

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1300-1

MAP No. 1300-1

Name of Applicant Painter, Inc

Post Office Address Box 57, Buffalo, S.D. 57720

Amount of Water Claimed 1.39 Total Acres 97.00

Source of Water Supply Oley Creek

Water to be used for IRR County Harding

About 7N 1 miles west of Camp Crook

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved April 25, 1984 Subject to _____

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

PRIORITY _____ Date Received 1/20/84 Fee 10.50 Remarks _____

1/1/1903 Fee received 2/21/84

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

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

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

vested right-not applicable

Diversion Point _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29-T20N-R2E

Land to be Irrigated E $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30; W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 29, all in T20N-R2E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

8' diversion dam

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

assigned on 2/22/84 By DJ Westlund

2/22/84 Copies to Nelson & Hanten

No. _____ Hydrologic Unit 10110201
 Map No. _____ Basin Little Missouri River
 Newspaper _____

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Painter, Inc. Phone No. 375-3675

Post Office Address Box 57, Buffalo, South Dakota State 57720
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 1.39 Total acres irrigated 97

3. Source of Water supply Oley Creek

4. Location of point of diversion 2200'N and 50'E of SW Corner of Section 29, T20N, R2E

County Harding

5. Counties where water will be used Harding

6. Annual period during which water is to be used March thru October

7. 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.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 T20N, R2E	2
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30 T20N, R2E	24
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T20N, R2E	6
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T20N, R2E	33

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T20N R2E	20
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T20N R2E	3
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T20N R2E	9

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This Vested Right application is based on Water Right Filing #046-1 upon approval of this application the abandoned portions of Filing #046-1 are cancelled.

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

STATE OF SOUTH DAKOTA)
 County of Harding)^{ss}

I, Paul L. Painter the applicant, certify that I have read the foregoing application, 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 Paul L. Painter

Subscribed and sworn to before me this 18 day of January 19 84

Cynthia Schuch now Cynthia Painter
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

See Form VR-1

The applicable portions of Water Right Filing No. 046-1 has been incorporated into this Vested Right No. 1300-1 and the abandoned portions of Filing No. 046-1 have been cancelled.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. 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: _____

WATER MANAGEMENT BOARD

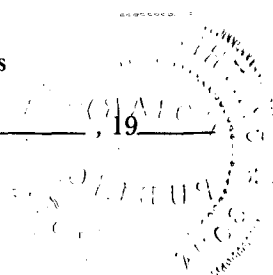
By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

_____, 19____



VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1300-1

Painter Inc.

(applicant)

Box 57 Buffalo

(post office address)

South Dakota

(state)

57726

(zip code)

Date of receipt of Application January 20, 1984.

Recognized April 25, 1984.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is January 1, 1903.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of Irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby recognized shall not exceed 1.39 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period March - October.

WATER MANAGEMENT BOARD

By: John H. Hallett

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

May 21

, 1984.

State of South Dakota

VESTED Water License No. 1300-1

(1) Painter, Inc.
of Box 57, Buffalo, South Dakota 57720
made Application No. 1300-1, January 20, 1984 for recognition of a vested right
for a water permit to appropriate
1.39 cubic feet per second of water from Oley Creek
Harding County, South Dakota for irrigation purposes.
Vested Right
Permit No. 1300-1, with a priority date of January 1, 1903
recognized recognizing
was approved April 25, 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 for 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 1.39 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2200'N and 50'E of the SW corner
Section 29, T20N, R2E (CB)

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 T20N, R2E

Section 30 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres (AA)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 24 " (AD)

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 " (DA)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 " (DD)

Section 29 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 " (BB)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9 " (BC)

TOTAL 97 acres

(4) Pursuant to §46-5-30.1 Painter, Inc.

of Box 57, Buffalo, South Dakota

Vested Right
the holder(s) and/or owner(s) of Water Permit No. 1300-1 is issued a license to appropriate water, the right to use

1.39 cubic feet per second of water from Oley Creek with a priority date

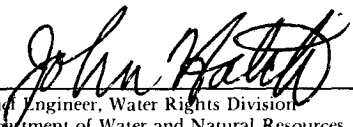
of January 1, 1903 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of irrigation

Vested Right

This license is subject to any limitations or qualifications listed in Water Permit No. 1300-1 and subject

to South Dakota State Law.


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

July 9, 1984

**This Water License No. 1300-1 is based on a Vested Right Claim
filed with the Water Management Board**

Supplemental Information

Painter Inc.

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams Diversion Dam for Irrigation

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 3.0'

c) Crest Width 8'

Crest Length 100'

d) Height 8'

e) Outlet Dimensions:
 Pipe diameter None

Spillway width 100'

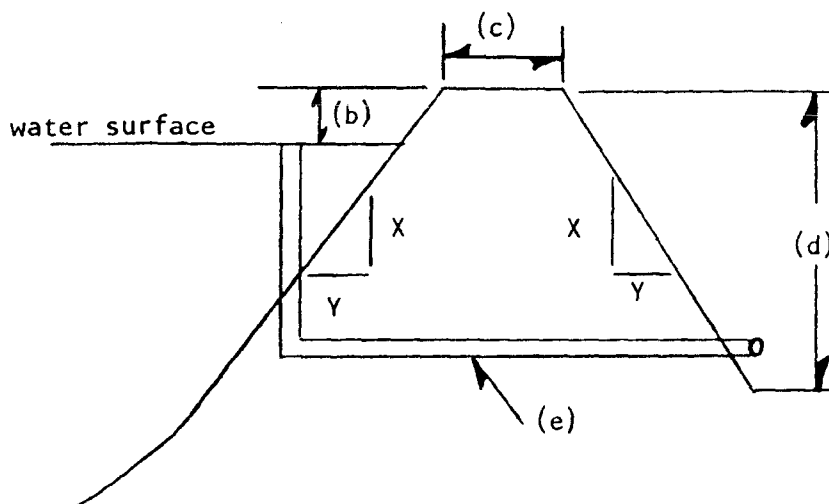
f) X & Y Slope
 Upstream 3:1

Downstream 3:1

Surface Area of Impoundment _____

Storage None acre feet

Drainage area above dam 4200



Paul L. Painter

Signature of Applicant

Affidavit of Water UseBased on Water Right
Filing NO. 046-1

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Painters Incorporated
 Post Office Address Box 57, Buffalo, South Dakota 57220
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation _____ Date of Posting June 26, 1903
 Date of recording _____ Recording date June 26, 1903
Where Book Page
B. Date of start of construction of water supply system 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system Ella BovellE. Amount of water originally applied to beneficial use 20 cfsF. Present Use of Water - Amount of water now being used 20 cfsDate that this water was first used 1903

G. Chronological History of Water Use

1903 constructed by Ella Bovell

1915 Lewis Painter purchased the property

1935 Preston Painter purchased the property

1956 Painter, Inc. obtained the property. The irrigation system has been in continual use since 1903.

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, Paul L. Painter the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Paul L. PainterSubscribed and sworn to before me January 18, 19 84
Cynthia Schott now Cynthia Painter
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.

(Print name) 19_________
(Print name) 19____

December 6, 1983

Painter, Inc.
Box 57
Buffalo, South Dakota 57720

ATTENTION: Paul Painter

Dear Mr. Painter:

Enclosed are three applications for Vested Rights for the three areas that we inspected with you on September 13, 1983. These will up date your old Water Right Filings in these areas.

Enclosed are two copies of Forms 2, "Application for Permit", two copies of form 2A, "Supplemental Information" for the dams where applicable, and one copy of Form 2B, "Affidavit of Water Use" for each application. Also enclosed are maps for each of the applications.

Would you please check over each of the forms and the maps and make any corrections necessary to make them as accurate as possible. Then sign all copies of the forms, where indicated, and have them notarized. Then return all of them to this office with a check for \$31.50 to cover the cost of filing fees and the Water License. (\$10.50 for each application).

If you do not make any changes on the maps you may keep them for your use. If you do make changes on them please return the corrected copies to this office so that we can correct our office copy.

Water Right Filings #044-1 and 045-1 will be cancelled at a later date, as portions of them have been incorporated into the Vested Right or abandoned from non-use.

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

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:ms
Enc.

January 25, 1984

Painter, Inc/
Box 57
Buffalo, S.D. 57720

Dear Sirs:

The applications fo file for vested rights to irrigate, Sections 29 and 30-T20N-R2E; Sections 33-T21-T2E and Section 4-T20N-R2E and Section 28-T18N-R1E were received January 20, 1984. The filing fee for the applications is \$10.50 each. (total of \$31.50)

Upon receøpt of the correct fee further processing will proceed.

Sincerely,

Betty Westlund
Natural Resource Analyst III

bw

January 25, 1984

Painter, Inc/
Box 57
Buffalo, S.D. 57720

Dear Sirs:

The applications fo file for vested rights to irrigate, Sections 29 and 30-T20N-R2E; Sections 33-T21-T2E and Section 4-T20N-R2E and Section 28-T18N-R1E were received January 20, 1984. The filing fee for the applications is \$10.50 each. (total of \$31.50)

Upon receøpt of the correct fee further processing will proceed.

Sincerely,

Betty Westlund
Natural Resource Analyst III

bw

RECEIPT

Division of Water Rights

No 4 9557-

South Dakota Department of Water and Natural Resources

Pierre, February 21, 1984, 19

RECEIVED OF Painter Inc., Box 57, Buffalo, SD 57720

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

Fee for Application for Permit No. 1300-1 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.	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

By John Hatch
Chief Engineer JOHN HATCH (MS)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

July 9, 1984

Painter, Inc.
Box 57
Buffalo SD 57720

Dear Sir:

Enclosed herewith are your Vested Right Permit, Water License No. 1300-1.
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,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

The applicable portions of Water Right Filing No. 046-1 have been
incorporated into this Vested Right No. 1300-1 and the abandoned
portions of Filing No. 046-1 have been cancelled.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1300-1 FOR IRRIGATION

Date of Receipt of Claim January 20, 1984.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1300-1 for irrigation purposes for Painter Inc., Box 57, SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1300-1 appropriates 1.39 cubic feet of water per second from Oley Creek to irrigate 97 acres. The point of diversion is located in the NW1/4 SW1/4 section 29 and the irrigated acreage is located in the E1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4 section 30; W1/2 NW1/4 section 29; all in 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 January 1, 1903.
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. 046-1 have been incorporated into this Vested Right No. 1300-1 and the abandoned portions of Filing No. 046-1 have been cancelled.

WATER MANAGEMENT BOARD

By:  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

1300-1
1301-1
1302-1

Painter Inc.
Box 57
Buffalo SD 57720

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1300-1, 1301-1, and 1302-1. 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

R 2 E

Painter Inc.

T
20
N

T
20
N

23.4

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

2 Ac

SE $\frac{1}{4}$ NE $\frac{1}{4}$
24 Ac.

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

3 Ac

9 Ac

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

19 20
30 29

30

29

1300-1

1300-1

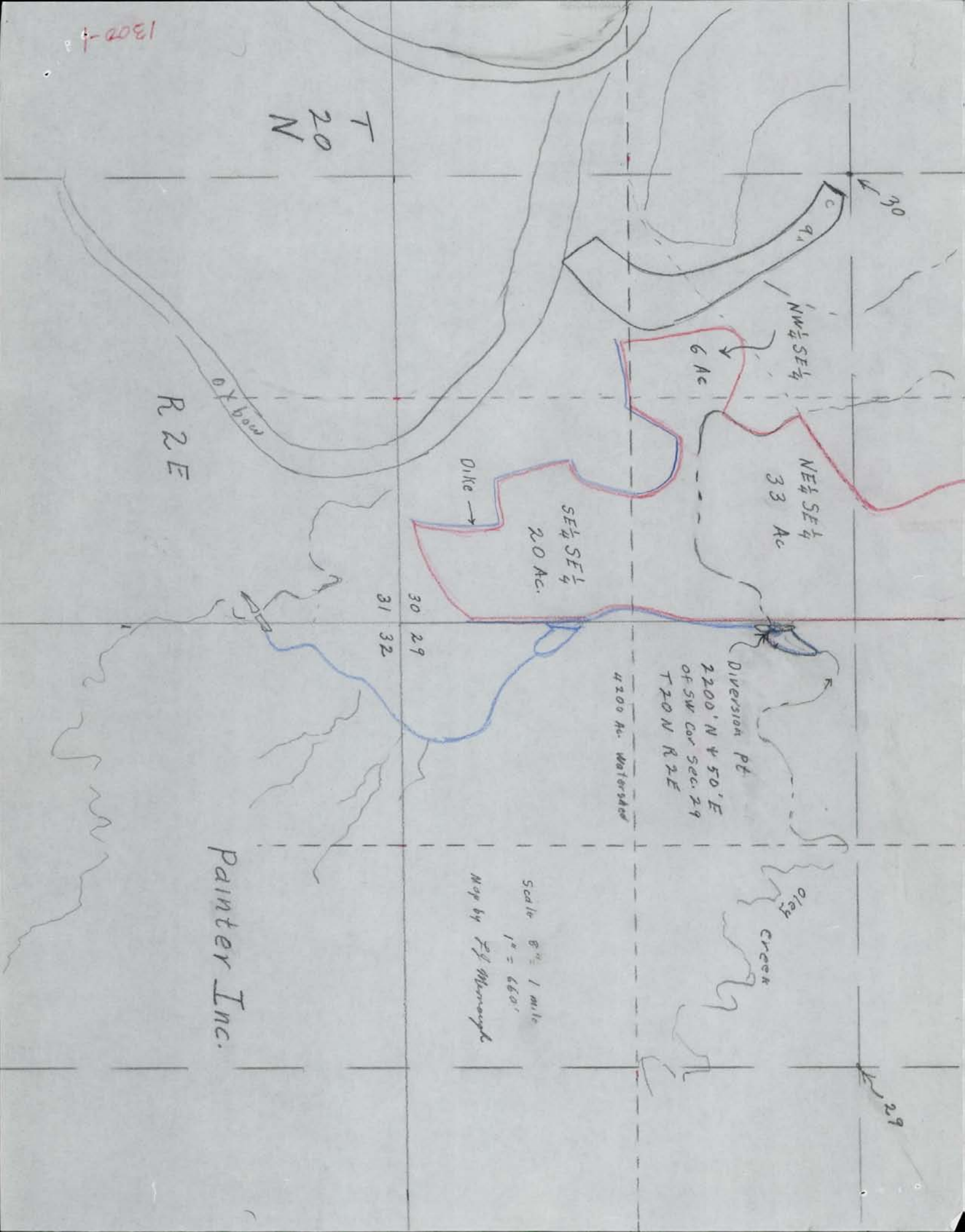
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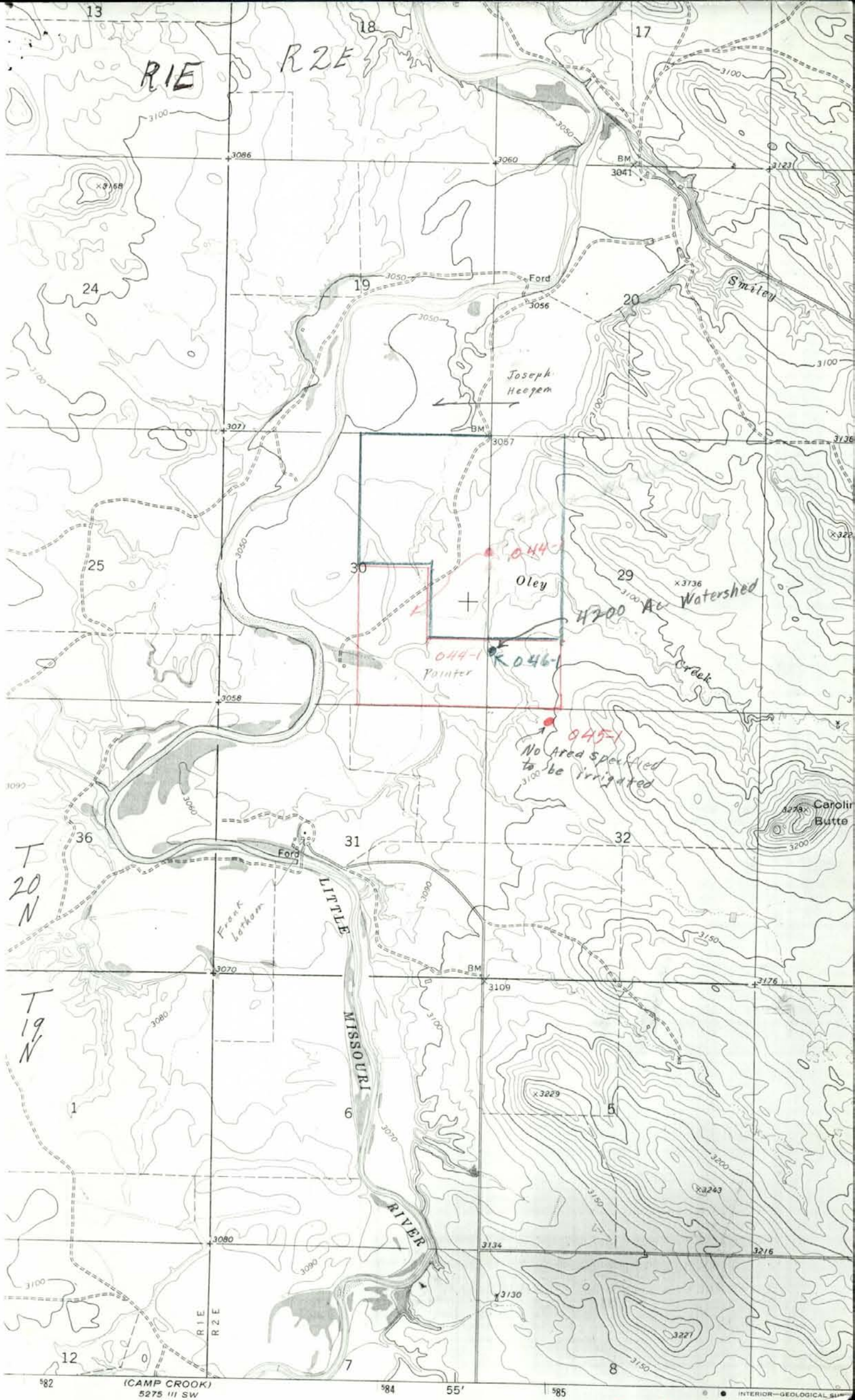
R 2 E

Painter Inc.

Scale 8" = 1 mile
1" = 660'

Map by F. J. Mearns





SCALE 1:24 000

1300-1

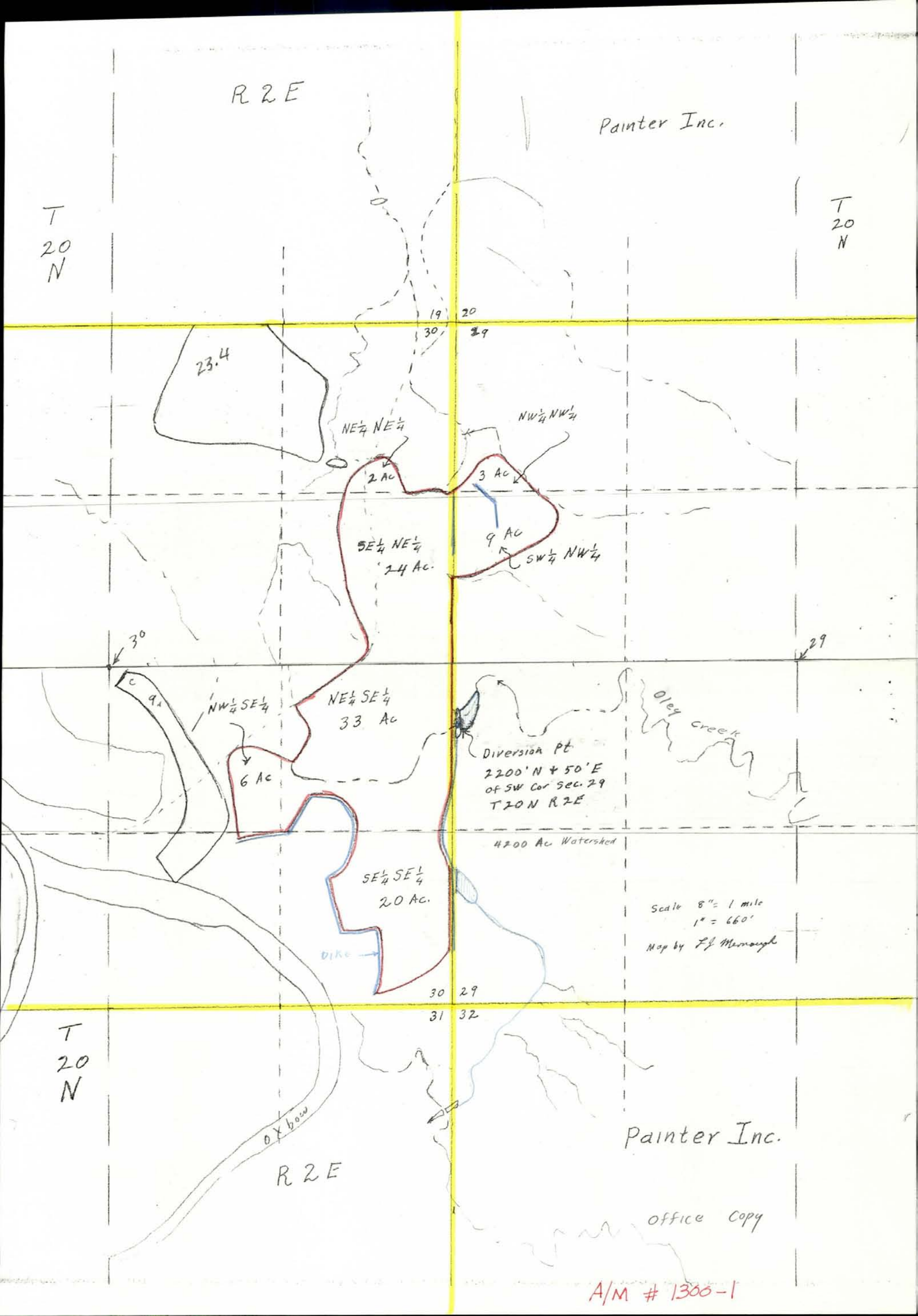
ROAD CL

R 2 E

Painter Inc.

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Scale 8" = 1 mile
1" = 660'
Map by F.J. Mernagh

Painter Inc.

office copy

A/M # 1300-1