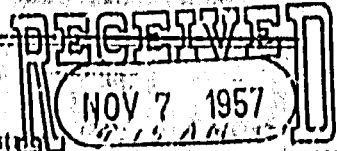


1. Considered February 19, 1958 Appl. No. 310-1
2. Name of Applicant F. A. Mooney
3. Post Office Address Winfield, South Dakota
4. Amount of water claimed 6.76' cfs
5. Source of water supply Belle Fourche River
6. Water to be used for irrigation
Acres to be irrigated 1423.2
7. Water to be diverted and used in _____ County about
20 miles 11 of 11
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks: Actually a combination with or an increase
of 7-81-1 which has been previously approved. A new application, actually on
only 2.70' cfs for 189.5 acres.

1. Considered March 10, 1959 Appl. No. 310-1
2. Name of Applicant F. A. Mooney
3. Post Office Address Winfield, S. D.
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
Acres to be irrigated _____
7. Water to be diverted and used in _____ County about
_____ miles _____ of _____
8. Proof of Publication Received _____
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks: See 7-81-1 for reasons
for increasing from 2.70' cfs to 6.76' cfs
and use of 1423.2 acres for irrigation total
about 189.5 acres for 6.76' cfs or 1423.2 acres
July 1, 1960
July 1, 1960

No. 312-1Water Division No. 1
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

(NOTE--Draw a line through items not applicable.)

1. Name of applicant W. A. MORLEY, JR. (S. W. Olark, BOY 182 BROOKHURST, TX)
- Postoffice address Vionfield, County Hand, State S. Dak.
- ~~I--If-a-corporation--~~
- ~~(a)-Name-of-same--~~
- ~~(b)-Date-and-place-of-incorporation--~~
- ~~(c)-Amount-of-capital-stock--~~
- ~~(d)-Amount-paid-in--~~
- ~~(e)-Names-and-addresses-of-directors--~~

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Direct labor. Applicant has 230 employees and 1000(b) Cash on hand, \$ Sufficient~~(c)-Treasury stock, \$--~~~~(d)-Bonds-to-be-issued, \$--~~~~(e)-Other-resources, \$--~~

2. Name of diversion work Morley 3-7
3. Amount of water claimed 6.76 cubic feet per second
4. Source of water supply Belle Fourche River
5. Location of point of diversion: See appended information
- on Vanada bank Vanada County.
6. Annual period or periods during which water is to be used During growing season
7. To be used for:
- (a) Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

(a) Number of acres to be irrigated 475.2 acres.(b) Legal subdivisions to be irrigated See appended information

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

~~(c)-Statement-as-to-domestic-use-(giving-location, etc.)--~~

II. Stockwatering, mining, milling, power, fish-cult., fire-protection and public recreation:--

~~(a)-Nature-of-use--~~

Name any of the above uses claimed

~~(b)-Amount-of-power-to-be-generated--~~ horse power.~~(c)-Amount-claimed-for-engine-cooling--~~~~(d)-Location-of-plant--~~~~(e)-Method-of-developing-power--~~~~(f)-Point-where-water-will-be-retained-to-stream--~~

Map No 282-1

8. Estimated cost of work:

(a) Head gates, \$1,000.....
 (b) Pumping plant, \$4,000.....
 (c) Excavating, \$1,015.....
 (d) Canal earth, \$100.....
 (e) Other structures measuring device.....\$200.....
 Rock, \$1,000.....
 Total, \$8,215.....

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Two electrically-driven pumping plants taking directly from river.....

2. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....
 material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c) Head-gate: Width.....feet; height.....feet;
 Material.....

(d) Canal: Total length 0.04 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 0.4 years. (Completed by next spring)

11. Time required for complete application of water to the proposed beneficial use 0.4 years.

12. Choice of newspaper for publication of notice of intention to appropriate

Sturgis Tribune, Sturgis, S. Dak.

STATE OF SOUTH DAKOTA

County of.....ss.

I, F. A. Mooney, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

F. A. Mooney

Subscribed and sworn to before me this

6th

day of

November

1957

Notary Public (or other qualified officer.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER
F. A. Mooney, Applicant

Appended Information.

5. Location of point of diversion.

Pumping station, Mooney No. 3, N 73° E a distance of 750E feet from
E W Cor. Sec. 26, T5N, R12E, BHM

Pumping station, Mooney No. 7, S 87° W a distance of 4980 feet from
N E Cor. Sec. 30, T5N, R13E, BHM

7, I, (b). Legal subdivisions to be irrigated.

TOWNSHIP AND RANGE	SECTION	LEGAL SUBDIVISION	IRRIGABLE ACRES
T5N, R12E, BHM	25	Lot 8	0.6
		Lot 9	31.5
		Lot 10	19.5
		Lot 11	53.3
		SE 1/4	40.0
		SW 1/4	0.9
		E 1/2	72.4
T5N, R13E, BHM	30	Lot 4	0.3
		Lot 5	2.9
		Lot 10	20.1
		Lot 11	36.8
		Lot 12	3.4
		Lot 2	23.0
		Lot 3	21.7
		Lot 6	50.1
		Lot 9	65.0
		Lot 13	22.1
		SW 1/4	7.6
			<u>473.2</u>

PUMPING STATION Mooney No. 1				
TOTAL LENGTH OF SPREADER DIKES, LIN. FT. 35,100				
AMOUNT OF WATER CLAIMED 6.75 C.F.S.				
TWP.	RANGE	SEC.	SUBDIV.	IRRIGABLE ACRES
T5N	R12E	26	Lot 5	16.6
			NW 1/4	78.0
		27	Lot 2	1.4
			Lot 3	55.1
			Lot 4	35.4
			NW 1/4	73.5
			E 1/2 NW 1/4	2.0
			NE 1/4 SW 1/4	33.8
			N 1/2 SW 1/4	50.0
			SW 1/4 SW 1/4	40.0
		34	Lot 1	22.0
			Lot 2	22.0
				44.0

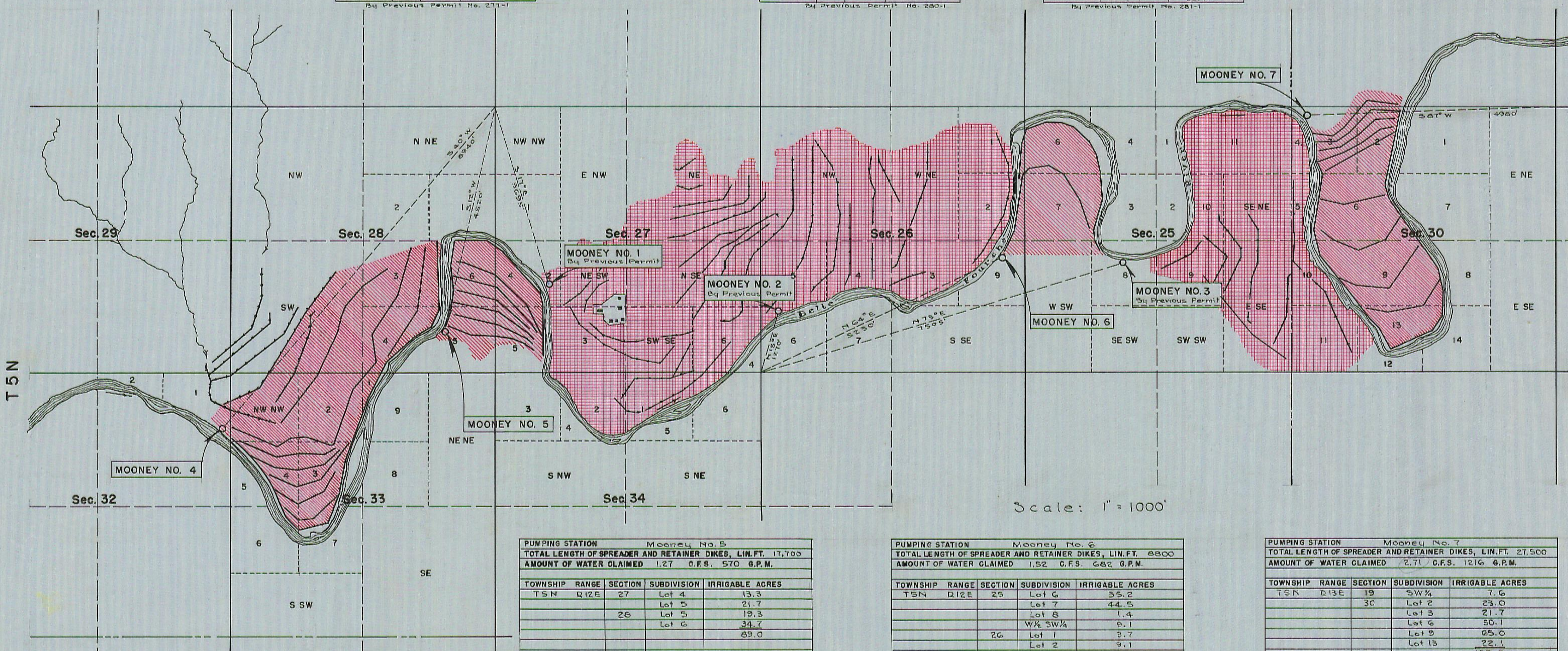
By Previous Permit No. 271-1

PUMPING STATION Mooney No. 2				
TOTAL LENGTH OF SPREADER DIKES, LIN. FT. 15,100				
AMOUNT OF WATER CLAIMED 3.22 C.F.S.				
TWP.	RANGE	SEC.	SUBDIV.	IRRIGABLE ACRES
T5N	R12E	26	Lot 1	21.2
			Lot 2	24.7
			Lot 3	35.0
			Lot 4	30.1
			Lot 5	27.4
			W 1/2 NE 1/4	50.3
			NW 1/4	31.0
				225.7

By Previous Permit No. 280-1

PUMPING STATION Mooney No. 3				
TOTAL LENGTH OF SPREADER DIKES, LIN. FT. 11,650				
AMOUNT OF WATER CLAIMED 4.05 C.F.S.				
TWP.	RANGE	SEC.	SUBDIV.	IRRIGABLE ACRES
T5N	R13E	25	Lot 8	0.6
			Lot 9	31.5
			Lot 10	19.5
			Lot 11	55.3
			SE 1/4 NE 1/4	40.0
			SW 1/4 SE 1/4	0.9
			N 1/2 SE 1/4	72.4
			Lot 4	0.3
			Lot 5	2.9
			Lot 10	20.1
			Lot 11	38.6
			Lot 12	5.4
				183.7

By Previous Permit No. 261-1



Scale: 1" = 1000'

PUMPING STATION Mooney No. 4				
TOTAL LENGTH OF SPREADER AND RETAINER DIKES, LIN. FT. 29,700				
AMOUNT OF WATER CLAIMED 3.85 C.F.S. 1728 G.P.M.				
TOWNSHIP	RANGE	SECTION	SUBDIVISION	IRRIGABLE ACRES
T5N	R12E	28	Lot 3	37.8
			Lot 4	31.4
			SW 1/4	58.5
		32	Lot 1	4.7
		33	Lot 1	3.4
			Lot 2	38.6
			Lot 3	32.7
			Lot 4	28.3
			NW 1/4 NW 1/4	34.1
				269.5

SYMBOLS

- TOWNSHIP LINE
- SECTION LINES
- QUARTER-SECTION LINES
- SUBDIVISION LINES
- EXISTING DIKES
- PROPOSED DIKES
- IRRIGABLE AREA
- IRRIGABLE AREA BY PREVIOUS PERMIT

PUMPING STATION Mooney No. 5				
TOTAL LENGTH OF SPREADER AND RETAINER DIKES, LIN. FT. 17,700				
AMOUNT OF WATER CLAIMED 1.27 C.F.S. 570 G.P.M.				
TOWNSHIP	RANGE	SECTION	SUBDIVISION	IRRIGABLE ACRES
T5N	R12E	27	Lot 4	13.3
			Lot 5	21.7
		28	Lot 5	19.3
			Lot 6	34.7
				69.0

PUMPING STATION Mooney No. 6				
TOTAL LENGTH OF SPREADER AND RETAINER DIKES, LIN. FT. 8800				
AMOUNT OF WATER CLAIMED 1.52 C.F.S. 682 G.P.M.				
TOWNSHIP	RANGE	SECTION	SUBDIVISION	IRRIGABLE ACRES
T5N	R12E	25	Lot 6	35.2
			Lot 7	44.5
			Lot 8	1.4
			W 1/2 SW 1/4	9.1
		26	Lot 1	3.7
			Lot 2	9.1
			Lot 9	3.6
				106.6

PUMPING STATION Mooney No. 7				
TOTAL LENGTH OF SPREADER AND RETAINER DIKES, LIN. FT. 27,500				
AMOUNT OF WATER CLAIMED 2.71 C.F.S. 1216 G.P.M.				
TOWNSHIP	RANGE	SECTION	SUBDIVISION	IRRIGABLE ACRES
T5N	R13E	19	SW 1/4	7.6
		30	Lot 2	23.0
			Lot 3	21.7
			Lot 6	50.1
			Lot 9	65.0
			Lot 13	22.1
				189.5

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

I, D. E. Matter, hereby certify that this map was made from notes taken during an actual survey made by me on October 10, 1957, and that it correctly represents the irrigation works, the location and area of the lands proposed to be irrigated in each subdivision, and the location of the stream, as described in the accompanying application.

Reg. No. 427

D. E. Matter
Registered Professional Engineer
and Land Surveyor

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

On this 1st day of January, 1957, before me, MAURICE M. HANSEN, the undersigned officer, personally appeared D. E. Matter, known to me or satisfactorily proven to be the person whose name is subscribed to the written instrument and acknowledged that he executed the same for the purpose therein contained.

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

James H. Hansen
Notary Public

My commission expires March 18, 1958

Map No. 282-1
Appl's No. 310-1
& No. 311-1

RECEIVED
NOV 4 1957
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

MAP OF
PROPOSED IRRIGATION WORKS
F. A. Mooney Viewfield, S. Dak.

DRAWN D. E. M.	D. E. MATTER Consulting Engineer Cheyenne Crossing Lead, South Dakota	JOB NO. 655
CHECKED		
DATE Oct. 26, 1957		SHEET NO. 1 of 1

Remarks by State Water Resources Commission

This permit replaces and enlarges Permit No. 281-1 which has been cancelled.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota. November 14, 1957

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock
a.m. upon the 7 day of November, 1957

State Water Resources Commission

By:

J. D. Brimer
Chief Engineer, Executive Officer

Number of permit 310-1

Date of first receipt of application November 7, 1957

Date of return to applicant for correction, amendments or changes required as follows: November 14, 1957

Date of receipt of corrected application November 23, 1957

Date from which applicant may claim right 4:05 a.m. from September 8, 1956

Approved February 19, 1958, Recorded in Book 4 Page 206 3/24/60

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

August 19, 1958

2nd. The whole of said work is to be completed on or before February 19, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

February 19, 1960

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 6.76 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 February 19, 1960; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 1 day of March, 1958

State Water Resources Commission

By:

J. D. Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE No. 310-1

WHEREAS, On the 7th day of November A. D. 1957
F. A. Mooney

of Viewfield County of Meade and State of
South Dakota duly made application (No. 310-1) to us for a permit to use 6.76
cubic feet per second of the waters of the Belle Fourche River
County of Meade State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 1st day of March A. D. 1958
Permit No. 310-1 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 1st day of
July A. D. 1960 and for the application to beneficial use of said
water on or before the 1st day of July A. D. 1960
and,

WHEREAS, On the 19th day of May A. D. 1959
the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.76
cubic feet per second of said waters, as evidenced by our Certificate No. 310-1
dated March 19, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 6.76 cubic feet per second of water, with date of
priority of September 8, 1956 and November 7, 1957 and,

WHEREAS, On the 11th day of March A. D. 1960
proof was duly made of the application to beneficial use of 6.76 cubic feet per second of said water;
for irrigating the 473.2 acres described in Permit 310-1

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to F. A. Mconey
of Viewfield the holder and owner of said permit No. 310-1
a water right, dating from September 8, 1956 and November 7, 1957 to the use of 6.76
cubic feet per second of the waters of the Belle Fourche River
in the County of Meads and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted x between a point in Lot 8,
Sec. 25, T 5 N, R 12 E and a point in Lot 3, Sec. 30, T 5 N, R 13 E
and conducted to and upon portions of Sec. 25, T 5 N, R 12 E and Sec. 19 and
30, T 5 N, R 13 E, more specifically described in Certificate of
Completion of Works
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of March A. D. Nineteen
Hundred and Sixty

State Water Resources Commission

By:

J. W. CRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. **310-1**Water Division No. **1** **Belle Fourche River** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **F. A. Mooney**of **Viewfield**, County of **Meade**, and State of**South Dakota**, the holder of Permit No. **310-1**, issued upon ApplicationNo. **310-1**, bearing date of priority of **September 8, 1956** **November 7, 1957**, authorizing the diversion of**6.76** cu. ft. per second of the waters of **the Belle Fourche River**County of **Meade**, State of South Dakota, at **a point N 73° E, 7505'****from the SW Corner Sec. 26, T 5 N, R 12 E; and a point S 87° W 4980'****T 5 N, R 13 E.**
from the NE Corner, Sec. 30, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use **6.76** cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

T 5 N, R 12 E, Sec. 25	Lot 8	0.6 acres
	Lot 9	31.5 "
	Lot 10	19.5 "
	Lot 11	53.3 "
	SE 1/4 AD	40.0 "
	SW 1/4 DE	0.9 "
	NE 1/4 DE	72.4 "
	Lot 4	0.3 "
	Lot 5	2.9 "
	Lot 10	20.1 "
T 5 N, R 13 E, Sec. 30	Lot 11	38.8 "
	Lot 12	3.4 "
	Lot 2	23.0 "
	Lot 3	21.7 "
	Lot 6	50.1 "
	Lot 9	65.1 "
	Lot 13	22.1 "
	Sec. 19 SW 1/4	7.6 "

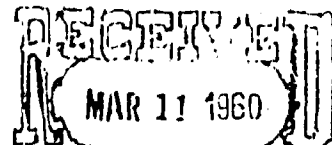
Witness my hand this **19th** day of **March** A. D. 19**60**

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Permit No. 310-1

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated January 20, 1960, I have this day made a thorough examination of the diversion works constructed by E. A. Mooney, of Viewfield Meade County, South Dakota, holder of Permit No. 310-1, issued upon Application No. 310-1, bearing date of priority of July 9, 1958, authorizing the diversion of 6.76 cu. ft. per second of the waters of Belle Fourche River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Two electrically-driven pumping plants taking directly from river at points described below; 3,915 lineal feet of spreader and retainer dikes.

and the system is in the following condition: fully completed as outlined in Application for Permit.

The point of diversion is located N73°E a distance of 7605 feet from SW Cor, Sec. 26, T5N, R12E, RHM -- and -- S87°W a distance of 4980 feet from NE Cor, Sec. 30, T5N, R12E, RHM

The works are capable of diverting and conveying to the place of use 6.76 cu. ft. per second of water, which is to be used for irrigation purposes only.

The legal sub-divisions to be irrigated are: Sec. 25, T5N, R12E 218.2 acres
Sec. 30, T5N, R12E 247.4 acres
Sec. 19, T5N, R12E 7.6 acres

comprising a total of 473.2 acres of land.

The domestic use intended comprises none

The utilization for power, mining, or other beneficial uses comprises: none

Witness my hand, this 21th day of March, A. D. 1960.

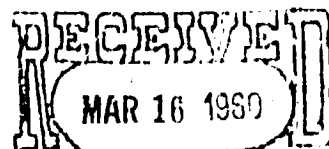
—SEAL—

D. E. Matter

Examining Engineer.

Location No. 310-1

Water Division No. _____ Water District _____

STATE WATER RESOURCES COM.
 SIOUX FALLS, S. DAK.**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. F. A. Mooney, Viewfield, S. Dak.Farmer and Rancher, Viewfield, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. November 1, 1957July 9, 1959

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. N75°E a distance of 7505 feet from NW Corner Sec. 26, T5N, R12E, BHMandS87°W a distance of 4980 feet from NE Corner Section 30, T5N, R13E, BHM.
Belle Fourche River.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 3,215 lineal feet of spreader and retainer dikes

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. <u>Irrigation, Section 26, T5N, R12E</u>	<u>218.2 acres</u>
<u>Section 30, T5N, R13E</u>	<u>247.4 acres</u>
<u>Section 19, T5N, R13E</u>	<u>7.6 acres</u>

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 6.76 cfs

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. One day's pumping, only, from Stations Mooney No. 3 and 7. March 8,
1960. The system is ready for operation subsequent to harvesting this fall.

(Sign) H. C. Mooney

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Herbert R. Monrall

March 9, 1960

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

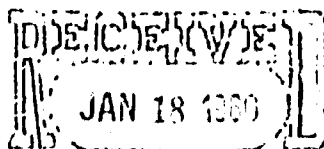
Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Permit No. 310-1



Water Division No.

Water District

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Viewfield, South Dakota

(Date) January 6, 1960

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 8th day of March 1960, at Viewfield County of Meade State of South Dakota, before D. E. Matter, Consulting Eng., proof will be submitted of the application to beneficial use of 6.76 cubic feet per second of the waters of the Belle Fourche River. In accordance with the terms and conditions of Permit No. 310-1 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

F. A. Mooney, Viewfield, South Dakota

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 6.76 cubic feet per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) Portion of Section 25, T5N, R12E; Section 19, T5N, R13E; Section 30, T5N, R13E; all BHM. A total of 473.2 acres.

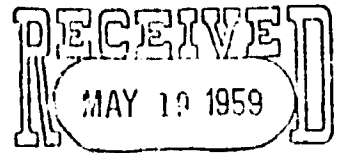
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is 3,915 lineal feet of spreader and retainer dikes. Pumping stations Mooney No. 3 & 7.

6. The right to take the water from such works is based upon permit No. 310-1

7. The source of supply from which such water is diverted is the Belle Fourche River

8. The date of priority which said user is prepared to establish is July 9, 1958

(Sign)

Permit No. 310-1

Water Division No. _____

Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works.

(P. O.) Viewfield, S. Dak.(Date) May 13, 1959

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
_____ 6.76 _____ cu. ft. per second of the waters of the state (from) _____
through the _____ growing season _____
for _____ irrigation _____ purposes
_____ in accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is F. A. Mooney
2. The postoffice address of such person or the place of business of such corporation is Viewfield
County of Hand State of South Dakota
3. The number of such permit is 310-1 and the date set for the completion of such work is
June 1, 1959
4. Said water to be used for _____ irrigation _____ purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is _____ 6.76 _____ cubic feet per second.
6. The amount of land for which said water is available is _____ 475.2 _____ acres,
particularly described as follows: ~~Hand County, South Dakota, Sections 19, 25, 30, 15N, R12E, 15N, R13E, 31E1~~
~~Hand County, South Dakota, Sections 19, 25, 30, 15N, R12E, 15N, R13E, 31E1~~ A portion of Section 25,
T5N, R12E and portions of Sections 19 and 30, T5N, R13E, 31E1

I hereby certify that the facts set forth in the above notice are true.

F. A. Mooney

(Signature of Owners)

F. A. Mooney

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hand } ss.

Frank J. Huan being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Sturgis Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Sturgis County of Hand and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec. 26-1957, Jan. 2-1958, Jan. 9-1958
Jan. 16-1958

in each and every issue of the full number thereof, the first publication being made on the 26th day of Dec. 1957 and the last publication on the 16th day of Jan. 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher he printer and publisher of the said newspaper.

Subscribed and sworn to before me this 16 day of January A. D. 1958

Notary Public Hand County, S. D.

Form 1--Notice of Intention to Appropriate Water No. 310-1
(First Publication before January 10, 1958)
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S. Dak.
December 10, 1957
Notice is hereby given that F. A. Mooney whose postoffice address is Viewfield, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.76 cubic feet of water per second of time from the Belle Fourche River through the Mooney 8-7, the point of diversion of which is to be located on both banks of said stream between a point in Lot 8, Sec. 25, T. 5N, R. 12E and a point in Lot 2 of Section 20 Twp. 5N Range 12E. Said water is to be used for the purpose of providing irrigation on the following described land:
Parts of Sec. 25, T. 5N, R. 12E; Sec. 20 and the SW 1/4 Sec. 19 both in T. 5N, R. 12E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19 day of February, 1958, at 2:00 P. M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: Lea Wyborny, Water Rights Engineer
(Dec. 26-Jan. 2-9-58)

RECEIVED
JAN 2 1958
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

277-1
280-1
281-1
310-1
311-1

July 11, 1958

Mr. F. A. Mooney
Viewfield, South Dakota

Dear Mr. Mooney:

The Water Resources Commission at their meeting on July 9, 1958, took final action in compliance with your wishes to cancel your Applications and Permits No. 277-1, No. 280-1, and No. 281-1.

We have made the necessary entries in our records to show that the three Permits mentioned above are now cancelled.

Your Permit No. 310-1 and No. 311-1 will remain active and will cover the same lands included under the aforementioned permits plus the additional acreages.

Sincerely,

Les Wyborny
Water Rights Engineer

LW:ls

cc D. B. Matter
Consulting Engineer
Cheyenne Crossing,
Lead, South Dakota

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

July 28, 1959
(date)

Dear Sirs:

I hereby request that an extension of time from July 1, 1959
to July 1, 1960 be granted me for the completion of works to be done under Permit No.
310-1 and that the time for proof of beneficial use of water be extended to July 1, 1960.

Said works are located in Meade County and are described
as follows:

Location of headworks: In the 1/4 of the 1/4
of Section 26 Township 5 N Range 12
E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons:

My own equipment has been in use and I
have not been able to secure other equip-
ment to complete the operation.

APPROVED:

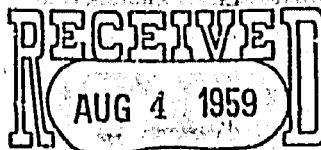
State Water Resources Commission

By

Chief Engineer, Executive Officer

Lee W. Barney
Water Rights Engr.

Holder of Permit No. 310-1



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

August 14, 1961

F.A. Mooney
Viewfield, South Dakota

Dear Mr. Mooney:

The South Dakota water laws (Chapter 130, Session Laws of 1955, as amended) provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights."

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to in the Water Resources Commission.

Because of the existing deficient supply of water in the Belle Fourche River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that your withdrawal of water from the Belle Fourche River for irrigation purposes shall cease effective August 20, 1961 and until further notice.

This order is necessary in order to maintain domestic use, including stockwater.

Please govern your use of irrigation water under your water right in accordance with this order. Between now and August 31, 1961 inspections will be made of the supplies of water in the Belle Fourche River. New orders based on these inspections will be issued from this office on August 31, 1961.

Sincerely,

J.W. GRIMES
Chief Engineer and
Executive Officer

cc: to each Water Resources Commissioner

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 6541

PIERRE, October 10, 1978

RECEIVED OF Stephens, Quinn, Carr and Tschetter, P.C., Attorneys, 117 5th Avenue
the following amount in fees for services rendered as provided for by law: Belle Fourche, SD 57717

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of water right # 310-1 to Lester Clark	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By John Hatch *gy*
Chief Engineer, Executive Officer
JOHN HATCH gy

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: July 19, 1978

This is to notify you that title to the lands described as follows:

portions of Section 25, T5N, R12E, BHM, also portions of Section 19, and 30,

T5N, R13E, BHM as described on Water Permit No. 310-1

formerly owned by Olin Mooney and Jess Burner, Star Route, New Underwood, SD

has been transferred to X. Lester Clark

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 310-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Meade) ss.

I, Olin Mooney and Jess Burner, 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 I know of my own personal knowledge that the information herein stated is true.

Jess Burner
(Signed)
Olin Mooney

Subscribed and sworn to before me this 27th Day of September, 19 78.

William H. Cochran
(Notary Public)

WILLIAM H. COCHRAN
Notary Public, South Dakota
My Commission Expires March 20, 1982



 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

Lester Clark
Box 752
Breckenridge, TX 76024

Mr. Clark:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

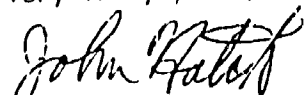
Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
311-1	16.61 cfs	1,163.6	\$461.00
310-1	6.76 cfs	473.2	188.50
TOTAL			\$649.50

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/jy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8307

June 22 81

PIERRE, 19

RECEIVED OF Lester Clark Oil, P.O. Box 752. Breckenridge, TEXAS 76024
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw. No.....		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying	188	50
water master services on WR# 310-1		
Fee for		
(any other work as provided by law)		
TOTAL	188	50

WATER RIGHTS COMMISSION

By (J. H. H. H. H.)
Chief Engineer, Executive Officer
JOHN HATCH

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE

DEPT.

STAPLE
HERE

Lester Clark
Box 752
Breckenridge TX 76024

DWR, Water Rights Division
Foss Bldg.
Pierre SD 57501

AGENCY

ADDRESS

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		574.91	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL					22	574.91	

Warrant # 82679270
AC# 077371
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			310-1 Lester Clark	166.85		
			311-1 Lester Clark	408.06		
				\$574.91	574.91	
TOTAL					574.91	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

Claimant Signature

Date

AGENCY VERIFICATION
I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

DIVISION APPROVAL

DATE

APPROVAL SIGNATURE

DATE

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.1
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.32	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wenberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay(Norman)	1.11	79.00	39.75	35.19
1154-1	Homastake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Berlootto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	75.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Fous	1.64	115.00	48.75	---
962-1	Inne A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
523 East Capitol 605 773-3352
Pierre, South Dakota 57501

October 13, 1982

Bryce Nelson
Cross Roads Realty
1920 W Main
Rapid City SD 57701

Dear Mr. Nelson:

As per our telephone conversation of October 12, 1982, enclosed please find copies of the Water Rights we have listed in the name of Lester Clark.

The amount of cubic feet per second (cfs) and acreage now authorized under each water rights is shown on the "Water License". I have circled these amounts on the first set (Water Rights No. 387-2) to show you where on the License to locate them.

If you have any questions concerning any of this enclosed information, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

310-1



LESTER CLARK

WRECKENRIDGE, TEXAS 76024

POST OFFICE BOX 752

December 17, 1987

AREA CODE 817 550-2246

South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Attention: Mr. John Hatch, Chief Engineer
Water Rights Division

Re: 1987 Amended Irrigation Water
Use Questionnaires

Dear Mr. Hatch:

In late October Mr. Clark mailed to your office the 1987 Irrigation Water Use Questionnaires. The reason for mailing them to you at that time, rather than waiting until the end of November, was because we were very doubtful that the weather would permit irrigation during the month of November. Since mailing the questionnaires to you, Mr. Clark has been advised by his Lessee that the weather did, in fact, permit irrigation during November and that in fact he did irrigate during such month. It is therefore necessary to amend the original reports to reflect this additional water usage for 1987. Enclosed you will find Amended Water Usage Reports which more accurately report the actual amount of water used under Mr. Clark's permits.

Please advise is any further action is necessary on our part in order to correctly report this additional water usage.

Sincerely,

Betty Sue Ernest

(Mrs.) Betty Sue Ernest
Secretary to Mr. Clark

/bse

Enclosures (2)



3/0-1
587-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 9, 1991

Mr. Mike Shaw
P.O. Box 160
Pierre SD 57501

Dear Mr. Shaw:

As per our telephone conversation on September 6, 1991, I am forwarding copies of water rights information we have under the name Lester Clark.

If you have any questions concerning this material, please feel free to contact me at 773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Division of Water Rights

enclosure

South Dakota

GREAT FACES. GREAT PLACES.

310-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 1991

Gordon Tamblin
P.O. Box 1625
Monahans, TX 79756

Dear Mr. Tamblin:

Enclosed are copies of the past ten years of irrigation questionnaires submitted to this office for Water Right Nos. 310-1 and 311-1. This office does not have a record of irrigation taking place under Water Right No. 587-1 because submittal of irrigation questionnaires has not been required for this water right.

If I may be of any further assistance, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

enclosure



310-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 1993

Arnie Altaffer
Farm Credit Services
PO Box 900
Casper, WY 82602-0900

Dear Mr. Altaffer:

Enclosed are copies of Water Right Nos. 310-1, 311-1 and 587-1. The water rights are currently listed in the name of Lester Clark.

The legal descriptions Mr. Hollenbeck inquired about in T5N, R12E and T6N, R13E, are described in the above listed water rights. The legal descriptions he requested information on in T4N, R12E; T4N, R13E; and T6N, R12E are not covered under Mr. Clark's water rights.

If you have any questions concerning the enclosed water right copies, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

310-1

LESTER CLARK
BRECKENRIDGE, TEXAS 76424

POST OFFICE BOX 752

AREA CODE #17530-2210

December 22, 1995



Mr. John Hatch, Chief Engineer
Water Rights Program
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Water Rights

Dear Mr. Hatch:

Lester Clark is the holder of three water rights permits numbered 310-1, 311-1, and 587-1 located on his Belle Fourche River Ranch in South Dakota. Effective January 1, 1996, Mr. Clark will be transferring the surface of this ranch into a partnership named Breckenridge Partnership, Ltd., and he would like to also transfer the water rights permits.

Would you please have someone in your office send to us the necessary paperwork. Thank you for your help.

Sincerely yours,

Rena Goldsmith
(Mrs.) Rena Goldsmith
Office Manager for Mr. Clark

/rg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 27, 1995

310-1

311-1

587-1

Lester Clark
PO Box 752
Breckenridge, TX 76424

Dear Mr. Clark:

Thank you for contacting us concerning the pending ownership changes on water rights listed in your name. I have enclosed partially completed transfer forms for use in filing the ownership changes.

Please review the forms, make any necessary changes and complete the area marked *to be transferred to (name and address)*. A representative of Breckenridge Partnership, LTD must sign the forms in the presence of a notary public. Upon completion, please return the forms to our office with a required filing fee of \$7.50 (\$2.50 per transfer).

If you have any questions concerning your water rights or completion of the transfer forms, please contact me.

Sincerely,

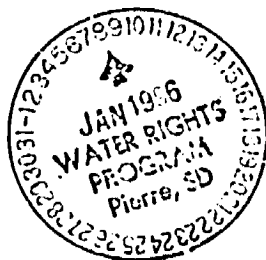
Genny McMath

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 310-1

Date: January 1, 1996

I/We request that Water Right No. 310-1

formerly owned by: Lester Clark

be transferred to: (name & address) Breckenridge Partnership, Ltd., P. O. Box 752,
Breckenridge, Texas 76424 Telephone No. 817-559-2246

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

Lots 8-11, SE¼NE¼, SW¼SE¼, E¼SE¼ Sec 25, T5N, R12E; Lots 2-6 & Lots 9-13 Sec 30; SW¼ Sec 19, T5N, R13E

I/We understand that the validity of Water Right No. 310-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

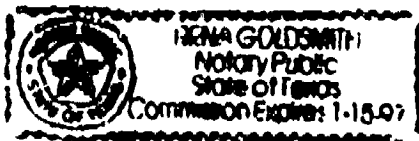
STATE OF ^{TEXAS} ~~SOUTH DAKOTA~~)
County of Stephens)

I/We Lester Clark 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.

A handwritten signature of Lester Clark in cursive script.

(Signed)

Subscribed and sworn to before me this 1st day of January, 19 96.



A handwritten signature of Rena Goldsmith in cursive script.

(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

414746

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 8, 19 96

RECEIVED OF Four Points, Inc., PO Box 752, Breckenridge, TX 75424

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>Water Right No. 310-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hald
Chief Engineer



310-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1996

No. 310-1
311-1
587-1

Lester Clark
Breckenridge Partnership, Ltd.
P.O. Box 752
Breckenridge, TX 76424

Dear Mr. Clark:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 310-1, 311-1 and 587-1.

Our records now show Breckenridge Partnership, Ltd. as the owner of Water Right Nos. 310-1, 311-1 and 587-1.

Sincerely,

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

enclosure

310-1

FOUR POINTS, INC.

Post Office Box 752 • Breckenridge, Texas 76424 • 817-559-2246 • FAX 817-559-8553
254 254

October 24, 1997



Mr. John Hatch
Chief Engineer, Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Your Letter of October 17th
310-1

Dear Mr. Hatch:

I appreciate your letter of October 17th and am sorry this report has not been filed. I have sold my interest in this ranch to Mr. Mitch O'Connell whose address is HC 81, Box 23, New Underwood, South Dakota 57761 and to Mr. Sam Johnston whose address is 17942 River Road, Elm Springs, South Dakota 57736.

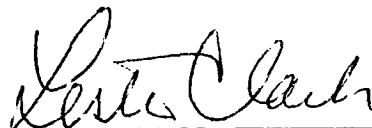
There has been some confusion on this as to who is going to file what. Sam Johnston has actually operated the ranch for the last year for me under a lease agreement, so he has the information needed to file the report. I have written Mr. Johnston, and also Mr. O'Connell, to be sure that they file these needed reports. I have also told them that if they wish to furnish me the information on water usage for last year that I will turn in this form.

Again, I apologize for being slow in filing this form, but the work was lost in the transfer of the title of the property.

Sincerely,

BRECKENRIDGE PARTNERSHIP, LTD.,
a Texas Limited Partnership

By: FOUR POINTS, INC., General Partner

By: 
LESTER CLARK, President

LC/ks

cc: Mr. Sam Johnston
17942 River Road
Elm Springs, South Dakota 57736

Mr. Mitch O'Connell
HC 81, Box 23
New Underwood, South Dakota 57761



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 7, 1997

310-1
311-1
587-1

Sam Johnston
17942 River Rd
Elm Springs, SD 57736

Dear Mr. Johnston:

Enclosed, as we discussed, are copies of Water Right Nos. 310-1, 311-1 and 587-1. You may keep the copies for your records. All three were originally issued to F A Mooney, but were later transferred to Lester Clark.

Also enclosed are three "Notice of Transfer of Ownership" forms for use in filing the ownership changes on Water Right Nos. 310-1, 311-1 and 587-1. Please review the forms to ensure that the legal descriptions are correct and then complete the portion titled "*to be transferred to: (name & address)....*". As we discussed, it is acceptable to include both your name and Mr. O'Connell's name on the forms. Once you have completed the forms, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

If you have any questions concerning the water rights or need assistance in completion of the transfer forms, please get in touch with me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 24, 1997

310-1

311-1

587-1

Mitch O'Connel
20960 Oxbow Place
New Underwood, SD 57761

Dear Mr. O'Connel:

Enclosed, as we discussed, are copies of Water Right Nos. 310-1, 311-1 and 587-1 currently listed in the name of Lester Clark. The third page of each set, titled *Certificate of Completion of Works*, lists the specific acreage and diversion points.

You indicated during our phone conversation that you may come to Pierre to go over the licenses and file the necessary transfers. Due to the large amount of acreage and the complexity of the licenses, this may be very helpful. I want to make sure that the water rights are divided accurately to avoid any problems in the future.

I am also enclosing blank "Notice of Transfer of Ownership" forms to be used for filing the ownership change. If the water rights are to be divided, each party will need to file transfers for the portion they now own. A \$2.50 filing fee is required for each transfer.

Thank you for calling and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1998

310-1
311-1

Sam Johnston
17942 River Rd
Elm Springs, SD 57736

Dear Mr. Johnston:

I am contacting you in regard to ownership of Water Right Nos. 310-1 and 311-1. Mitch O'Connell stopped by our office and outlined the area under each that he owns, with the remaining land owned by you.

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 310-1 and 311-1. The water rights will be divided and reissued to reflect separate ownership (No. 310A-1 and 311A-1 - Mr. O'Connell; No. 310B-1 and 311B-1 - Mr. Johnston). Based on the information supplied by Mr. O'Connell, I have partially completed the forms by listing the acreage described on the water rights that you now own.

Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

Keep in mind that the acreage reflected on the transfer forms is taken from the existing water licenses and may not reflect any changes to the system that may have occurred prior to your ownership. If you have any questions concerning the process for dividing and reissuing the water rights or with completion of the transfer forms, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1998

310-1
311-1
587-1

Mitch O'Connell
20960 Oxbow Place
New Underwood, SD 57761

Dear Mr. O'Connell:

Thank you for taking the time to stop by the office and help clarify ownership issues surrounding Water Right Nos. 310-1, 311-1 and 587-1.

Enclosed are three partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 310-1, 311-1 and 587-1. Water Right No. 587-1 will be transferred in its entirety to your name, with Water Right Nos. 310-1 and 311-1 being divided and reissued to reflect separate ownership between you and Mr. Johnston.

Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). Keep in mind that the acreage reflected on the transfer forms is taken from the existing water licenses and may not reflect any changes to the system that may have occurred prior to your ownership.

We reviewed our files for old location notices that may have been for irrigation from dry draws. There are a number of old locations notices, dating back to 1909, on file for this area in the names of Mooney and Burton. I believe most of the location notices were dams used for livestock watering. However, three location notices did include the right to construct ditches and flumes for the purpose of directing flood waters. They are (all in T5N, R12E):

- No. 116-1 A dry draw dam located in the NW1/4 SW1/4 Section 28 to use 3.0 cubic feet of water per second (cfs). Land is not described.
- No. 175-1 A dry draw dam located in the NW1/4 NW1/4 Section 22 to use 4.0 cfs for water spreading on the N1/2 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4 Section 22.
- No. 176-1 A dry draw dam located in the NW1/4 NW1/4 Section 26 to use 4.0 cfs for water spreading on the NW1/4 NE1/4, N1/2 NW1/4 Section 26 and the NE1/4 NE1/4 Section 27.

continued

page 2

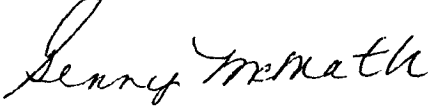
February 4, 1998

Mitch O'Connell

I have enclosed a copy of each of these old location notice filings. The existence of these location notices does not necessarily mean works were constructed to flood irrigate.

It appears that acres covered by these location notices are for only a portion of the water spreading system. Based on what we found you should file a vested water right application for all the dry draw diversions that supply water to the water spreading systems and include all irrigated acres that receive water. The prior location notices provide some proof of the existence of a water spreading system and the date that at least a portion of the spreading system was constructed. This would ensure that proper water rights exist for all lands irrigated from the dry draw diversions. I have enclosed a vested water right application form if you choose to file an application.

Sincerely,

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

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

encl

248-1

310-1

311-1

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Sam Johnston

ADDRESS: 17942 River Rd, Elm Springs, SD 57736

COUNTY: Meade

DATE: February 18, 1998

TELEPHONE:

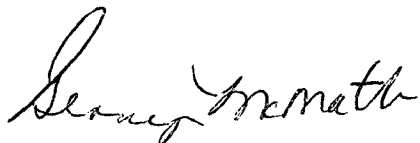
RE: transfers for 248-1, 310-1 and 311-1

COMMENTS:

Mr. Johnston called in response to a letter I mailed him on transferring portions of No. 310-1 and 311-1 to his name with the remaining portions transferred to Mitch O'Connell. Mr. Johnston indicated that the portion he now owns is on a contract for deed from Breckenridge Partnership. He would like his portion left under Breckenridge Partnership until the contract is paid off.

I told him to disregard the transfer forms I mailed him - that the water rights would still be divided and reissued, however since they were already in the name of Breckenridge Partnership, we would only need transfer forms from Mitch O'Connell.

Mr. Johnston stated that Water Right No. 248-1, recently transferred to his name, has now been mortgaged to Breckenridge Partnership. He requested that I mail him a transfer form and he would forward it on to Lester Clark (dba Breckenridge Partnership).



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

Sam Johnston
17942 River Rd
Elm Springs, SD 57736

Dear Sam:

Thank you for calling concerning the acreage described on Water Right Nos. 310-1, 311-1 and 587-1. I am enclosing copies of the documents we used to come up with the acreage to be divided between you and Mr. O'Connell. I have circled the areas in red for Mr. O'Connell and blue for you. I realize the area to be transferred to you will stay under Breckenridge Partnership until the contact is paid.

The division of acreage was arrived at by using a map supplied by Mr. O'Connell. It is my understanding that you feel some acreage is either not covered by the water rights or was accidentally omitted from the transfer forms that were drawn up. Either case could have happened.

Please review the enclosed copies and let me know if an error has occurred. It would be better to try and resolve your concerns prior to the water rights being divided and transferred. If you have a map showing the area(s) in question, please forward a copy to us for review.

If I can be of further help, please give me a call.

Sincerely,

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

encl

FOUR POINTS, INC.

Post Office Box 752 • Breckenridge, Texas 76424 • 254-559-2246 • FAX 254-559-8553

October 19, 1998

Mr. John Hatch
Chief Engineer
Water Rights Program
Department of Environment and
Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181



RE: IRRIGATION QUESTIONNAIRES

Dear Mr. Hatch:

We have received the above-referenced questionnaires for Permits #310-1 and #311-1 for the Belle Fourche River Ranch and are returning these forms to you with this letter. This ranch was sold by Breckenridge Partnership, Ltd., and the permits were to be transferred to the new owners who are Sam Johnston and Mitch O'Connell. We assumed all paperwork had been processed with your program to complete this transaction. If you need further information from us, we will be happy to provide you with whatever documentation you need.

Please contact Mr. Johnston or Mr. O'Connell for information to complete these forms.

Sincerely yours,

BRECKENRIDGE PARTNERSHIP, LTD.
a Texas Limited Partnership

BY: FOUR POINTS, INC., General Partner

By: Rena Goldsmith
(Mrs.) Rena Goldsmith, Secretary

/rg
Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 17, 1999

Mitch & Susan O'Connell
20960 Oxbow Place
New Underwood, SD 57761-7701

Dear Mr. & Mrs. O'Connell:

Enclosed are 1998 irrigation questionnaires pertaining to the land you purchased from Breckenridge Partnership. I labeled them 310A-1 and 311A-1 to correspond to the transfer of ownership forms. You are not required to submit an annual irrigation questionnaire for Water Right No. 587-1.

I made a mistake last fall and mailed the forms to Breckenridge Partnership again. This was partly due to not having the files divided and reissued to reflect separate ownership. We need to work on getting ownership of the land determined and the transfers filed. Mr. Johnston has indicated he purchased the land on a contract for deed and wants to leave his portion under Breckenridge Partnership for the time being.

Some time ago, you stopped in the office with a map showing the different areas you now own. I drew up the transfer forms based on the information you gave us at that time. Enclosed is a set of transfer forms for filing the ownership change. You will note that Water Right No. 587-1 can be transferred to you in its entirety and does not have to be divided.

Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

If I remember correctly, there were areas you irrigated that were not described in Water Right Nos. 310-1, 311-1 and 587-1. We may need to work on getting an application written up to help you in applying for a water permit or vested water right. Do you still have the forms I mailed to you?

If you have any questions when filling out the irrigation questionnaires or the transfer of ownership forms, please give me a call.

Sincerely,

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

encl

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sam Johnston, 17942 River Rd, Elm Springs, SD 57736

DATE: July 24, 2001

TELEPHONE: 605 798-2200

RE: irrigation of land under Water Right No. 248-1

COMMENTS:

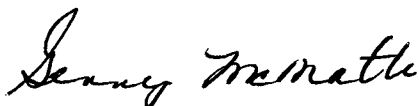
Water Right No. 248-1 authorizes irrigation of 64 acres. The 2000 irrigation questionnaire submitted by Mr. Johnston reported irrigation of 300 acres.

I spoke with Mr. Johnston about the irrigation report. He indicated the questionnaire included irrigation for all the land he irrigated which includes 248-1, 310-1 and 311-1. He owns portions of land under No. 310-1 and 311-1 (Breckenridge Partnership) but has not yet had them transferred to his name because the contract for deed has not been paid off yet.

He said the remaining land that he does not own under No. 310-1 and 311-1 is now owned by Gale Miller, Pierre, SD.

Mr. Johnston also mentioned that the land he purchased from Tifft (No. 248-1) contains about 100 irrigated acres. He did not understand why the water right only showed 64 acres. He said he would like to get that taken care of too. He said he would be coming to Pierre to take care of the transfers next summer when the contract was paid. I told him we could wait until then to iron out whether he needed an additional water permit for the acreage over and above the 64 specified on No. 248-1. The reason for the wait would be to clarify which acres he is irrigating. The land under Nos. 310-1 and 311-1 are adjacent to No. 248-1. There may be some overlap of acreage.

I told Mr. Johnston that I would try to get the correct number of irrigation questionnaires to him for reporting the acreage he irrigates on. If I didn't get it straightened out, he could go ahead and put them all down on one form.



Genny McMath
Environmental Scientist

DIVISION OF NO. 310-1

INTO NOS. 310A-1 AND 310B-1

On July 10, 2002 and November 26, 2002, transfers of ownership were received, transferring portions of the water right to Mooney Ranch and Sam & Cary Johnston. Water Right No. 310-1 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 310A-1, Mooney Ranch: irrigation of 189.6 acres in Lots 2, 3, 6, 9 & 13 Section 30 and SW $\frac{1}{4}$ Section 19; all in T5N-R13E; with diversion of 2.71 cfs from the Belle Fourche River located in Lot 3 Section 30-T5N-R13E.

No. 310B-1, Sam & Cary Johnston: irrigation of 283.7 acres in Lots 8, 9, 10 & 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25-T5N-R12E and Lots 4, 5, 10, 11 & 12 Section 30-T5N-R13E; with diversion of 4.05 cfs from the Belle Fourche River located in Lot 8 Section 25-T5N-R12E.