R

Scale 1" = 660'

5" = 1 mile

Appl & Map # 1295-1

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) _____

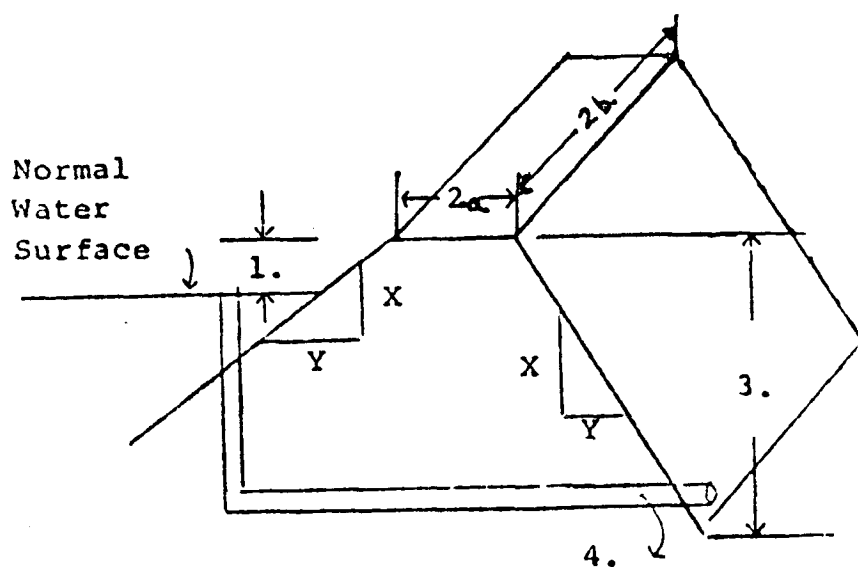
- (2) Distance to nearest existing household or livestock watering well

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 _____ 4.0 ft
- 2a Crest width _____ 14' b. length _____ 400'
3. Height of Dam _____ 18 ft
4. Outlet dimensions:
Pipe diameter _____ 12" CMP/hd gate
Spillway width _____ 50'
- X & Y slope:
Upstream _____ 4:1
Downstream _____ 2:1
Surface area of impoundment _____ 7.0' - 14 ft depth
Drainage area above dam _____ 300 ac
Storage _____ 40 ac ft

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) Rhoda McDonaldPost Office Address _____ Hulett _____, State Wyoming

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available) Vested Right based on Water Right Filing No. 0161-1Date of Posting _____ Date of Recording October 24, 1904

Recording Data _____

14. Date of start of construction of water supply system October 24, 190415. Date that water was first applied to beneficial use 190516. Name of owner of original water supply system Charles Geo. Harwood17. Amount of water originally applied to beneficial use 10 _____ c. f. s.

18. Present Use of Water

Amount of water now being used 10 _____ c. f. s.Date that this amount of water was first used 1904

19. Chronological History of Water Use

Originally constructed and used by C.G. Harwood.

Other owners continued to use the system.

Later Kenneth Burghduff acquired the property and continued to use the system.

A replacement dam was constructed in 1958.

The property was acquired by Rhoda McDonald about 1978 and continues to use the system.

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 Harding) ss.

I, Rhoda Mae McDonald, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Rhoda Mae McDonaldSubscribed and sworn to before me this 12 day of January, 1987

Elizabeth G. Brown
(Notary Public - or other authorized officer, S. DAK.)
My Commission Expires SEP. 15, 1997

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.

Permit No. 1295-1Water Division 1 Little Missouri River Water District

**REPORT 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 Rhoda
Mc Donald of Hulett, Wyoming holder
of Permit No. 1295-1, bearing date of priority of October 24, 1904
authorizing the diversion of 0.39 cu. ft. per second of the waters of 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:

Storage dam with 12" CMP / Head Gate.

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

Ditch from dam to field.

C. Works used to apply water to beneficial use.

Diversion ditches and dikes for flood irrigationThe system is in the following condition: Good.The point of diversion is located 2140 ft S and 1820 ft W of the
NE corner of section 5, T20N R2EThe works are capable of diverting and conveying to the place of use 10
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 Sec-5, T20N R2ENE 1/4 NE 1/4 - 9 Ac.SE 1/4 NE 1/4 - 18 Ac.comprising a total of 27 acres of land.

Dam information same as
on form WNR-802 AD-7/79.

$$27 \div 70 = .39$$

license for.

Date August 16, 1983
LeRoy J. Mernagh
(Signature)

RECEIPT

Division of Water Rights

No 4 9513

South Dakota Department of Water and Natural Resources

Pierre, January 23, 1984

RECEIVED OF Rhoda McDonald, Route #1, Box 46, Hulett, WY 82720

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

Fee for Application for Permit No. 1295-1 to Appropriate Water, to construct works and to put water to beneficial use	8	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1295-1	2	50
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	10 50


Chief Engineer JOHN HATCH/ms

#1 D 161-1

See A'so Dry Drain

Wanda McDonald
~~Gerald~~ Burghdoff

COPY.

PRESUMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO SHOW WHERE PRESUMPTION MAY COME FROM. Know ye, that I Charles S. Harwood of Ashcroft 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 Cottonwood Creek stream to the part of Section 5 in Township 20 N. of Range 2 E. more particularly described as follows: Commenced by a line located near the SE corner of lot seven Section 5 in Township 20 N. of Range 2 E. S.R.V. and thence to and upon any part of the Lots numbered 1 Sec. 4 and 2, 3, 6 and 7 Section 5 in said Township 20 N. Range 2 E. S.R.V. in Butte County S. Dak.

I also claim and have a valid right to the enjoyment and use of all of water in 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 thereto belonging or in anywise appertaining.

Witness my hand and seal this 24 day of October A.D. 1904.

Charles Geo. Harwood.

Ditch commenced at stream Oct. 24, 1904.

State of South Dakota { ss.
County of Butte

On this 24 day of October 1904, before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Charles S. Harwood to be 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.

(HUAL)

John Thompson, U.S. Commissioner.

THIS IS TO CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COMMISSIONER OF THE LAND OFFICE OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, SOUTH DAKOTA, ON THE 24th DAY OF OCTOBER, 1904, AT BUTTE, SOUTH DAKOTA. IT IS FURTHER CERTIFIED THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COMMISSIONER OF THE LAND OFFICE OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, SOUTH DAKOTA, ON THE 24th DAY OF OCTOBER, 1904, AT BUTTE, SOUTH DAKOTA. WITNESS MY HAND AND SEAL OF OFFICE, AT BUTTE, SOUTH DAKOTA, THIS 24th DAY OF OCTOBER, 1904.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 3, 1983

Rhoda McDonald
Hulett WY 82720
% Gerald Burghduff
Marmarth Rt.
Camp Crook SD 57724

Dear Mr. Burghduff:

Enclosed are the completed forms for Rhoda McDonalds Vested Right Application for the irrigation in the NE $\frac{1}{4}$ Section 5, T20N, R2E that we inspected on August 16, 1983. You desired this office to send these forms to you as you were acquainted with the situation and refer it to Mrs. McDonald.

Please check over all of the forms and make any changes necessary to correct them. Please put in the full address, zip code and phone number on the Forms where indicated. Also on Form 2B "Affidavit of Water Use" you may want to make some additions or corrections here. Then have Mrs. McDonald sign all of the forms and have them notarized where indicated and return all forms to this office with a check for \$10.50 to cover the cost of the filing fees and the Water License.

Enclosed also is a map of the area. If you do not make any corrections on this map you may keep it for your use. If you do make changes on the map, please return with the forms so that we may correct our file copies.

You may keep the copy of Water Right Filing #0161-1 for your use and information.

If you have any questions about the matter, please feel free to contact this office.

Sincerely,

LEROY J MERNAUGH
Water Resources Engineer

LJM:ks

enclosures

January 19, 1984

Rhoda McDonald
Hulett, WY 82720

Dear Mrs. McDonald:

We received your application to file for a vested right on January 16, 1984. To complete your application we will need your complete address, phone number and a filing fee of \$10.50 to cover the fees and the Water License.

Upon receipt of the above further processing of your application will proceed.

Sincerely,

BETTY WESTLUND
Natural Resource Analyst III

bw

cc: Gerald Burghduff, Marmarth Rt., Camp Crook, S.D. 57724



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1295-1

April 18, 1984

Rhoda McDonald
RR#1, Box 46
Hulett, Wyoming 82720

Dear Ms. McDonald:

Enclosed herewith is, Water License No. 1295-1. This is the final water right document completing your process of obtaining a 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

The applicable portions of Water Right Filing No. 0161-1 were incorporated into Vested Right No. 1295-1 and the abandoned portions of Filing No. 0161-1 have been cancelled.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1295-1 FOR IRRIGATION

Date of Receipt of Claim January 16, 1984.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1295-1 for irrigation purposes for Rhoda McDonald, RR 1, Box 46, Hulett WY 82720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1295-1 appropriates 0.39 cubic feet of water per second from a dry draw to irrigate 27 acres. The point of diversion (storage dam - 40 acre feet capacity) is located in the SW1/4 NE1/4 and the irrigated acreage is located in the E1/2 NE1/4; all in section 5-T20N-R2E.
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: March 1 - October 31.
3. The priority date of the Vested Water Right is October 24, 1904.
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 applicable portions of Water Right Filing No. 0161-1 were incorporated into Vested Right No. 1295-1 and the abandoned portions of Filing No. 0161-1 have been cancelled.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAR 11 1993

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

1295-1

Rhoda McDonald
RR 1, Box 46
Hulett WY 82720

Dear Ms. McDonald:

The Water Management Board has validated the enclosed Vested Water Right No. 1295-1. 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