

VESTED RIGHT 251-1B
Water Right No. _____

1. Considered: _____, 19____
2. Name of Applicant MOSELEY BROTHERS
3. Post Office Address Star Route Box 107, Camp Crook 57724
4. Amount of Water Claimed 154 2.2 maximum acre feet _____
5. Source of Water Supply Gallup Creek one dam
6. Water to be used for IRR acres to be irrigated 154
7. County Harding about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received _____ Not Received _____
- APPLICATION: Approved 10-5-83 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY _____

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

Remarks Inc 0255-1

Corrected Application received _____ Period of Annual Use 4/2 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 Point _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27-T21N-R2E

Land to be Irrigated _____

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22;

W $\frac{1}{2}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27; NE $\frac{1}{4}$ NW $\frac{1}{4}$;

N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28 all in

T21N, R2E

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks one 25' dam with 120 AF Storage

Water Right No. _____

MAP Map No. 251-1B Map located In Water Right xx Map file _____
Type of Map aerial and drawn Prepared by LeRoy Meruaugh

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
B. J. Westlund
(Signed)

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

REMARKS Date
F.F. & C. Final Decision, Including F.F. & C. of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

No. 251-LBMap No. 251-LB Water Division No. 1 Little Missouri District
Above for Office Use 10110201

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

Check one of the following:

Now _____ Vested Right X Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Moseley Brothers Phone No. 797-4552Post Office Address Star Route, Box 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) 2.25. Source of water supply Gallup Creek6. Location of point of diversion 780' E & 520' N of W 1/2 Corner Section 27, T21N, R2E S.W. 1/4County Harding7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 154

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 LIST	

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.

Storage Dam with 2-24" CMP with headgates 1-18" CMP with headgates

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

Irrigation Supply Ditches

NOTE: Water Right Filing No. 0255-1 and an affidavit of water use are incorporated into this permit.

C. Works proposed to apply water to beneficial use.

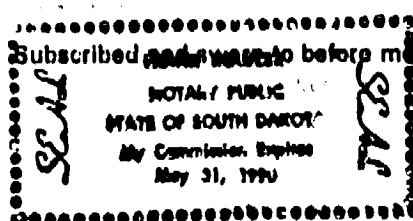
Dikes and ditches for flood irrigation

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
County of Harding) ss.I, Moseley Bros. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true, and that I intend, and am able to complete the necessary construction.Signed Moseley Bros. by Thomas H. Moseley
this 18th day of July, 1983

Notary Public (or other qualified officer).



office copy

Moseley Bros.

Map by Lloyd J. Mennigh

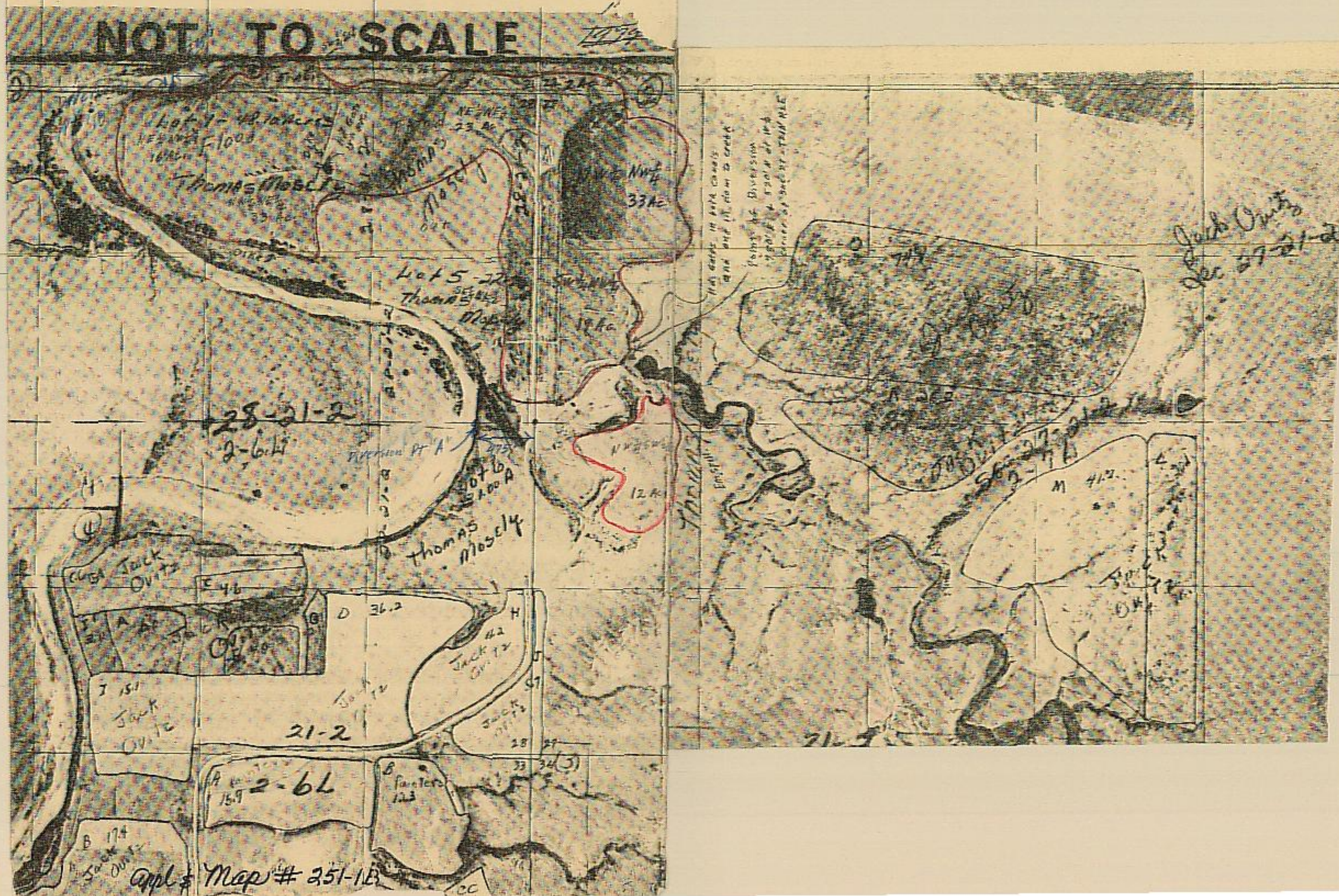
Scale 1" = 660'

8" = 1 Mile

154 Ac.

4300 Ac. Watershed above dam

NOT TO SCALE



Vested WATER RIGHT APPLICATION APPROVAL

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

Moseley Brothers

(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. 0255-1 were incorporated into Vested Right No. 251-1B and the abandoned portions of Filing No. 0255-1 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~~ Approved October 5, 1983, Recorded in Book _____ Page _____

~~Recognized~~ Approved October 5, 1983, Recorded in Book _____ Page _____

The Water Management Board hereby ~~grants and issues this~~ ^{recognizes} Vested Water Right Permit No. 251-1B ^{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 April 1, 1905
2. ~~The equivalent of at least one fifth of the work above specified is to be completed on or before~~
3. The whole of said work is ~~to be completed on or before~~
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 used for the purpose of~~ is 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 2.2 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 Hatch
Chief, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Moseley Brothers

Vested Right

Area Irrigated all in T21N R2E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21	5 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21	5 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22	2 Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27	33 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27	19 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27	12 Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28	6 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28	33 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28	23 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28	<u>6 Acres</u>
TOTAL	154 Acres

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) _____

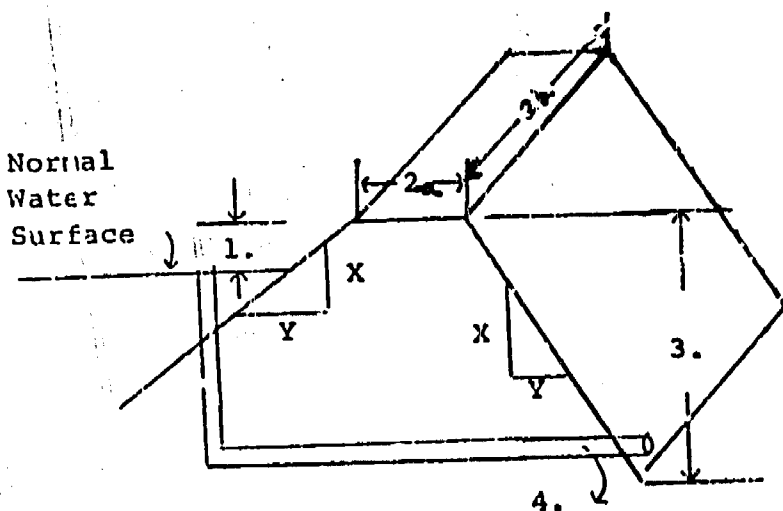
- (2) Distance to nearest existing household or livestock watering well.

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.



$$15 \times .4 \times 20' = 120 \text{ A.F.}$$

1. Freelboard _____ 4.00 ft.
2. Crest width _____ 14' _____ length _____ 900'
3. Height of Dam _____ 25 ft.
4. Outlet dimensions: 1-18" CMP/Hd Gates
Pipe diameter _____ 2-24" CMP/Hd Gates
- Spillway width _____ 200 ft.
- X & Y slope: _____ 4:1
Upstream _____
Downstream _____ 2:1
- Surface area of impoundment _____ 15 Acres
- Drainage area above dam _____ 4300 Acres

Storage _____ 120 A.F.

max w mowley

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

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 Desert Claim Property

13. Notice of Appropriation (If available)

Date of Posting April 1, 1905 Date of Recording April 10, 1905
Recording Date _____

14. Date of start of construction of water supply system April 1, 190515. Date that water was first applied to beneficial use 190516. Name of owner of original water supply system Alice A. Moseley17. Amount of water originally applied to beneficial use 40 c. f. s.

18. Present Use of Water

Amount of water now being used 40 c. f. s.Date that this amount of water was first used 1947 when dam was rebuilt

19. Chronological History of Water Use

1905 Alice W. Moseley started construction of the project

1906 Water was put to beneficial use for irrigation

1922 Thomas Moseley obtained the property and continued to irrigate off & on.

1947 The dam was rebuilt and the system was upgraded. The system has been in continual use since it was rebuilt.

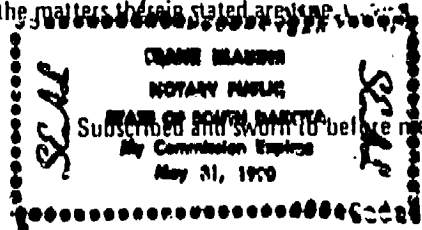
1976 Moseley Brothers obtained the property and have continued use of the system.

NOTE: Water Right Filing No. 0255-1 basis for this Vested Right Application.

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 Hordine)

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

Signed Moseley Bros.18th day of July, 1983
Donah Klauzer
(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

State of South Dakota
Water License No. 251-1B

(1) Moseley Brothers
of Star Route, Box 107, Camp Crook, South Dakota
Vested Right made Application No. 251-1B Jan / 22, 1983 for a Vested Water Right water permit to appropriate
2.20 cubic feet per second of water from Gallup Creek

Harding County, South Dakota for Irrigation purposes.
Vested Right No. 251-1B, with a priority date of April 1, 1905
recognized recognizing
was approved October 5, 1983 and issued to applicant(s) for diversion of water for construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on _____

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 Water License No. 251-1B. Combinations of diversions from the Little Missouri River as authorized by Water Right 251-1 and from Gallup Creek recognized under Vested Right No. 251-1B shall not exceed 1.00 cfs for every 70 acres irrigated, (2.20 cfs).

A pumping rate from the Little Missouri of 2.25 cfs is applied to Water Right No. 251-1 and Vested Right Nos. 251-1A and 251-1B. The 2.25 cfs can be applied to only one of the above 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 2.20 cubic feet per second of water for beneficial use. The location of the diversion point(s) is on Gallup Creek 780'E and 520'N of W $\frac{1}{2}$ Corner, Section 27, T21N, R2E (BC); on Little Missouri River between points "A" 475'W of E $\frac{1}{2}$ Corner (DA) Section 28 and Point "B" 275'W of N $\frac{1}{2}$ Corner (BA) Section 28, T21N, R2E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T21N, R2E

Section 21 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 Acres (DD)

Section 22 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 2 Acres (CC)

Section 27 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33 Acres (BB)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19 Acres (BC)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 Acres (CB)

Section 28 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16 Acres (BA)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 Acres (AB)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23 Acres (AA)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 Acres (AD)

TOTAL 154 ACRES

(4) Pursuant to §46-5-30.1 Moseley Brothers

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

Vested Water Right

the holder(s) and/or owner(s) of Water Right No. 251-1B is issued a license to appropriate water, the right to use

2.20 cubic feet per second of water from Gallup Creek with a priority date

of April 1, 1905 from the location specified in (2) of this license. The water to be

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

Vested Water Right

This license is subject to any limitations or qualifications listed in Water Right No. 251-1B and subject

to South Dakota State Law.

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

JOHN HATCH

November 15, 1983

Permit No. 257-1B

I 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, DWRN, 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. 251-1B, bearing the priority of April 1 1905 authorizing
the diversion of 2.2 cu. ft. per second of the waters of Little Missouri River & Gallup Creek.
for Irrigation purposes, in Harding County.

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

- have to report on the conditions of the same as follows:
- A. Works used to divert the water: Storage Dam with 2-24" CMP / Hd Gates.
1-18" CMP / Hd Gate.
Pump from Little Missouri River - Engine 70 H.P. Oliver Diesel engine with
Berkeley 370 A pump. Pumps 1000 gpm.
Engine - Ford 6 Cyl. Gasoline with ~~engine~~ Gorman - Rupp - pump - pumps 1500 gpm.
- B. Works used to transport water in place of use:
Irrigation Supply Ditches
6" Diameter Aluminum Pipe
For dam information see
Form WNR-802-7/99
- C. Works used to apply water to beneficial use:
Dikes and ditches for Flood Irrigation
Portable Sprinkler System

The system is in the following condition Good

The point of diversion is located 780' E + 520' N of W $\frac{1}{4}$ Cor Sec. 27. for dam. On Little Missouri River Between Pt. "A" 475' W of E $\frac{1}{4}$ Cor Sec. 28 and Pt. "B" 275' N of N $\frac{1}{4}$ Co. Sec. 28. All in T21N R2E

The works are capable of diverting and conveying to the place of use 40 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: All in T21N 12E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21 = 5 Ac.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ - Sec. 27 = 19 Ac.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 = 23 Ac.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 21 = 5 Ac.	NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 27 = 12 Ac.	SE $\frac{1}{4}$ NE $\frac{1}{4}$ " 28 = 6 Ac.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ " 22 = 2 Ac.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ " 28 = 16 Ac.	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ " 27 = 33 Ac.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ " 28 = 33 Ac.	

comprising a total of 154 acres of land and the license should be issued for 2.2 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date August 18, 1952

Le Roy J. Mernagh
(signature)

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

0255-1

Moseley Bros.
For Vested Right

COPY.

PRE-EMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY COME, Know ye, that I Alice A. Voseley of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Galop Creek stream to the west of Section 21, 22, 27 and 28 in Township 21 N. of Range 2 S. B.H.W. more particularly described as follows: Commenced by a line located about 550 feet west and 300 feet south of the centre of section 27 in Township 21 N. Range 2 S. B.H.W. and a ditch from said line to and upon $3\frac{1}{4}$ $8\frac{1}{4}$ Sec. 22, $8\frac{1}{4}$ $8\frac{1}{4}$ and Lot 14, Sec. 21 N. $8\frac{1}{2}$ $8\frac{1}{4}$ and $8\frac{1}{4}$ $8\frac{1}{4}$ Sec. 27 Lots 5-6 Sec. 28, Twp. 21 N. R. 2 S. B.H.W.

I also claim and have a valid right to the enjoyment or use of 3000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances, thereunto belonging or in anywise appertaining.

Witness my hand and seal this 10 day of April A.D. 1905.

Alice A. Voseley.

Notice posted on street April 1st, 1905.

Ditch commenced at stream April 1st, 1905.

State of South Dakota } ss.
County of Butte

On this 10 day of April 1905 before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Alice A. Voseley to be personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.

(884L)

John Thompson, U.S. Commissioner

RECEIPT

WATER RIGHTS COMMISSION

No 4 9299

State of South Dakota

July 22

83

PIERRE,

18

RECEIVED OF Moseley Brothers, Thomas R. Moseley, Star Rt, Box 107, Carr 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. 251-1B (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

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH MS

No. 251-1B

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

February 29, 1984

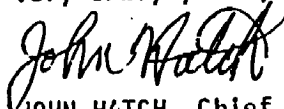
Moseley Brothers
Star Route, Box 107
Camp Crook, South Dakota 57724

Dear Sirs:

Enclosed herewith are your Vested Right Permit, Water License No. 251-1B.
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 Filing No. 0255-1 were incorporated
into Vested Right No. 251-1B and the abandoned portions of Filing No. 0255-1
have been cancelled.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

251-1
251-1B

MOSELEY BROS
BUFFALO RT BOX 2
CAMP CROOK, SD 57724

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

251-1B

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)			MOSLEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BURGHDUFF		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	HEGGEN		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

South Dakota

GREAT LACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS 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

251-1B



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,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 251-1B

Date: 10 July 1992

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

formerly owned by: Moseley Brothers

be transferred to: (name & address) Max W Moseley HCC6 Box 107

Camp Creek SD 57724 (Telephone No.) 797-4482

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

154 acres - S 1/2 SE 1/4 Section 21, SW 1/4 SW 1/4 Section 22, W 1/2 NW 1/4, NW 1/4 SW 1/4
Section 27, NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 28, T21N, R2E

I/We understand that the validity of Vested Water Right No. 251-1B 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 92.

Paul E Turville
(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.

RECEIPT

Division of Water Rights

443296

South Dakota Department of Water and Natural Resources

Pierre, July 13, 1992

RECEIVED OF Max W Moseley, IX, 66 Box 108, Camp Crook, 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 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 Vested Water Right No. 251-1B

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

2 50

By

Chief Engineer

John Hatch



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 57721

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,

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

enclosure

251-1B

SOUTH DAKOTA

VESTED WATER RIGHT NO. 251-1B 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. 251-1B 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. 251-1B appropriates 2.20 cubic feet of water per second (cfs) from Gallup Creek to irrigate 154 acres. The point of diversion (storage dam - 120 acre feet capacity) is located in the SW1/4 NW1/4 section 27 and the irrigated acreage is located in the S1/2 SE1/4 section 21; SW1/4 SW1/4 section 22; W1/2 NW1/4, NW1/4 SW1/4 section 27; NE1/4 NW1/4, N1/2 NE1/4, SE1/4 NE1/4 section 28; all in T21N-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 - October 31.
3. The priority date of the Vested Water Right is April 1, 1905.
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. 0255-1 were incorporated into Vested Right No. 251-1B and the abandoned portions of Filing No. 0255-1 have been cancelled.

WATER MANAGEMENT BOARD

By:  MAK 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. 251-1B 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.

251-1



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,

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

enclosure

251-1B



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 1972 I paid \$1.50 to have them transferred to my name. I wonder if you could find someone in that country who could provide the right information in your computer.

Thank you
Yours truly

Max W Moreley
HC 66 Box 108
Camp Creek SD
57724



251-1B

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

June 21, 1993

Max W Moseley
HC 66, Box 108
Camp Creek 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

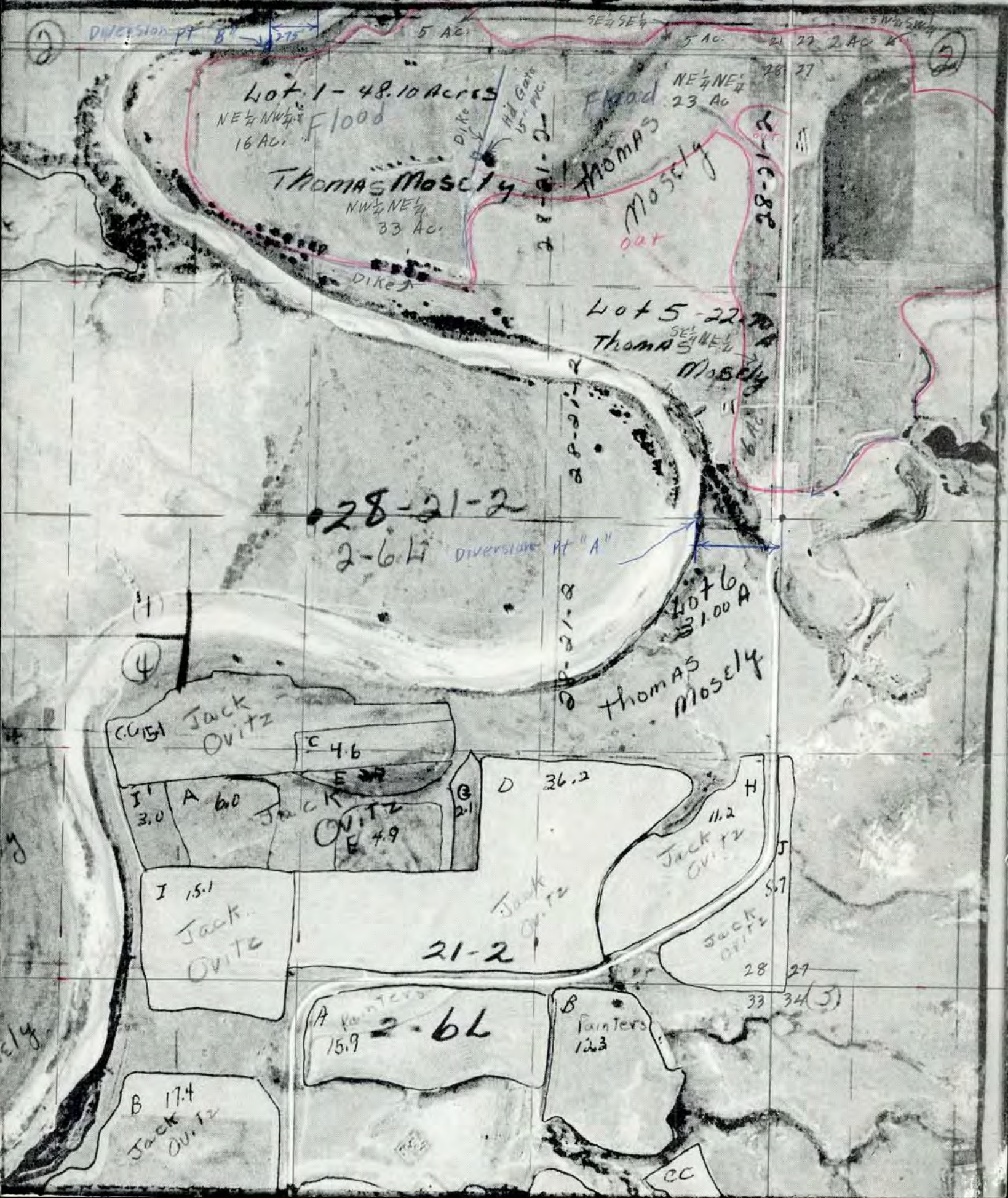
REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

1979



NOT TO SCALE

1980
1979
1978



Dear Sirs
Notes:

I have sold my
Ranch to my daughter
and son-in-law. Deane
and Marjorie Brannum
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. 251-1B

Date: 2-3-08

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

formerly owned by: Max W Moseley

be transferred to: (name & address) Dean and Maxine Rasmussen

Hc 66 Box 108

Camp Creek, SD 57724

Telephone No. (605) 797-4615

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

154 acres - S 1/2 SE 1/4 Sec 21, SW 1/4 SW 1/4 Sec 22, W 1/2 NW 1/4, NW 1/4 SW 1/4 Sec 27, NE 1/4 NW 1/4,
N 1/2 NE 1/4, SE 1/4 NE 1/4 Sec 28; all in T21N-R2E

I/We understand that the validity of Water Right No. 251-1B 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	2	50
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 _____ 251-1B		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

03005

By

Garland 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

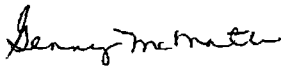
Dear Mr. & Mrs. Rasmussen:

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