

WATER PERMIT NO. VR 1643-1

Name of Applicant: George and Gerald Oleson

Address: HC 62, Box 3, Camp Crook, SD 57724

Phone: 797-4478

Amount of Water Claimed: 0.48 cfs Total Acres: 34

Source of Water Supply: diversion dam

Water to be used for: irrigation County: Harding

Type of Waste Disposal System: N/A

Location: 7 miles south and 2 miles east of Camp Crook

PRIORITY Date Received: Oct. 1996 Fee: \$ 15

Corrected Application Received: Period of Annual Use: Jan 1 - Dec 31

Remarks: XX

XX

XX

Diversion Point: NE1/4 NW1/4 Section 20,

T17N, R1E

Land to be Irrigated: Lot 2 and Lot 3 Section 7

and W1/2 SW1/4 Section 8; all in T17N, R1E

Depth of Well: N/A

Well Driller: N/A Remarks: XX

Type of Map: ASCS aerial Prepared by: Ron Duvall

Reviewed and the Number Assigned on: Oct. 11, 1996

By: Eric Gronlund

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1643-1

Date of Receipt of Claim October 10, 1996.

Date of Validation November 25, 1996.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1643-1 for George and Gerald Oleson, HC 62, Box 3, Camp Crook SD 57724 irrigation purposes for with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1643-1 appropriates 0.42 cubic feet of water per second from a dry draw diversion dam (22 acre feet storage capacity) located in the NE 1/4 NW 1/4 Section 20-T17N-R1E for irrigation of 30 acres acres. The irrigated acres are located in Lot 2 and Lot 3 Section 7 and the W 1/2 SW 1/4 Section 8; all in T17N-R1E. Water is also used for stockwatering.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation and livestock watering. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is June 1, 1951.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 21 1997

date



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1643-1 FOR IRRIGATION

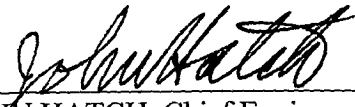
(1) George and Gerald Oleson, HC 62 Box 3, Camp Crook SD 57724 made Application No. 1643-1, October 10, 1996 for validation of a vested right claim to appropriate 0.42 cubic feet of water per second and 22 acre-feet of storage from a dry draw dam, Harding County, South Dakota, for irrigation purposes. Vested Water Right No. 1643-1 was validated November 25, 1996 with a priority date of June 1, 1951. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owners are entitled to divert 0.42 cubic feet of water per second for beneficial use. The location of the diversion point is a: dry draw dam: 600 feet south and 2,400 feet east from the northwest corner of Section 20-T17N-R1E (NE 1/4 NW 1/4).

The location of the irrigated acreage is: **all in T17N-R1E**

Section 8	NW 1/4 SW 1/4	9 acres
	SW 1/4 SW 1/4	8 acres
Section 7	Lot 2	8 acres
	Lot 3	5 acres
	Total	30 acres

(3) Pursuant to Section 46-5-30.1 George and Gerald Oleson, HC 62 Box 3, Camp Crook SD 57724 the holders and/or owners of Vested Water Right No. 1643-1 are issued a license to appropriate 0.42 cubic feet of water per second and 22 acre-feet of storage from a dry draw with a priority date of June 1, 1951 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation and livestock watering. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1643-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

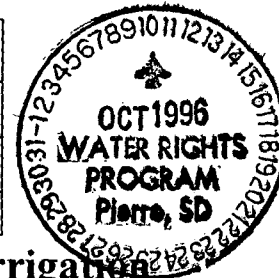
JAN 21 1997

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1643-1</u>	(office use only) Hydrologic Unit <u>10110201</u>
	Basin <u>Little Missouri</u>	
	Newspaper <u>Nation Center News, Buffalo, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New X Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Water is also impounded for stock watering.

- Name of Applicant George and Gerald Oleson Phone (605) 797-4478
(check one) X Owner Tenant/lessee
Mailing Address HC 62, Box 3, Camp Crook State SD 57724
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.42 ~~0.48~~ *CFS or **GPM 22 ***AF Total Acreage 30 ~~34~~
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply dry draw
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Diversion dam
2,400 feet east and 600 feet south from the NW corner of section 20-T17N-R1E (NE1/4NW1/4)
County Harding
- County or counties where water will be used Harding
- Annual period during which water is to be used When available -- Jan 1 thru Dec 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4SW1/4 sec 8-T17N-R1E	9		
SW1/4SW1/4 sec 8-T17N-R1E	8		
Lot 2 section 7-T17N-R1E	8 12		
Lot 3 section 7-T17N-R1E	5		

- Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of Harding

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, George Oleson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Gerald Oleson

Subscribed and sworn to before me this 8 day of October 19 96

Paul E. Turbinville
Notary Public

Supplemental Information

(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 to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

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

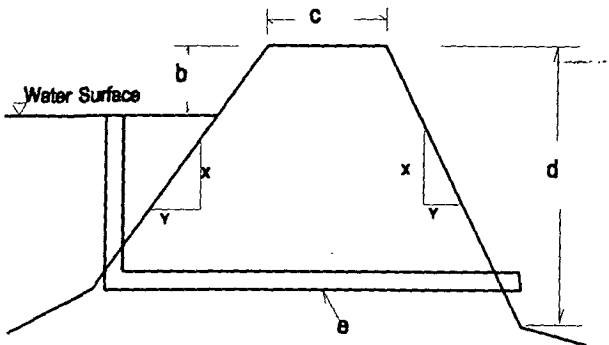
4. Water Storage Dams

one storage dam, built prior to 1934 Run estimated size

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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'
- c) Crest Width 10'
Crest Length 300'
- d) Height 15' (10' upstream due to silt)
- e) Primary Outlet Capacity _____
If pipe, diameter no low level outlet
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment ≈ 8 ac
- i) Storage ≈ 22 Acre Feet
- j) Drainage Area Above Dam ≈ 900 Acres



Affidavit of Water Use

Form 2B

(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) George and Gerald Oleson

Mailing Address HC 62, Box 3, Camp Crook SD 57724
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of Recording _____ Recording Date _____

B. Date of start of construction of water supply system 8 1951

C. Date that water was first applied to beneficial use June 1951

D. Name of owner of original water supply system _____

E. Amount of water originally applied to beneficial use All that naturally that run

F. Present use of water - amount of water now being used Flood irrigation of natural flow

Date that this water was first used _____

G. Chronological History of Water Use

water was being used since the above date for irrigation on
hay crop land, to raise hay for cattle feed

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)
SS

County of Harding)

I, Gerald Oleson
(print or type)

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

Signed Gerald Oleson

Subscribed and sworn to before me October 8, 19 96

Gail E. Turbinville

Notary Public

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 are true.

_____, 19_____
(Print Name)

_____, 19_____
(Print Name)



RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415144

Pierre, _____, October 10, 19 96

RECEIVED OF George and 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. <u>1643-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	15 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. _____	
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	15 00

By John Hatch
Chief Engineer

1989 Gerald Olson Farm # 457

1" = 1,000'

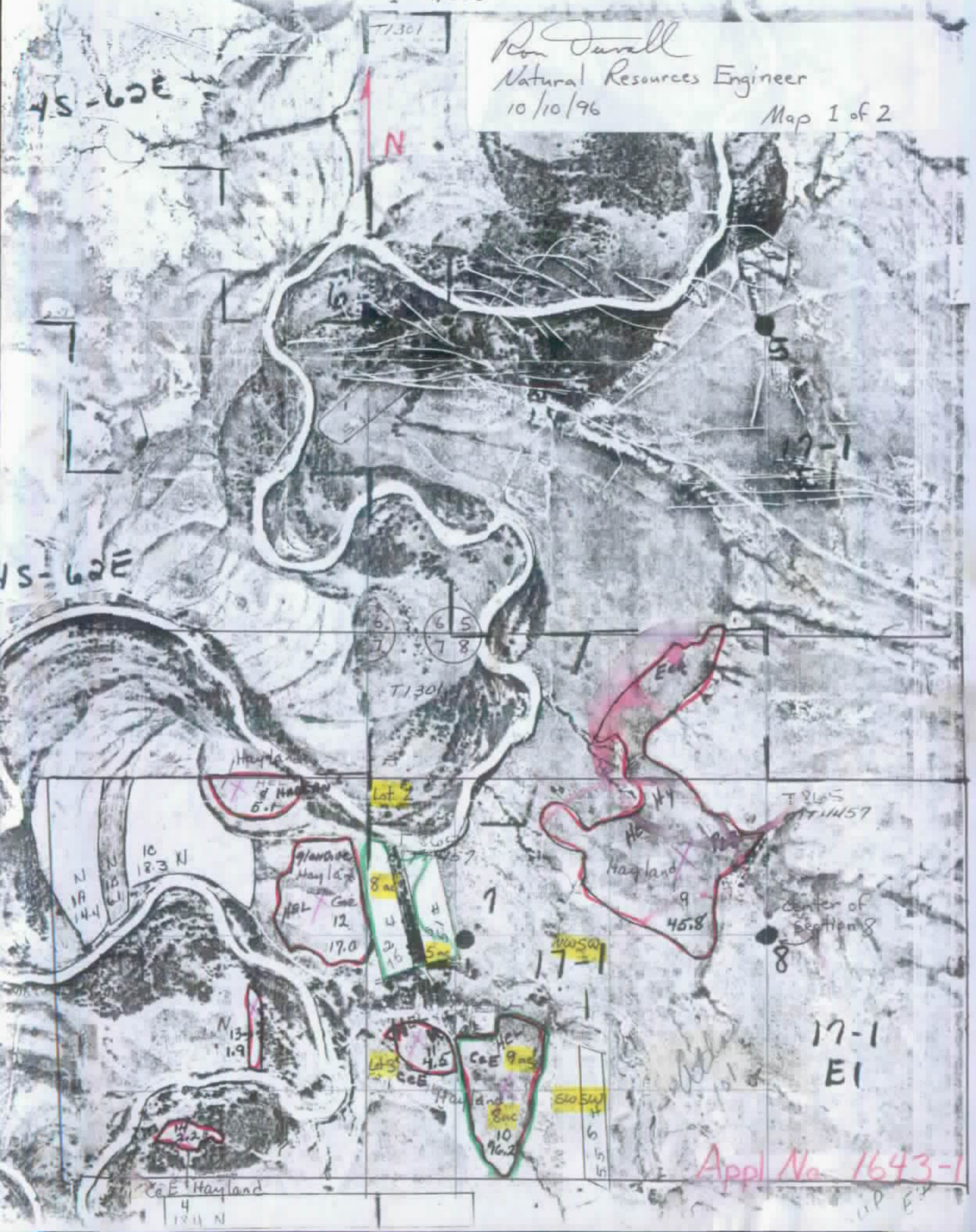
O Irrigated Area

Ron Duvall

Natural Resources Engineer

10/10/96

Map 1 of 2



1"=1,000'

N

MT

SD

78
18 17

access road

natural drainage

Block culvert to flood area

See map 1 of 2 for all of irrigated area

T 873

17

center of section 17

T 867

Embankment to direct portion of flow thru culvert

culvert (SEE No. 1645-1)

12-1

D30

T 861

east/west road

T 861

17-1

D30

Ron Duvall
Natural Resources Engineer
10/10/96

Map 2 of 2

Appl. No. 1643-1

84	3A	HEI	NW
89	2B	HEI	NW
89	1C	HEI	NW

229 HEI NW

1,600'

2400'

NW

Cont on D30

WARRANTY DEED RECORD NO. 30

HARDING COUNTY, SOUTH DAKOTA

38201

MITCHELL PUB. CO., MITCHELL, S. DAK.

Oliver Oleson (a married man) and Aino M. Oleson (his wife)

Grantors.....

of Harding County, State of South Dakota for and in
consideration of One dollar and other valuable considerations 700.00 DOLLARS,

GRANTS, CONVEYS AND WARRANTS TO The County of Harding (a public corporation of the
State of South Dakota)

Grantee..... of Buffalo, South Dakota P. O., the following described
real estate in the County of Harding, in the State of South Dakota:

A strip of land 66 feet wide, situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 17, T. 17 N., R. 1 E.
of B.H.M., and having the following described center-line Traverse: Beginning at
a point on the north and south quarter-line of the said Sec. 17 which said point lies
1138.3 feet north of the south quarter-corner of the said Sec. 17 and running; Thence
S. 87°16' E. for a distance of 3635.6 feet to a point on the east line of the said Sec.
17 which said point lies 1012.6 feet north of the southeast corner of the said Sec. 17,
T. 17 N., R. 1 E. B.H.M.

The above described tract, containing 4.0 acres, more or less, to be used as a
public highway.

Dated this 2 day of January, 19 51

Oliver Oleson

Aino M. Oleson

STATE OF South Dakota }
County of Harding } ss.

the

On this 2 day of Jan., 1951, before me, James A. Maney, the undersigned officer,
personally appeared Oliver Oleson and Aino M. Oleson (husband and wife), known to
me or satisfactorily proven to be the persons whose names are subscribed to the with-
in instrument and acknowledged that they executed the same for the purposes therein
contained.

In witness whereof I hereunto set my hand and official seal.

SEAL

James A. Maney
Notary Public

Title of Officer

STATE OF SOUTH DAKOTA, County of Harding, ss.

Filed for record this 8th day of January, 19 51, at 1 o'clock and 30
minutes P. M., and recorded in Book 30 of Deeds on Page 292

Alma J. Mort



Report on Vested Water Right Claim No. 1643-1

George and Gerald Oleson

October 15, 1996

Vested Water Right Claim No. 1643-1, filed by George and Gerald Oleson, claims 0.42 cubic feet of water per second from a dry draw dam (22 acre-feet storage capacity) to irrigate 30 acres and for stock watering with a June 1, 1951 priority date. The dry draw dam is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ section 20-T17N-R1E with the irrigated acreage located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ section 8; Lots 2 and 3 section 7; all in T17N-R1E, Harding county.

Background

On September 4, 1996, Charles and Gerald Oleson called concerning a dispute over placement of an additional culvert (NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 17-T17N-R1E) in the access road to the Oleson's ranch. The access road crosses land owned by School and Public Lands in the S $\frac{1}{2}$ section 17 and leased by Oliver Leroy Oleson. According to Charles and Gerald Oleson, a second larger culvert was placed in the access road for purposes of allowing more water to flow to the west to irrigate property owned by B. Jr. and Ernie Melum. The Oleson's were concerned that the additional culvert would reduce the amount of water available for irrigation of the 30 acres described on Claim No. 1643-1.

Later on September 4, 1996, Ernie Melum called concerning the existence of a water right for irrigation of the Melum property described on Claim No. 1645-1. Mr. Melum indicated that a Montana water right existed for the irrigation and that permission had been granted by Oliver Leroy Oleson, the lessee, to install the additional culvert. I informed both Mr. Melum and the Oleson's that I could not locate a South Dakota water right for either party to irrigate the areas now described on their respective claims. The additional culvert was removed the same day that it was installed.

Investigation

On September 20, 1996, I completed an onsite investigation of the irrigation systems described on Claim Nos. 1643-1 and 1645-1. The irrigated area and diversion point location both exist as described on No. 1643-1. Part of the investigation involved determining what priority date should be claimed. According to Gerald and Charles Oleson, the diversion of water from the dam to the irrigated areas began when the east/west road on the boundary between section 17 and 20 was moved north about one quarter mile. A document was located by Gerald Oleson in the Harding County courthouse transferring the right-of-way for the road to the county in January 1951. Based upon this date, the claim was filed with a claimed priority date of June 1951 when it was believed that the road was moved and the dam modified to bring water north.

It is believed that the access road to the ranch was modified at the same time as the east/west road including placement of the existing 12 inch culvert at the site of the dispute. Consequently, the Melum's claimed the same June 1951 priority date for irrigation of the area described on Claim No. 1645-1.

Water Source

The source of water is a dry draw which is a tributary to the Little Missouri River. Approximately one half mile downstream from the diversion dam, the tributary enters Montana. After entering Montana, the dry draw covers another three quarters of a mile before reaching the Little Missouri River. The watershed supplying the diversion dam covers approximately 900 acres.

Review of Existing Water Rights

There are 16 irrigation water rights and one irrigation water permit located on the Little Missouri River downstream from the claimed diversion point. The total acreage and water appropriated by the 17 water permit/rights is 3,192 acres and 37.03 cubic feet of water per second (cfs), respectively. Of these totals, irrigation of 704 acres with an appropriation of 10.03 cfs predate the June 1951 priority dated claimed on No. 1643-1.

Conclusions

- Vested Water Right Claim No. 1643-1 claims an appropriation of 0.42 cfs to irrigate 30 acres and for stock watering from a dry draw dam with a 22 acre-feet storage capacity. An on-site investigation of the claim found the irrigation system and stock watering developed as specified on the claim.
- Based on the Affidavit of Water Use and other supporting information concerning construction of the irrigation system, a priority date of June 1, 1951 should be assigned to the claim.
- No record exists of water use complaints concerning the claimed water use other than the aforementioned dispute leading to the filing of Claim Nos. 1643-1 and 1645-1.



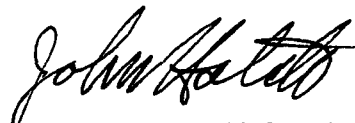
Ron Duvall
Natural Resources Engineer
Water Rights Program

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1643-1, George and Gerald Oleson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1643-1, George and Gerald Oleson, HC 62, Box 3, Camp Crook SD 57724.

The Chief Engineer is recommending VALIDATION of Application No. 1643-1 for 0.42 cfs because 1) water has been appropriated as described for irrigation and stockwatering use with a priority date of June 1, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 23, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1996

Oliver Leroy Oleson
Box 4
Camp Crook, SD 57724

Dear Mr. Oleson:

Please find enclosed a copy of the reports, recommendations and notice of hearings for Vested Water Right Application Nos. 1643-1 and 1645-1. The notice of hearings are scheduled to be published in the Nation's Center News on November 6 and 13, 1996.

If you have any questions, please feel free to contact Ron Duvall at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 24, 1996

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

Dear Sirs:

Vested Water Right Application No. 1643-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Nation Center News printed at Buffalo, SD (Ph # (605) 375-3228). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 1996

Nation Center News
Box 107
Buffalo, SD 57720-0107

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Vested Water Right Application No. 1643-1 to be published twice. Please publish the first notice on November 6, 1996, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is George and Gerald Oleson, HC 62, Box 3, Camp Crook, SD 57724 (Ph # (605) 797-4478).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 6, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING TO Validate
Vested Water Right Application No. 1643-1 to Appropriate Water

Notice is given that George and Gerald Oleson, HC 62, Box 3, Camp Crook, SD 57724 has filed an application to validate a vested water right claim to appropriate 0.42 cubic feet of water per second from a diversion dam (22 acre feet storage capacity) located in the NE 1/4 NW 1/4 Section 20, T17N, R1E for irrigation of 30 acres. The irrigated acres are located in Lot 2 and Lot 3 Section 7 and the W 1/2 SW 1/4 Section 8; all in T17N, R1E. The water use has a claimed priority date of June 1, 1951. Water is also used for stock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1643-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of June 1, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Harding) SS

I, LaVerne E. Helms

certify that the attached printed Notice was
taken from the Nation's Center News

printed and published in Buffalo

County of Harding and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

November 6, 1996

November 13, 1996

Cost of Printing: \$37.74

LaVerne E. Helms
(Signature)

Bus. Mgr.
(Title)

11-14-96
(Date Signed)

either an interested person or the applicant must be filed by November 25, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application, Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

11-6, 13

NOTICE OF HEARING TO Validate Vested Water Right Applicaition No. 1643-1 to Appropriate Water

Notice is given that George and Gerald Oleson, HC 62, Box 3, Camp Crook, SD 57724 has filed an application to validate a vested water right claim to appropriate 0.42 cubic feet of water per second from a diversion dam (22 acre feet storage capacity) located in the NE1/4NW1/4 Section 20, T17N, R1E for irrigation of 30 acres. The irrigated acres are located in Lot 2 and Lots 3 Section 7 and the W1/2SW1/4 Section 8, all in T17N, R1E. The water use has a claimed priority date of June 1, 1951. Water is also used for stock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1643-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of June 1, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1643-1

DATE OF INVESTIGATION:	September 20, 1996
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	George and Gerald Oleson HC 62, Box 3 Camp Crook SD 57724
DIVERSION POINT LEGAL LOCATION	Dry draw dam: 600 feet S and 2,400 feet E from the NW corner of section 20-T17N-R1E

Other permit(s) associated with the project: none

DISTRIBUTION LINES OR CANALS:

- 1) Type road side ditch and spillway 2) Length $\approx$ 4,700 feet

SYSTEM TYPE:

Water is applied to the irrigated acreage via a water spreading system.

DAM INFORMATION:

- 1) Height to crest 15 (10 feet upstream due to silt) feet
- 2) Height to primary spillway 7 feet
- 3) Crest width 10 feet
- 4) Crest length 300 feet
- 5) Spillway length serves as delivery ditch
- 6) Approx. storage 22 ac-ft
- 7) Approx. storage to crest 32 ac-ft
- 8) Date constructed: prior to 1952

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

Vested Water Right No. 1643-1**Little Missouri River** - Water District**Report of Examination of Works and/or Application of Water to Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 20, 1996**, made a thorough examination of the water use system owned by **George and Gerald Oleson** of **HC 62, Box 3, Camp Crook SD 57724** holder of Vested Water Right No. **1643-1**, bearing the priority of **June 1, 1951** authorizing the diversion of **0.42** cu. ft. per second and storage of **22** acre-feet of the waters of **a dry draw** for **irrigation and stock watering** purposes, in **Harding** County.

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

A. Works used to divert the water:

DAM INFORMATION:

- | | |
|--|--|
| 1) Height to crest 15 (10 feet upstream due to silt) feet | 5) Spillway length serves as delivery ditch |
| 2) Height to primary spillway 7 feet | 6) Approx. storage 22 ac-ft |
| 3) Crest width 10 feet | 7) Approx. storage to crest 32 ac-ft |
| 4) Crest length 300 feet | 8) Date constructed: prior to 1952 |

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

- 1) Type **road side ditch and spillway** 2) Length **≈ 4,700** feet

Water is applied to the irrigated acreage via a water spreading system.

The system is in the following condition **fair**. The point of diversion is located **dry draw dam: 600 feet S and 2,400 feet E from the NW corner of section 20-T17N-R1E (NE¼NW¼)**. The works are capable of diverting and conveying to the place of use **0.42** cu. ft. per second of water and/or storing **22** acre-feet of water which is to be used for **irrigation and stock watering**. Water has been put to beneficial use to the maximum extent as follows:

All in T17N-R1E:

Legal Description	Acres	Legal Description	Acres
NW¼SW¼ section 8	9	Lot 2 section 7	8
SW¼SW¼ section 8	8	Lot 3 section 7	5

comprising a total of **30** acres of land and the license should be issued for **0.42** cfs and **22** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **none** Date report completed: **December 6, 1996**


 Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

The map prepared as part of the onsite investigation is also serving as the application map submitted with the vested water right claim.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 21 1997

VR 1643-1

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

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 1643-1. 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 Program
(605) 773-3352

enclosures