

Considered: _____

VESTED RIGHT
WATER PERMIT NO. 1302-1

MAP No. 1302-1

Name of Applicant PAINTER INC

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

Amount of Water Claimed 3.86 Total Acres 270.00

Source of Water Supply Hay Creek and Butte Creek

Water to be used for IRR County Harding

About 5½S 7½ miles west of Ladner

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 _____

6/25/1903 Fee received 2/21/84

Corrected Application Received _____ Period of Annual Use 4/1 to 11/1

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

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

not applicable

Diversion Point _____

NW¼ SW¼
NE¼ SE¼, Section 34
33-T21N-R2E and SW¼ SE¼

Section 33-T21N-R2E

Land to be Irrigated _____

NE¼; E½ SW¼; SW¼ SW¼; W½ SE¼ & NE¼ SE¼,
Section 33-T21N-R2E and NE¼ NW¼ and NW¼ NE¼,

Section 4-T20N-R2E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

assigned on 2/22/84 By [Signature]

2/22/84 Copies to Nelson & Hanten

No. <u>1302-1</u>	Hydrologic Unit <u>10110201</u>
Map No. <u>1302-1</u>	Basin <u>Little Missouri River</u>
Newspaper <u>N/A</u>	

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. 375-3675Post Office Address Box 57, Buffalo, State SD 57720
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 3.86 Total acres irrigated 2703. Source of Water supply (#0269-1 Hay Creek) (#0270-1 Butte Creek)4. Location of point of diversion #0269-1 - 500'S and 400'E of the E $\frac{1}{4}$ Corner, Section 33,
T21N, R2E, #0270-1 - 700'E of S $\frac{1}{4}$ Corner, Section 33, T21N, R2ECounty Harding5. Counties where water will be used Harding6. Annual period during which water is to be used April 1st to November 1st

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.
See attached sheet	

Land Description	No. Acres Irr.

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)

Note: This application for a Vested Right is to recognize two diversion points to Water Right Permit No. 235-1. These diversion points are based on Water Right Filings Nos. 0269-1 and 0270-1.

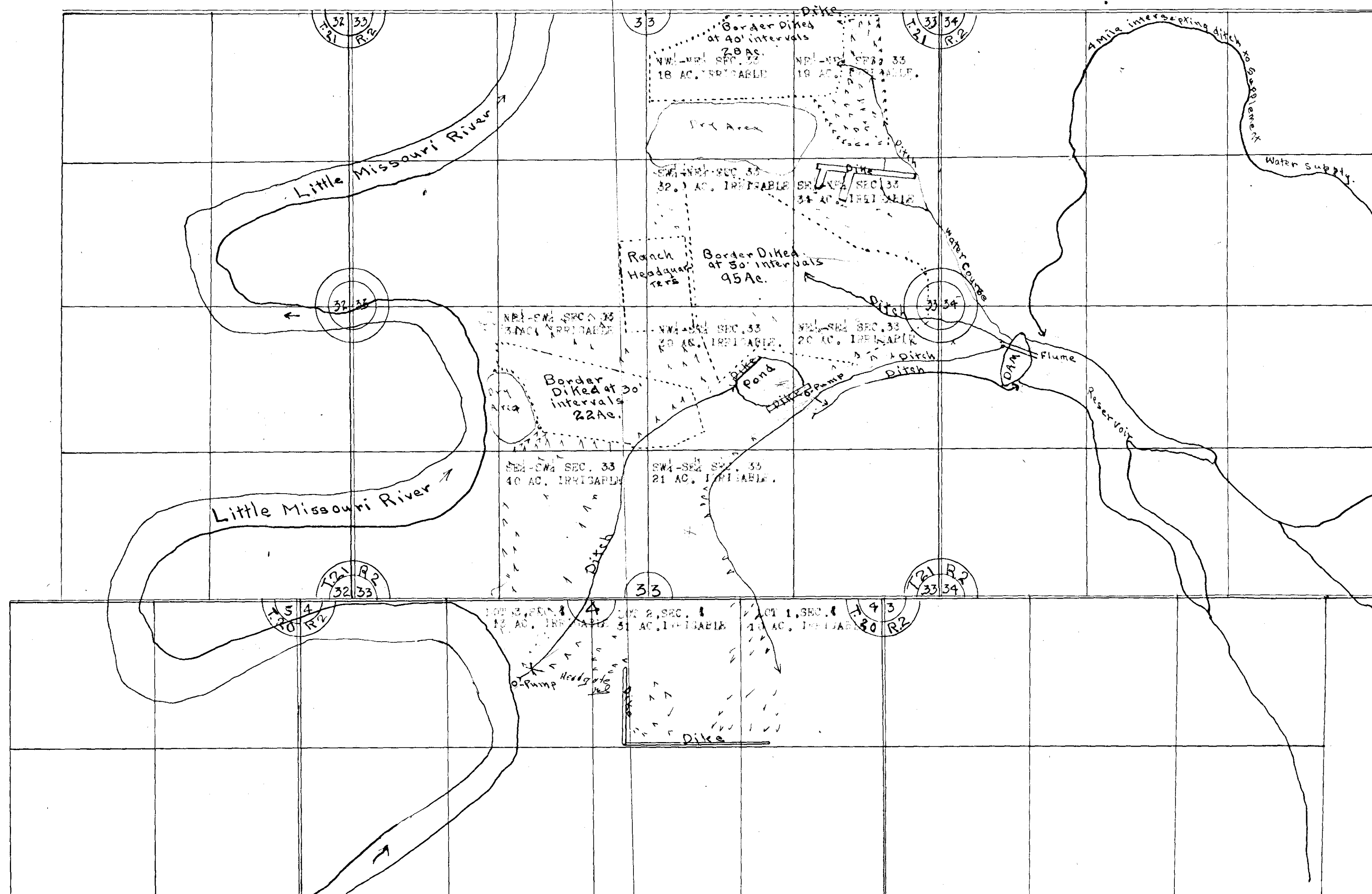
Upon approval of the Vested Right Permit #235-1 will be re-licensed to incorporate these two diversion points. The abandoned portions of Filings #0269-1 and #0270-1 are cancelled.

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. PainterSubscribed and sworn to before me this 18 day of January 1984Cynthia Schuchow Cynthia Painter
Notary Public (or other qualified officer)

PLAT
OF THE
PAINTER PUMP PROJECT
HARDING COUNTY SOUTH DAKOTA
SECTIONS 33, T. 21 N., R. 2 E. & 4 T. 20 N., R. 2 E. OF BHM

SCALE - 1 INCH = 860 FEET.



POINT OF DIVERSION: S 65° 20' E, 1345.5 FEET FROM THE
SOUTH QUARTER CORNER OF SEC. 33, T. 21 N., R. 2 E. OF BHM.

SCALE - 1 inch = 860 FEET

CERTIFICATE:
I, CARL W. CORNELL, LICENSED SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA,
DO HEREBY CERTIFY THAT, AT THE REQUEST OF PRESTON PAINTER, OWNER OF THE SEVERAL
TRACTS OF IRRIGABLE LAND SHOWN ON THIS PLAT, I HAVE MADE A SURVEY OF THE SAID
LANDS AND HAVE PREPARED THIS PLAT FOR THE PURPOSE OF SHOWING THE AREA WHICH THE
SAID OWNER INTENDS TO IRRIGATE BY MEANS OF PUMPING FROM THE LITTLE MISSOURI
RIVER. I FURTHER CERTIFY THAT THIS SURVEY HAS BEEN MADE AND THIS PLAT PREPARED
FOR THE PURPOSE OF FURNISHING THE REQUIRED INFORMATION REQUIRED AS A PART OF AN
APPLICATION FOR A PERMIT TO APPROPRIATE IRRIGATION WATER.
I FURTHER CERTIFY THAT THE BEARINGS AND DISTANCES OF ALL LINES AND THEIR
LOCATION WITH REFERENCE TO GOVERNMENT CORNERS SHOWN ARE CORRECT, TO THE BEST OF
MY KNOWLEDGE AND BELIEF.

DATED AND SIGNED AT SIOUX FALLS, SOUTH DAKOTA, THIS 18th DAY OF AUGUST, 1951

SIGNED: *Carl W. Cornell*
LICENSED SURVEYOR No. 1411, 1951

RECORDED AND SAVED IN RECORDS AT SIOUX FALLS, SOUTH DAKOTA, THIS 18th DAY OF
AUGUST, 1951.

NOTARY PUBLIC (S.D.)

Water Right No. 235-1
Map No. 217-1

*Tracing was
returned to
Carl W. Cornell
9-24-51
RCP*

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 WR-1

The applicable portions of Water Right Filings No. 0269-1 and 0270-1 have been incorporated into Vested Right No. 1302-1. The abandoned portions of Water Right Filing No. 0269-1 and 0270-1 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 _____ June 25 _____, 1903.
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: _____.

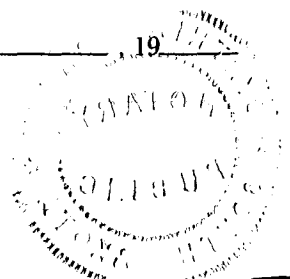
WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources



Painter, Incorporated
Box 57
Buffalo, South Dakota 57720

Area Irrigated

Section 33, T21N, R2E

NW $\frac{1}{4}$ NE $\frac{1}{4}$	20 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	17 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	24 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	15 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9 Acres

Section 4, T20N, R2E

NE $\frac{1}{4}$ NW $\frac{1}{4}$	24 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32 Acres

TOTAL 270 ACRES

NOTE: The above acreage is the area now irrigated from Permit #235-1, Water Right Filings Nos. 0269-1 and 0270-1. This area will be on the re-license of Permit #235-1

Maximum Water usage at any one time, from all diversion points, shall not exceed 3.86cfs.

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 1302-1

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 June 25, 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 _____

3.86 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 April to November.

WATER MANAGEMENT BOARD

By: John Hatala
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

May 21, 1984.

State of South Dakota

VESTED RIGHT Water License No. 1302-1

(1) Painter Incorporated
of Box 57, Buffalo, South Dakota 57720
made Application No. 1302-1, January 20, 1984 for recognition of ~~for a water permit~~ ^{a Vested Right} to appropriate
3.86 cubic feet per second of water from Hay Creek and Butte Creek,
Harding County, South Dakota for Irrigation purposes.
Vested Right
Permit No. 1302-1, with a priority date of June 25, 1903
recognized
was approved April 25, 1984 and issued to applicant(s) for diversion of water ~~with~~ ^{recognizing} 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~~.

Vested Right 1302-1 recognizes diversion points (from Hay Creek and Butte Creek) for Water Right No. 235-1. The rights for the two diversion points were established by Water Right Filings No. 0269-1 and 0270-1. The applicable portions of Filings No. 0269-1 and 0270-1 were incorporated into Vested Right No. 1302-1 with the abandoned portions of the Filings cancelled. The priority date for diversions from Hay Creek and Butte Creek is June 25, 1903. Also, the applicable portions of Water Right No. 235-1 have been incorporated into this Vested Right Water License No. 1302-1. The priority date for diversion from the Little Missouri River authorized by Water Right No. 235-1 is September 4, 1951.

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 3.86* cubic feet per second of water for beneficial use. The location of the diversion point(s) is ^{To} ~~are from~~ ^{from the Little Missouri River S59°30'W}
1646.8 feet from the S $\frac{1}{4}$ Corner Section 33; from Hay Creek - 500'S and 400'E of E $\frac{1}{4}$ Corner
Section 33; and from Butte Creek - 700'E of S $\frac{1}{4}$ Corner Section 33, all in T21N, R2E.
* A diversion rate of 3.86 cfs can be pumped from any of the sources specified above;
however, the combined diversion rate from the Little Missouri River, Hay Creek or
Butte Creek can not exceed 1.0 cfs from every 70 acres irrigated.

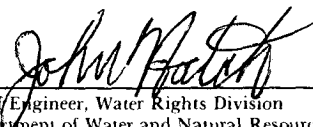
and

(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;

Section 33, T21N, R2E			Section 4, T20N, R2E		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	20 Acres	(AB)	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24 Acres	(BA)
NE $\frac{1}{4}$ NE $\frac{1}{4}$	17 Acres	(AA)	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32 Acres	(AB)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36 Acres	(AC)	TOTAL	270 ACRES	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	24 Acres	(AD)			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26 Acres	(CA)			
SW $\frac{1}{4}$ SW $\frac{1}{4}$	15 Acres	(CC)			
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 Acres	(CD)			
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18 Acres	(DB)			
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11 Acres	(DA)			
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9 Acres	(DC)			

(4) Pursuant to §46-5-30.1 Painter Incorporated
of Box 57, Buffalo, South Dakota 57720
the holder(s) and/or owner(s) of Vested Right
Water Permit No. 1302-1 is issued a license to appropriate water, the right to use
3.86 cubic feet per second of water from the Little Missouri River, Hay Creek and Butte Creek
of June 25, 1903 and September 4, 1951 with a priority date
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

This license is subject to any limitations or qualifications listed in Vested Right Water Permit No. 1302-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources **JOHN HATCH**

September 24, 1984

Supplemental Information

Painter Inc. V/R

(#0269-1, Hay Creek)

(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 _____

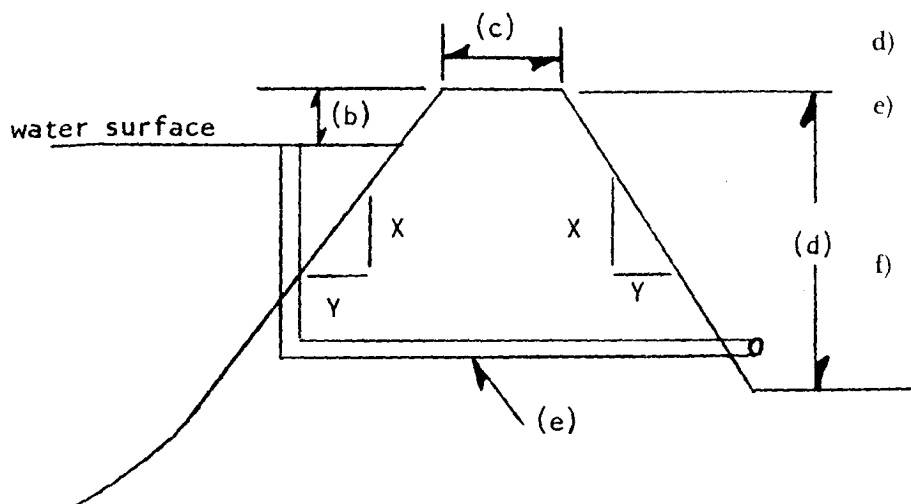
2. Dugout Information Estimates

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

3. Water Storage Dams

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 3:00 ft.c) Crest Width 16Crest Length 500'd) Height 25'e) Outlet Dimensions:
Pipe diameter 24" CMP/Hd GateSpillway width 40'f) X & Y Slope
Upstream 3:1Downstream 2:1Surface Area of Impoundment 19Storage 135 acre feetDrainage area above dam 1050 Acres

Paul L. Painter

Signature of Applicant

Affidavit of Water UseBased on Water Right
Filing #0269-1

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) Painter, Inc.
 Post Office Address Box 57, Buffalo, South Dakota 57720
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation _____ Date of Posting June 25, 1903
 Date of recording June 25, 1903 Recording date _____
Where Book Page
B. Date of start of construction of water supply system June 25, 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system Lewis L. PainterE. Amount of water originally applied to beneficial use 20 cfsF. Present Use of Water - Amount of water now being used 15 cfs (est)Date that this water was first used 1952

G. Chronological History of Water Use

1903 Lewis Painter constructed the system

1935 Preston Painter obtained the property and used the system

1956 Painters, Inc. obtained the property and have continued 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, 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 Schaefer
 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.

_____, 19_____
(Print name)_____, 19_____
(Print name)

Affidavit of Water UseBased on Water Right
Filing #0270-1

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) Painter, Inc.Post Office Address Box 57, Buffalo, South Dakota 57720
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation _____ Date of Posting May 25, 1903Date of recording June 25, 1903 Recording date _____
Where Book PageB. Date of start of construction of water supply system May 25, 1903C. Date that water was first applied to beneficial use 1903D. Name of owner of original water supply system May B. PainterE. Amount of water originally applied to beneficial use 20 cfsF. Present Use of Water - Amount of water now being used 20 cfs. (est.)Date that this water was first used 1903

G. Chronological History of Water Use

1903 May B. Painter constructed the system

1935 Preston Painter obtained the property and used the system

1956 Painter, Inc. obtained the property and have continued 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, 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 Schuch 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.

_____, 19_____
(Print name)_____, 19_____
(Print name)

RECEIPT

Division of Water Rights

No 4 9558

South Dakota Department of Water and Natural Resources

Pierre, February 21, 1984

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. <u>1302-1</u> 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

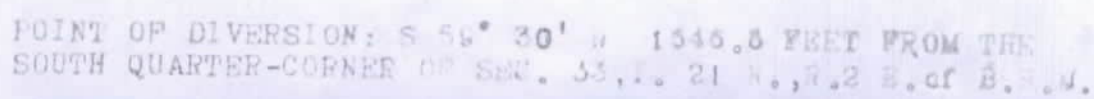
By John Hatch
Chief Engineer JOHN HATCH ms

NOT R270 SCALE



Painter, Inc.

Office Copy A/M 1302-1



1302-1



POINT OF DIVERSION: S 56° 30' W 1546.8 FEET FROM THE
SOUTH QUARTER-CORNER OF SEC. 33, T. 21 N., R. 2 E. of B.H.W.

Little Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Painter, Inc.Box 57, Buffalo, S. Dak. 57720 holder ofPermit No. ~~235-F~~ 1302-1, bearing the priority of June 1903 September 4 1951 authorizingthe diversion of 3.86 cu. ft. per second of the waters of Little Missouri River, Hay Creek & Butte Creekfor Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

Pump - Fairbanks Morris 50 HP Engine Pumps. 1920 gpm.
 Storage Dam - see Information on Form 2A for Hay Creek.
 Diversion Dam - 4 ft High to divert water from Creek.

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

Ditches

C. Works used to apply water to beneficial use:

Box-lers, Dikes & Ditches for Flood IrrigationThe system is in the following condition Good

The point of diversion is located From River, 55°30'W 1646.5 ft. from S $\frac{1}{4}$ Cor Sec. 33,
(#2) 500' S & 400' E of E $\frac{1}{2}$ Cor Sec. 33, (#3) 700' E of S $\frac{1}{4}$ Cor Sec. 33, All in T21N R2E

The works are capable of diverting and conveying to the place of use 10 cfs.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: _____

See Attached Sheetcomprising a total of 270 acres of land and the license should be issued for 3.86 cfsApplicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date September 13, 1983

LeRoy J. Mernagh
 (signature)



No. 1302-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

October 1, 1984

Painter Incorporated
Box 57
Buffalo, South Dakota 57720

Dear Sir:

Enclosed herewith are your Vested Right Permit, Water License No. 1302-1.
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

The applicable portions of Water Right Filings No. 0269-1 and 0270-1 have
been incorporated into Vested Right No. 1302-1. The abandoned portions of
Water Right Filing No. 0269-1 and 0270-1 have been cancelled.



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 26, 1991

178-1
1302-1

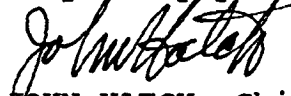
PAINTER INC
HCR 1 BOX 57
BUFFALO, SD 57720

Dear Sir :

I am writing to follow up on Montana Water Permit Application No. 76844-S39F, Charles Oleson, for irrigation from the Little Missouri River, in Montana. During the April 16, 1991 informal hearing in Camp Crook by the Montana Department of Natural Resources and Conservation, Mr. Oleson agreed to a minimum flow bypass to protect of downstream water right holders, including those in South Dakota. Mr. Oleson agreed to condition his permit so that he can only pump when at least 30 cubic feet of water per second (cfs) is flowing at the U.S. Geological Survey (USGS) gaging station at Camp Crook. We have checked with USGS concerning the April 10 flow that was discussed April 16. The USGS inspected the gage April 11 and the April 10 flow was actually 11 cfs. On April 25, 1991, the flow at the Camp Crook gage was 7.5 cfs.

I have enclosed a list of South Dakota Water Rights on the Little Missouri River. The list includes priority dates. If at any time you wish to know the flow at the Camp Crook gage or have any questions, contact either Del Brosz or Mark Rath, Water Rights Division, telephone number (605) 773-3352.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

1302-1

SOUTH DAKOTA WATER RIGHTS/PERMITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			MOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTEY INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BURGHEDUFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		8/01/1951	1.97
265-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGER		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
236-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TURBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: PAINTER INC, JOE S PAINTER, HC 67 BOX 57, BUFFALO, SD 57720

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1302-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1302-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PAINTER INC
JOE S PAINTER
HC 67 BOX 57
BUFFALO SD 57720

4a. Article Number

2348 318 882

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-7-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Joe S Painter

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1996

1302-1

Joe S Painter
Painter, Inc.
HC 67 Box 57
Buffalo SD 57720

Dear Mr. Painter:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.**

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1302-1 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. 1302-1 for irrigation purposes for Painter Inc., Box 57, Buffalo SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1302-1 appropriates 3.86 cubic feet of water per second (cfs) from either the Little Missouri River, Hay Creek, or Butte Creek to irrigate 270 acres. Combined diversion rates from the water sources may not exceed 3.86 cfs. The points of diversion are located in the NE1/4 NW1/4 section 4-T20N-R2E; NW1/4 SW1/4 section 34; SW1/4 SE1/4 section 33; T21N-R2E and the irrigated acreage is located in the NE1/4, NE1/4 SW1/4, S1/2 SW1/4, N1/2 SE1/4, SW1/4 SE1/4 section 33-T21N-R2E; NE1/4 NW1/4, NW1/4 NE1/4 section 4-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: April 1 - November 1.
3. The priority dates of the Vested Water Right are June 25, 1903 (Hay and Butte Creeks) and September 4, 1951 (Little Missouri River).
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 Nos. 0269-1 and 0270-1 have been incorporated into Vested Right No. 1302-1. The abandoned portions of Water Right Filing No. 0269-1 and 0270-1 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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 22, 2009

1302-1

Joe S Painter
Painter Inc
11481 River Rd
Buffalo SD 57220-8019

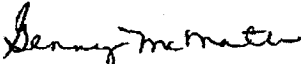
Dear Mr. Painter:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 57 River Rd, Buffalo SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 2, 2015

1302-1

Joe S Painter
Painter Inc
12419 Clanton Rd
Buffalo SD 57720

Dear Mr. Painter:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to 11481 River Rd, Buffalo SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures