

VESTED RIGHT

Water Right No. 251-1A

1. Considered: _____, 19____
2. Name of Applicant MOSELEY BROTHERS
3. Post Office Address Star Route, Box 107, Camp Crook, S.D. 57724
4. Amount of Water Claimed 2.39 maximum acre feet _____
5. Source of Water Supply Valley Creek, 4 dams
6. Water to be used for IRF. acres to be irrigated 467-181
7. County Harding about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received _____ Not Received _____
 APPLICATION: Approved 10-5-83 Subject _____
 Not Approved _____ Action Deferred _____

PRIORITY

Dated Received 7/22/83 Application complete-yes no _____ FEE 10.50

Remarks Inc C59-1 Dams #1 and #2 used since 1898 and Dams #3 and #4 used since 1952

Corrected Application received _____ Period of Annual Use 4/1 thru 10/31

WATER QUALITY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes _____ no _____ Remarks _____
not applicable

Disapproved _____ Returned _____

Diversion Points in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1 both in T18N-R1E and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31 both in T19N-R2E

Land to be Irrigated _____
NW $\frac{1}{4}$ Section 1; E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 2, T18N-R1E & S $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 36-T19N-R1E

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____
Remarks Dam #1, 20' high; Dam #2 16' high; Dam #3 15' high; & Dam #4 6' high
123 afa 40 afa 8 afa

Water Right No. _____

Page 2

MAP Map No. 251-1A Map located In Water Right xx Map file _____
Type of Map aerial & drawn Prepared by LeRoy Mernaugh DWNR

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete. Number assigned and written up for advertisement before the Board on:

7/22/83

Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS
F.F. & C.
OF LAW,
FINAL
DECISIONS
ETC.

Date Final Decision, including F.F. & C. of Law were adopted _____

Date Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____



No. 251-1A

Map No. 251-1A Water Division No. 1 Little Missouri District
 Above for Office Use 101p201

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New Vested Right Future Use

Change in Diversion Additional Diversion

Change in Acreage Additional Acreage

1. Name of Applicant Moseley Brothers Phone No. 797-4552
 Post Office Address Star Route, Bx 107, Camp Crook State South Dakota 57724
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 2.39
5. Source of water supply Valley Creek
6. Location of point of diversion Dam #1-2100'N, 3060'E of SW Corner Sec. 7, T18N, R2E. Dam #2-1750'S
800'E of N½ Corner Sec. 1, T18N, R1E. Dam #3-970'W, 200'S of E½ Corner Sec. 36, T19N, R1E.
Dam #4-600'E, 150'N of W½ Corner Sec. 31, T19N, R2E County Harding
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 167

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

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.

Two Storage Dams
 Two Diversion Dams

B. Works proposed to transport water to place of use.

Irrigation Supply Ditches

C. Works proposed to apply water to beneficial use.

Dikes, Spreader Dikes and Spreader Ditches for Flood Irrigation

NOTE: Water Right Filing #059-1 and an affidavit of water use are incorporated into this Vested Right Application

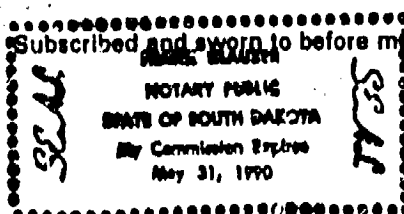
Estimated Total Cost \$ _____

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,)
) ss.
 County of Harding)

I, Moseley Bros. the applicants, 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 by Ben Thomas H. Moseley
18th day of July, 1983
Frank Kautzer
 Notary Public (or other qualified officer).



TO SCALE

R 2 E 19 N

R 1 E 19 N

2-2113

2-2113

T 19 N

31

SE 4-31-19-2

Thomas Moseley

NOT

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

State (Moseley)

870 Ac. Watershed

T 18 N

Map by J. H. Munnigh
5-12-23
Scale 1" = 660'
90 = 1 Mi.

R 1 E

T 18 N

Moseley Bros.

2100'

3060'

12 7
13 18

Point of Diversion
12" pipe / hd gate
Em. Station

Valley Creek
52,400 Ac. Watershed
2 dam in NW 5/8 Sec. 7.
= 21.88 Sections

App. # Map # 251-1A

Vested WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby ~~approves~~ ^{recognizes Vested} Water Right Application No. 251-1A

Maseley Bros.
(Applicant)
South Dakota
(State)

Star Rt, Box 107 Camp Crook
(Post Office Address)

With the following qualifications.

"Vested Right" claimed

The applicable portions of Water Right Filing No. 059-1 were incorporated into Vested Right No. 251-1A and the abandoned portions of Filing No. 059-1 have been cancelled.

Date of first receipt of application July 22, 1983
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
~~Recognized~~ October 5, 1983, Recorded in Book _____ Page _____

~~Approved~~ ^{Vested} WATER RIGHT PERMIT NO. 251-1A
~~grants and issues~~ ^{recognizes Vested} this Water Right Permit No. 251-1A ^{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 ~~Water Right Application approval~~, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 4, 1898 and 1952
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 to _____
5. The water appropriated ~~shall be~~ ^{is} 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 2.39 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~~ October 5, 1983; said water to be used during the following described annual period: April 1 thru October 31

Witness my hand this 28th day of October, 1983

THE WATER MANAGEMENT BOARD

By: John Hatfield
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____
Water License Issued November 15, 1983

Moseley Brothers

Acres Irrigated

T18 N, R1 E

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1	4 Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1	20 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1	29 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1	2 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2	10 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2	4 Acres

T19 N, R1 E

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	17 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	16 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36	11 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	17 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	31 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	13 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36	6 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36	1 Acre

TOTAL ~~167~~ Acres
181

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) _____

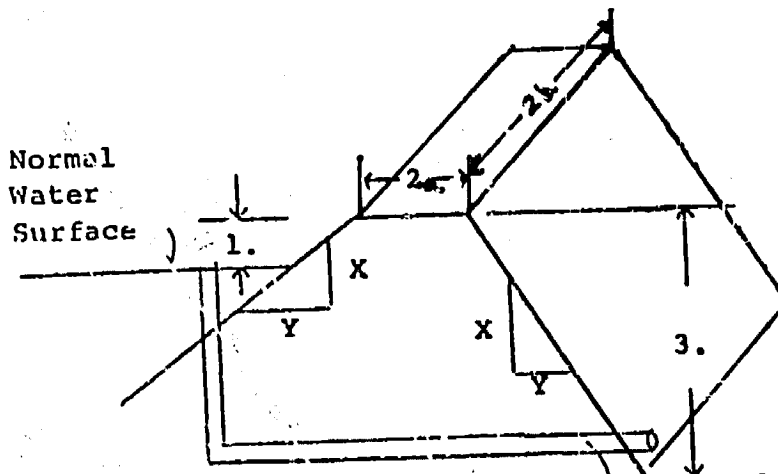
(2) Distance to nearest existing household or livestock watering well.

- 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.

DAM #1 NW 1/4 SE 1/4 Sec. 7, T18N, R2E.



- 1. Freeboard 4.0 ft
- 2. Crest width 12 ft & length 700 ft
- 3. Height of Dam 20 ft
- 4. Outlet dimensions: 12" smooth iron with Hd Gate
Pipe diameter _____
Spillway width 100'+
- X & Y slope:
Upstream 3:1
Downstream 2:1
- Surface area of impoundment 22.0 Acres
- Drainage area above dam 52,400 Acres

- DAM #2 SW 1/4 NE 1/4, Sec. 1, T18N, R1E
- Freeboard 4.0 ft.
 - Crest Width 12.0 ft.
 - Height 16.0 ft.
 - Outlet Pipe 15" cnp/Hd Gate
 - Spillway width 100 + ft.
 - Upstream 3:1
 - Downstream 2:1
 - Drainage above dam 870 Ac.
 - Pond Surface 10 Ac.
 - Water Depth 10'
 - Storage 10 x .4 x 10 = 40 Ac Ft

Water Depth 14 ft.
Storage - $22 \times .4 \times 14' = 123$ Ac Ft

Moseley

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 _____

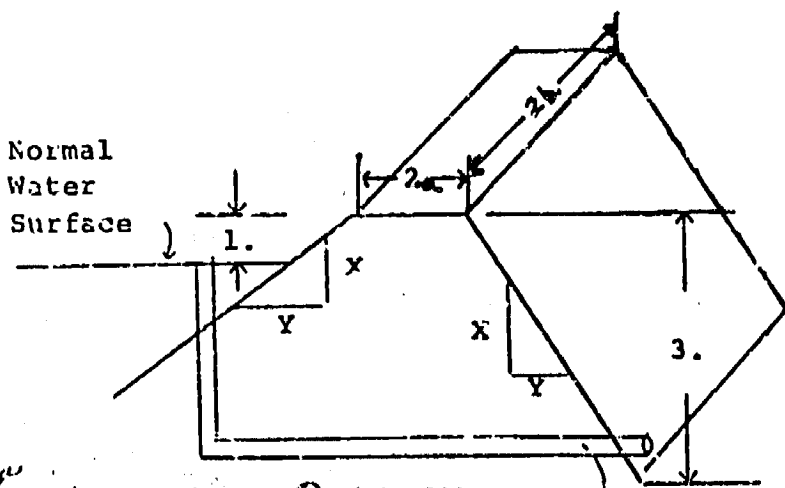
F. Fill out for Either a Well or a Dugout.

- (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.

DAM #3-NE1/4SE1/4 Sec. 36, T19N, R1E



- 1. Freeboard 3.0'
- 2. Crest width 14 ft, length 100 ft
- 3. Height of Dam 15 ft.
- 4. Outlet dimensions:
 - Pipe diameter none
 - Spillway width 50 ft. +
- X & Y slope:
 - Upstream 3:1
 - Downstream 2:1
- Surface area of impoundment 2.0 Acres
- Drainage area above dam 1130 Acres

See
 DAM #4 SW1/4NW1/4, Sec (6) T19N, R2E 31
 Height 6.0 ft.
 Length 300 ft.
 Drainage Area above dam - 350 Acre
 Diverts water from dry draw into
 irrigation supply ditch to irrigate 5.0 acres

Water Depth 10'
 Storage - $2 \times .4 \times 10 = 8$ A.F.
 Area irrigated by emergency spillway flows.

Moseley Brothers

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) Moseley Brothers

Post Office Address Star Route, Box 107, Camp Crook, State South Dakota 57724

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting October 4, 1898 Date of Recording October 29, 1898

Recording Data _____

14. Date of start of construction of water supply system October 7, 1898

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

16. Name of owner of original water supply system James Browning

17. Amount of water originally applied to beneficial use 20 c. f. s. Est.

18. Present Use of Water

Amount of water now being used 7.0 c. f. s.

Date that this amount of water was first used 1951 when replacement dam built in the SE 1/4 Section 7, T18N, R2E

19. Chronological History of Water Use

- 1898 James Browning started construction of system
- 1899 James Browning started Irrigation
- 1918 Graenup Moseley obtained property and continued to irrigate
- 1919 Tom Moseley obtained property and continued to irrigate
- 1951 Replacement dam constructed
- 1976 Moseley Brothers purchased the property and have continued to use the irrigation system

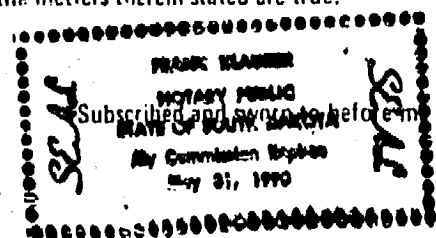
NOTE: There are two dams involved in Water Right Filing #059-1. A dam in the SE 1/4 of Section 7, T18N, R2E and a dam in the SW 1/4 NE 1/4 Section 1, T18N, R1E. Both have been used since 1899.

Attach to this Form 28, 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, Moseley Bros., the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Moseley Bros. by Thomas H. Moseley



this 18th day of July, 1983

Frank Klauer
(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.

Moseley Bros. by Thomas H. Moseley

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) Moseley Brothers

Post Office Address Star Route, Box 107, Camp Crook, State South Dakota, 57724

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Data _____

14. Date of start of construction of water supply system 1952

15. Date that water was first applied to beneficial use 1952

16. Name of owner of original water supply system Tom Moseley

17. Amount of water originally applied to beneficial use 10 c. f. s. Est.

18. Present Use of Water

Amount of water now being used 10 c. f. s.

Date that this amount of water was first used 1952

19. Chronological History of Water Use

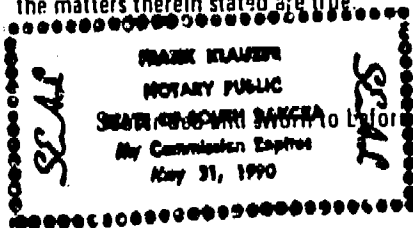
1952 Tom Moseley constructed two dams to divert water to irrigate two small areas in Section 36, T19N, R1E.

1976 Moseley Brothers purchased the land and have continued to use the irrigation 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) s.

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



Signed Moseley Brothers
Moseley Brothers Thomas H. Moseley

me this 18th day of July, 19 83

Frank Klauer
(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.

Moseley Brothers Thomas H. Moseley

Permit No. 251-1A

1 Little Missouri River Water District 10110201

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 Moseley Bros.
Star Rt. Box 107. Camp Crook S.Dak. 57724 holder of

Permit No. 251-1A, bearing the priority of October 21, 1899 and 1952 authorizing

the diversion of 2.59 cu. ft. per second of the waters of Little Missouri River, Valley Creek and Dry Draws.
for Irrigation purposes, in Harding County.

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

- A. Works used to divert the water:
Pumps from Little Missouri River, Engine = 70 HP. Oliver Dixst. with Berkeley 370 A pump. pumps 1000 gpm. Ford. 6 cyl. gasoline engine with Gorman-Rupp pump. pumps 1500 gpm.
- For Dams. Information on these dams are found on Form #WNR-802A0-7/79.
- B. Works used to transport water to place of use: unvested Right Application
Irrigation Supply Ditches
Aluminum Pipe 6" diameter
- C. Work used to apply water to beneficial use:
D. Kets + Ditches for Flood Irrigation
portable sprinkler system

The system is in the following condition Good

The point of diversion is located See Reverse side of this Form 12

The works are capable of diverting and conveying to the place of use 20 +

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 Sheet

comprising a total of 181 acres of land and the license should be issued for _____ cfs

Applicable permit qualifications have been complied with Yes No

Exceptions to compliance are: _____ Date August 13, 1982

LeRoy J. Merrinugh
(signature)

Location of Diversion Points .

Dam #1 = 2100' N and 3060' E of SW Cor Sec. 7, T18N R2E

Dam #2 = 1750' S and 800' E of N $\frac{1}{4}$ Cor Sec. 1, T18N R1E

Dam #3 = 970' W and 200' S of E $\frac{1}{4}$ Cor Sec. 36, T19N R1E

Dam #4 = 600' E and 150' N of W $\frac{1}{4}$ Cor Sec. 31, T19N R2E

On Little Missouri River Between pt "A" 150' E of the
W $\frac{1}{4}$ Cor Sec. 1, T18N R1E and Pt "B" 450' E of the
W $\frac{1}{4}$ Cor Sec. 36, T19N R1E.

MOSELEY BROTHERS

Water Right Permits No. 251-1

251-1A
251-1B

This is an explanation for dividing Water Right Permit No. 251-1 into three areas of irrigation.

Water Right Permit No. 251-1 was the original Permit. It was to irrigate from the Little Missouri River. These areas were scattered up and down the river at considerable distances apart. In order to make the permits more workable the permit was divided into three areas.

Number 251-1 was the original permit. It is now the numbered permit for Section 19, T19N, R2E.

Permit No. 251-1A is a Vested Right permit based on Water Right Filing No. 059-1 and irrigates from Valley Creek and also from dry draws. This is to irrigate areas in section 1, and 2, T18N, R1E and Section 36, T19N, R2E. This same area can also be irrigated from the Little Missouri River in accordance with Water Right Permit No. 251-1.

Permit No. 251-1B is a Vested Right based on Water Right Filing No. 0255-1, from Gallup Creek to irrigate areas in Sections 21, 22, 27 and 28, T21N, R2E. The same area can be irrigated from the Little Missouri River in accordance with Water Right Permit No. 251-1.

Le Roy J. Mernaugh

Moseley Brothers
Star Rt. Box 107
Camp Crook - D. D. 57724

059-1

IN USE FOR V/R

Pre-emption of Right of Way and Location of Water.

To Whom These Presents May Concern: Know ye, that I James Browning of Camp Crook County of Harding in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to dam and store all the water that may flow down a dry water course generally known as Valley Creek having its source in the short pine Hills and flowing into the Little Missouri River on section 1 in township 18 North of Range 1 East B. H. M. in said Harding County. Said dam to be located on said water course at a point from which the $\frac{1}{4}$ Sec corner east of Section 12 bears east 15° north 835 feet distant. I also claim and have a valid right to all the water that may flow down said Valley Creek for irrigating purposes and to construct canals and flumes in a northwesterly direction to convey such water through and over sections 1 & 12 of Township 18 N of Range 1 E to and upon lot No 12 and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28 in Township 19 N of Range 1 East B.H.M. there to terminate I also claim the right to use as a part of said canal small dry creek running in a westerly course through the section one aforesaid and to build a dam and reservoir on said creek at a point from the $\frac{1}{4}$ section corner north of said section bears north 24° west 1925 feet distant, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining. Witness my hand and seal this 29 day of October 1898 .

James Browning.

Notice posted on land October 4, 1898.

Canal commenced at dam Oct. 7, 1898.

State of South Dakota, }
County of Butte. } ss

On this 29 day of October 1898, before me H. E. Thompson, Clerk of the Circuit Court, in and for the County and State aforesaid, personally appeared James Browning, to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and

State of South Dakota

VESTED Water License No. 251-1A

(1) Moseley Brothers

of Star Route, Box 107, Camp Crook, South Dakota 57724

Vested Right made Application No. 251-1A, July 22, 1983 for a Vested Water Right water permit to appropriate

2.59 cubic feet per second of water from Valley Creek and dry draws

Harding County, South Dakota for Irrigation purposes.

Vested Right permit No. 251-1A, with X priority dates of October 4, 1898 and 1952*

was approved recognizing October 5, 1983 and issued to applicant(s) for diversion of water 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

* The priority date of October 4, 1898 recognizes irrigation of 169 acres and diversion of 2.42 cfs of water from Valley Creek.

The priority date of 1952 recognizes irrigation of 12 acres and diversion of .17 cfs of water from dry draws.

The lands covered under Water Right No. 251-1, diverting from the Little Missouri River, with a priority date of November 15, 1952, at a rate of 2.25 cfs, are also included in this Vested Right License No. 251-1A. Combinations of diversions from the Little Missouri River as authorized by Water Right No. 251-1 and Valley Creek and dry draws recognized under Vested Right 251-1A shall not exceed 1.00 cfs for every 70 acres irrigated (2.59 cfs). A pumping rate of 2.25 cfs from the Little Missouri River is applied to Water Right No. 251-1, Vested Right Nos 251-1A and 251-1B. The 2.25 cfs is limited to only one of the above numbered water rights at any one time.

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 2.59 cubic feet per second of water

for beneficial use. The location of the diversion point(s) are Dam #1 - 2100'N, 3060'E of SW Corner

Section 7, T18N, R2E (DB), Dam #2 - 1750'S, 800'E of N 1/2 Corner Section 1, T18N, R1E (AC)

Dam #3 970'W, 200'S of E 1/2 Corner, Section 36, T19N, R1E (DA); Dam #4 - 600'E, 150'N

of W 1/2 Corner, Section 31, T19N, R2E (BC); on Little Missouri River between Point "A" -

150'E of the W 1/2 Corner (BB) Section 1, T18N, R1E and Point "B" - 450'E of the W 1/2 Corner

(BC) Section 36, T19N, R1E

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,

T18N, R1E		T19N, R1E	
Section 1	NW1/4 4 Acres (BB)	Section 36	SW1/4 17 Acres (BC)
	NE1/4 20 Acres (BA)		SE1/4 16 Acres (BD)
	SW1/4 29 Acres (BC)		SE1/4 NE1/4 11 Acres (AD)
	SE1/4 NW1/4 2 Acres (BD)		NW1/4 SW1/4 17 Acres (CB)
Section 2	NE1/4 NE1/4 10 Acres (AA)		NE1/4 SW1/4 31 Acres (CA)
	SE1/4 NE1/4 4 Acres (AD)		SE1/4 SW1/4 13 Acres (CD)
			NW1/4 SE1/4 6 Acres (DB)
			NE1/4 SE1/4 1 Acre (DA)
		TOTAL	181 ACRES

(4) Pursuant to §46-5-30.1 Moseley Brothers of Star Route, Box 17, Camp Crook, South Dakota the holder(s) and/or owner(s) of Vested Right Water Permit No. 251-1A is issued a license to appropriate water, the right to use 2.59 cubic feet per second of water from Valley Creek and drydraws with a priority date of October 4, 1896 and 1952 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. 251-1A and subject to South Dakota State Law.

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

November 15, 1982

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Fosc Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

June 9, 1983



Moseley Bros
ATTN: Tom Moseley
Star Rt, Box 107
Camp Crook SD 57724

Dear Mr. Moseley:

Enclosed are completed application forms for two vested rights. Each application has two Form 2, "Application for Permit", one copy of each Form 2B "Affidavit of Water Use", two copies of Form 2A for the storage and diversion-dam information. Please check all of these forms for accuracy and make any corrections necessary. Then sign all of the forms and have them notarized, then return to this office with a check for \$21.00 to cover the cost of the examining and the license for the two applications (\$10.50 for each).

Enclosed also are maps for each application. Please check these over for accuracy. If you make any changes on these maps, return them with the application forms in order that we may correct our office copy. If there are no changes on the maps you may keep them for your files.

You may also keep the copies of Water Right Filings No. 059-1 and 0255-1 for your use and information.

After approval of these two vested right applications by the Water Management Board we will then relicense Permit No. 251-1 into 3 separate areas.

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

Sincerely,

LEROY STRAUGH
Water Rights Engineer

LJM:k

enclo:

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 9300

July 22, 1983

PIERRE, _____ 19__

RECEIVED OF Moseley Bros., Thomas H. Moseley, Star Route, Box 107, Camp Crook, SD 57724
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>251-1A</u> (examination, processing, recording and filing) _____	8	00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____	2	50
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	10	50

WATER RIGHTS COMMISSION

By Jahn Habel
Chief Engineer, Executive Officer
JAH:ms

No. 251-1A

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

February 29, 1984

Moseley Brothers
Star Route, Box 107
Camp Crook, South Dakota 57724

Dear Sirs:

Enclosed herewith are your Vested Right Permit, Water License No. 251-1A. 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:

enclosures

The applicable portions of Water Right Filing No. 059-1 were incorporated into Vested Right No. 251-1A and the abandoned portions of Filing No. 059-1 have been cancelled.

South Dakota

GREAT LACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE LOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 7, 1991

251-1
251-1A
251-1B

Max W Moseley
HC 66 Box 108
Camp Crook, SD 57724

Dear Mr. Moseley:

Enclosed, as you requested, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 251-1 and Vested Right Nos. 251-1A and 251-1B. They are currently listed in the name of Moseley Brothers.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

251-1A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 25, 1992

SECOND NOTICE
PERMIT NO. 251-1
251-1A
251-1B

Max W. Moseley
HC 66, Box 108
Camp Crook, SD 57724

Dear Mr. Moseley:

On November 7, 1991, notice was sent to you concerning the transfer of Water Right Nos. 251-1, 251-1A and 251-1B in the name of Moseley Brothers. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, total of \$7.50. The rights can then be transferred to your name. If you are not the present owner of the land covered under these rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

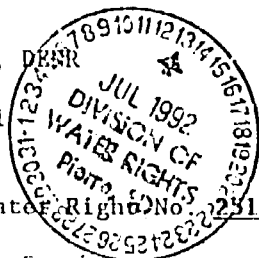
RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DWR
523 E. Capitol
Pierre, SD 57501-3181

No. 251-1A



Date: 10 July 1972

I/We request that Vested Water Right No. 251-1A

formerly owned by: Moseley Brothers

be transferred to: (name & address) Max W Moseley HC 66 Box 105
Camp Creek SD 57724 (Telephone No.) 797-4432

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

NW 1/4 Section 1, E 1/2 NE 1/4 Section 2, T18N, R1E; S 1/2 NW 1/4, SE 1/4 NE 1/4,
N 1/2 SW 1/4, SE 1/4 SW 1/4, N 1/2 SE 1/4, Section 36, T19N, R1E

I/We understand that the validity of Vested Water Right No. 251-1A has not been determined by this transfer action. IF I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Harding)

I/We Max W Moseley being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Max W Moseley
(Signed)

Subscribed and sworn to before me this 10 day of July, 19 72.

Paul E Turbinelle
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

L

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____ July 17, 1937

RECEIVED OF Max E. Moseley, 100 66 Box 100, Camp Crook, SD 57721

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 251-1A</u>	2	50
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	2	50

By [Signature]
Chief Engineer



251-1A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 15, 1992

No. 251-1
251-1A
251-1B

Max W. Moseley
HC 66, Box 108
Camp Crook, SD 57724

Dear Mr. Moseley:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 251-1, and Vested Water Right Nos. 251-1A and 251-1B.

Our records now show you as the owner of Water Right No. 251-1, and Vested Water Right Nos. 251-1A and 251-1B.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

SOUTH DAKOTA

251-1A

VESTED WATER RIGHT NO. 251-1A FOR IRRIGATION

Date of Receipt of Claim July 22, 1983.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 251-1A for irrigation purposes for Moseley Brothers, Star Route, Box 107, Camp Crook SD 57724 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 251-1A appropriates 2.42 cubic feet of water per second (cfs) from Valley Creek to irrigate 169 acres and appropriates 0.17 cfs from dry draws to irrigate 12 acres. The Valley Creek diversion points are located in the NW1/4 SE1/4 section 7-T18N-R2E (storage dam - 123 acre feet capacity) and in the SW1/4 NE1/4 section 1-T18N-R1E (storage dam - 40 acre feet capacity) and the dry draw diversion points are located in the NE1/4 SE1/4 section 36-T19N-R1E (storage dam - 8 acre feet capacity) and in the SW1/4 NW1/4 section 31-T19N-R2E (diversion dam - no storage). The irrigated acreage is located in the NW1/4 section 1; E1/2 NE1/4 section 2; all in T18N-R1E; S1/2 NW1/4, N1/2 SW1/4, SE1/4 SW1/4, NW1/4 SE1/4, NE1/4 SE1/4 (dry draw), SE1/4 NE1/4 (dry draw) section 36-T19N-R1E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority dates of the Vested Water Right are:
October 4, 1898 for 169 acres irrigated from Valley Creek
January 1, 1952 for 12 acres irrigated from dry draws
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. 059-1 were incorporated into Vested Right No. 251-1A and the abandoned portions of Filing No. 059-1 have been cancelled.

WATER MANAGEMENT BOARD

By: John Hatch MAR 18 1993
 Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Irrigation of acreage covered by Vested Water Right No. 251-1A may also be irrigated from the Little Missouri River with a diversion rate of 2.25 cfs as authorized by Water Right No. 251-1 with a priority date of November 15, 1952.

251-1A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 18 1993

251-1A
251-1B

Moseley Brothers
Star Route, Box 107
Camp Crook SD 57724

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right Nos. 251-1A and 251-1B. This validation gives legal status to the claims and is the final document for your vested rights.

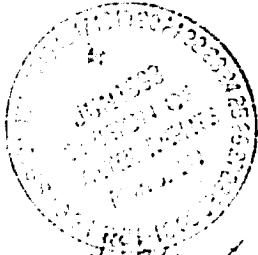
As long as you use the water beneficially, as stated in the validations, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



Department of Environment

251-1A
Max W Moreley
HC 66 Box 108
Camp Creek SD
57724

Dear John Hatch,

I am returning these water rights to have them changed. In July of 1992 I paid \$1.50 to have them transferred to my name. I wonder if you could find someone in that country who could make the right information in your computer.

Thank you
yours truly

Max W Moreley
HC 66 Box 108
Camp Creek SD
57724



251-1A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 21, 1993

Max W Moseley
HC 66, Box 108
Camp Crook SD 57724

Dear Mr. Moseley:

This letter is in response to your correspondence received on June 17, 1993, concerning ownership of Vested Water Right Nos. 251-1A and 251-1B. We do have your transfer of ownership on record for Nos. 251-1A and 251-1B and the vested rights are now in your name.

The Water Management Board validated the vested rights on September 27, 1989, while the vested rights were still in the name of the Moseley Brothers. The name of the owner on our records at the time of validation by the Board is the name listed on the enclosed vested rights. The transfer of ownership form was received on July 13, 1992. Unfortunately, a long period of time passed between the Board validation and getting the vested rights issued which has resulted in this confusion. I apologize for not addressing the vested right cover letter correctly and for any inconvenience this may have caused.

Please keep the enclosed vested rights for your records. The name on the vested rights only reflects ownership at the time of validation. The vested rights are now in your name. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

NOT TO SCALE

1980
~~1978~~



Lot 1 1.101
NE 1/4 NE 1/4
2 18-1
10 AC. Alice Moseley (Tom)

Lot 3
NE 1/4 NW 1/4
4 AC. 20 AC.
Borders
Tom Moseley (Tom)

Lot 6 18-2
16.0
SW 1/4 NW 1/4
Borders
Alice Moseley (Tom)
29 AC.

SE 1/4 NW 1/4
18-1
Alice Moseley (Tom)

NE 1/4 SW 1/4
- 1-18-1
Alice Moseley (Tom)

T
18
N

R 18
E

Storage Dam
15" CMP/rd. Gate

Em. Spillway

Storage Dam
12" CMP / rd. Gate
Canal.

Div. Pt. "A"
150'

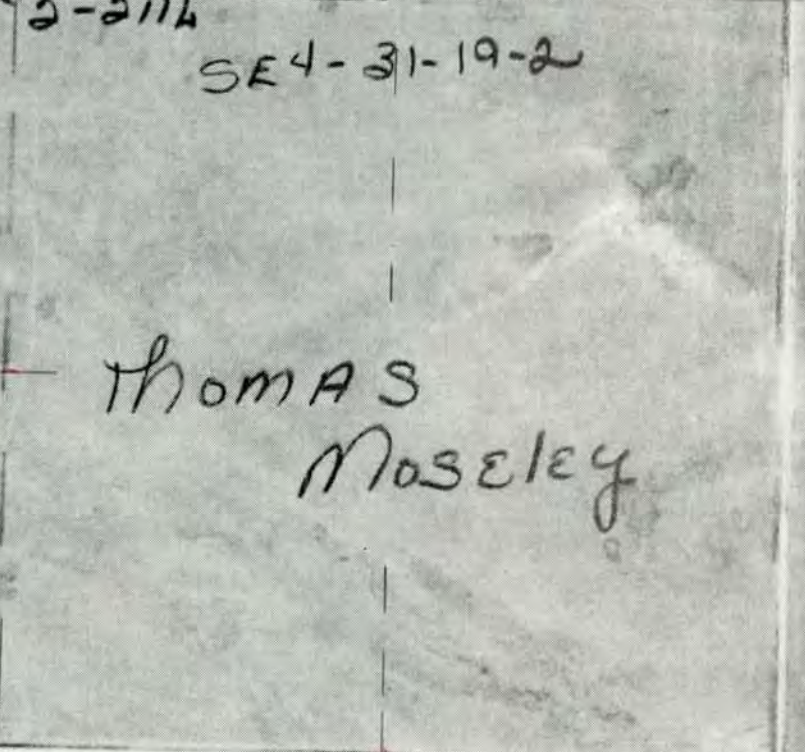
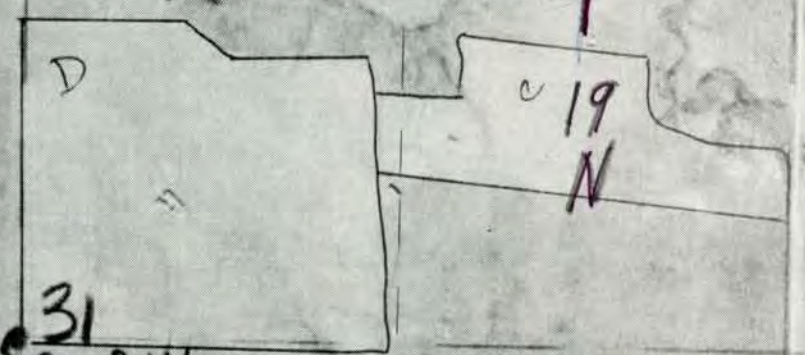
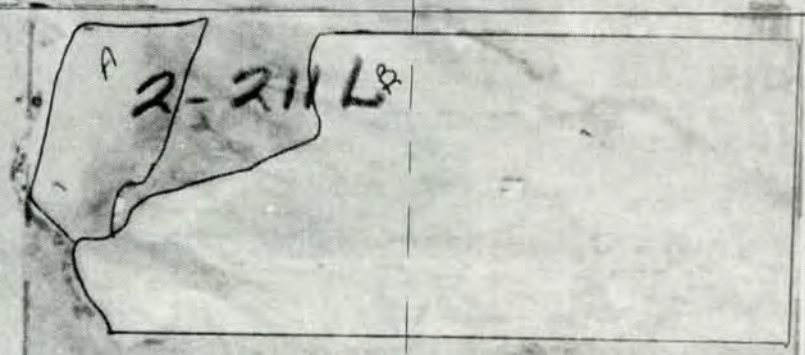
Dam
12" CMP
with rd. Gate

18

NOT TO SCALE

1980
~~1979~~

R 2 E
19-2



Lot 3 (38.88 A)
31-19-2

THOMAS MOSELEY

thomas MOSELEY

Diversion Dam
6 ft High

150'

350 Ac. Watershed

600'

Lot 4 - 38.88 A
31-19-2

thomas MOSELEY

Dam # 4
Diversion Point
600' E & 150' N of
W 1/4 Cor Sec. 31
T 19 N R 2 E

E 2. SW 1/4 31-19-2

thomas MOSELEY

Lot 5 - 38.96 A
31-19-2

thomas MOSELEY

thomas MOSELEY

31
6

Dear Sirs
Notes:

I have sold my
Ranch to my daughter
and son-in-law, Deann
and Marjorie Brummisen
I was wondering what
would have to do to
transfer water rights
to them?

Thank you

Max W Moreley

RECEIVED

NOV 28 2007

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 20, 2007

No. 251-1
251-1A
251-1B

Max W Moseley
Box 86
Camp Crook SD 57724-0086

Dear Mr. Moseley:

Thank you for returning the Irrigation Questionnaires. The note attached with the questionnaires indicated a change in ownership. Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 251-1, 251-1A and 251-1B which are currently listed in your name.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$7.50 total). Please forward these forms to your daughter and son-in-law.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
FEB - 6 2008
WATER RIGHTS PROGRAM

No. 251-1A

Date: 2-3-08

I/We request that Water Right No. 251-1A

formerly owned by: Max W Moseley

be transferred to: (name & address) Dean and Maxine Rasmussen
Hc 66 Box 108
Camp Crook, SD 57724 Telephone No. (605) 797-4615

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

181 acres - NW 1/4 Sec 1, E 1/2 NE 1/4 Sec 2, SW 1/4 NW 1/4, SE 1/4 NE 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4,
N 1/2 SE 1/4 Sec 36; all in T19N-R1E

I/We understand that the validity of Water Right No. 251-1A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dean and Maxine Rasmussen the new owner, certify that the above information is true and correct.

Dean Rasmussen Maxine Rasmussen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/6, 20 08

RECEIVED OF Max Moseley PO Box 86 Camp Creek SD 57724

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>251-1A</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

13004

By

Richard Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2008

251-1
251-1A
251-1B

Dean & Maxine Rasmussen
HC 66 Box 108
Camp Crook SD 57724

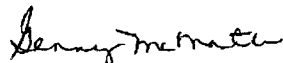
Dear Mr. & Mrs. Rasmussen:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Right Nos. 251-1, 251-1A and 251-1B. The transfers have been completed. The water rights formerly held by Max Moseley are now listed in your names.

Enclosed are Receipt Nos. 03482, 03504 and 03505 in the amounts of \$2.50 each. Please give these to Max for his records.

If you have any questions, please contact me.

Sincerely,


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

enclosures