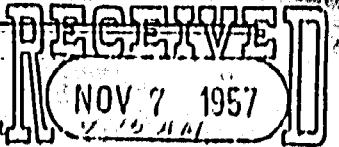


1. Considered February 19, 1958 Appl. No. 311-1
2. Name of Applicant F. A. Mancy
3. Post Office Address View Field, Ark.
4. Amount of water claimed 16.61 cfs
5. Source of water supply Belle Fourche River
6. Water to be used for Irrigation
Acres to be irrigated 4,163.6
7. Water to be diverted and used in Madison County about
22 miles 45 of _____.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to _____
Not approved ☐
Action deferred ☐
10. Remarks: Actually a combination with or increase of
#277-1 and 280-1 which have previously been approved
A new application actually on 6.64 cfs for
465.1 acres

No. 311-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

District

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 F. A. Mooney Bellevue Clark
 Postoffice address Yavfield County Moond State S. Dak.

~~--- 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 D-6 Caterpillar and dozer.(b) Cash on hand, \$ Sufficient~~--- (c) Treasury stock, \$ ---~~~~--- (d) Bonds to be issued, \$ ---~~~~--- (e) Other resources, \$ ---~~2. Name of diversion work Mooney 1 - 2 - 4 - 5 - 63. Amount of water claimed 16.61 cubic feet per second4. Source of water supply Belle Fourche River5. Location of point of diversion See appended informationon Moond bank Moond County.6. Annual period or periods during which water is to be used During growing season

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 1,163.6 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 the total, 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.) ---~~~~--- If Stockwatering, mining, milling, power, fish culture, 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~~~~--- Amount claimed for engine cooling ---~~~~--- (c) Location of plant ---~~~~--- (d) Method of developing power ---~~~~--- (e) Point where water will be returned to stream ---~~

Map No. 282-1

8. Estimated cost of work:

(a) Head Gates, \$10,000
 (b) Pumping plant, \$10,000
 dikes (c) running, \$10,750 (d) Canal earth, \$600
 Rock, \$1,000
 (e) Other structures measuring devices \$50
 Total, \$21,000

9. Description of diversion works:

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

Five electrically-driven pumping plants taking directly from river.

II. 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	FEET	ACRE-Feet CAPACITY

--(c) Head-gates: Width _____ feet; height _____ feet;
 Material _____
 (d) Canal: Total length 0.14 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 _____

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. MooneySubscribed and sworn to before me this 6th day of August, 1917

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

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

Appended Information.

5. Location of point of diversion.

Pumping station, Mooney No. 1, S 17° E a distance of 3695 feet from
NW Cor. Sec. 27, T5N, R12E, B H M

Pumping station, Mooney No. 2, N 15° E a distance of 1270 feet from
S W Cor. Sec. 26, T5N, R12E, B H M

Pumping station, Mooney No. 4, S 40° W a distance of 8940 feet from
NW Cor. Sec. 27, T5N, R12E, B H M

Pumping station, Mooney No. 5, S 12° W a distance of 4520 feet from
NW Cor. Sec. 27, T5N, R12E, B H M

Pumping station, Mooney No. 6, N 64° E a distance of 5230 feet from
S W Cor. Sec. 26, T5N, R12E, B H M

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

TOWNSHIP AND RANGE	SECTION	LEGAL SUBDIVISION	IRRIGABLE ACRES
T5N, R12E, BHM	26	Lot 1	16.6
		NW	78.0
	27	Lot 2	7.4
		Lot 3	55.1
		Lot 6	53.8
		1E	75.5
		E NW	2.0
		1E SW	33.8
		N SE	80.0
		SW SE	40.0
	34	Lot 1	22.0
	26	Lot 2	29.6
		Lot 1	21.2
		Lot 2	24.7
		Lot 3	35.0
		Lot 4	30.1
		Lot 5	27.4
		W 1E	50.3
	28	NW	37.0
		Lot 3	57.8
		Lot 4	31.4
		SW	58.5
	32	Lot 1	4.7

(Continued on next sheet)

(Continued from previous sheet)

<u>TOWNSHIP AND RANGE</u>	<u>SECTION</u>	<u>LEGAL SUBDIVISION</u>	<u>IRRIGABLE ACRES</u>
T5N, R12E, B1E1	33	Lot 1	3.4
		Lot 2	38.6
		Lot 3	32.7
		Lot 4	28.3
	27	NW NW	34.1
		Lot 4	13.3
		Lot 5	21.7
		Lot 5	19.3
	25	Lot 6	34.7
		Lot 6	35.2
		Lot 7	44.5
		Lot 8	1.4
	26	W SW	9.1
		Lot 1	3.7
		Lot 2	9.1
		Lot 3	3.6
			<u>1,163.6</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

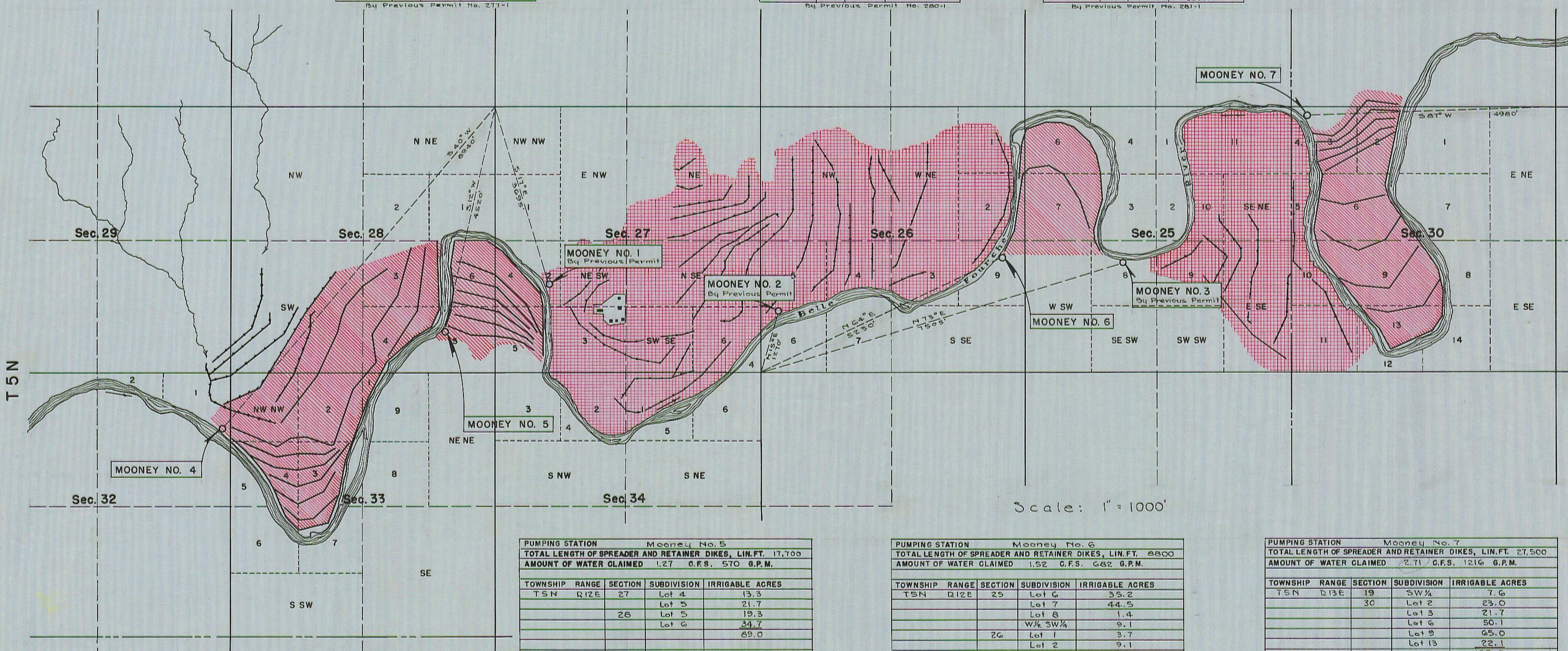
By Previous Permit No. 271-1

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
			W 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	R13E	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.	JOB NO.
CHECKED	D. E. MATTER Consulting Engineer Cheyenne Crossing Lead, South Dakota	655
DATE		SHEET NO.
Oct. 26, 1957		1 of 1

Remarks by State Water Resources Commission:

This permit replaces and enlarges
Permits Nos. 277-1 and 280-1 which have
been cancelled.

STATE OF SOUTH DAKOTA

County of

Sioux Falls

Sioux Falls, 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:

Joe Brimer

Chief Engineer, Executive Officer

Number of permit 311-1

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

6.75 c.f.s. from September 8, 1956; 3.22 c.f.s. from September 8, 1956; and 6.64 c.f.s. from November 7, 1957.

Date from which applicant may claim right

Approved February 19, 1958, Recorded in Book 4, Page 207

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 16.61 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:

Joe Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued September 28, 1959

Water License Issued September 28, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 311-1

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. 311-1) to us for a permit to use 16.61 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 19th day of February A. D. 1958 Permit No. 311-1 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 19th day of February A. D. 1959 and for the application to beneficial use of said water on or before the 19th day of February A. D. 1960 and,

WHEREAS, On the 18th day of June A. D. 1959 the holder of said permit duly made proof of the completion of adequate works for the diversion of 16.61 cubic feet per second of said waters, as evidenced by our Certificate No. 311-1 dated September 28, 1959 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 16.61 cubic feet per second of water, with date of priority of 9.97 cfs- September 8, 1956 and 6.61 cfs-Nov 7, 1957 and,

WHEREAS, On the 18th day of June A. D. 1959 proof was duly made of the application to beneficial use of 16.61 cubic feet per second of said water; on 1,163.6 acres in Sections 25, 26, 27, 28, 32, 33 and 34 all in T 5N R 12E

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. Mooney
of Viewfield the holder and owner of said permit No. 311-1
a water right, dating from 9.97 ofa from September 8, 1956
6.64 ofa from November 7, 1957 to the use of 16.61
cubic feet per second of the waters of the Belle Fourche River
In the County of Munde and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at three stations respectively from the NE
corner Sec. 28, S 40°W 89°40' E 12°W L 520', S 17°E 3695', two stations from the SE corner Sec.
27 N 15°E 1270' and N 64°E 5230' - all in T 5N R 12E, B.H.M.

and conducted to and upon Portions of sections 26, 27 and 34, more specifically described
in Certificate of Completion of Works 311-1

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 28th day of September A. D. Nineteen
Hundred and fifty-nine

State Water Resources Commission
By:

J.W. GRIMES, 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. 311-1

Water Division No. 1 Belle Fourche Water District
River

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That E. A. Mooneyof Viewfield, County of Meade, and State ofSouth Dakota, the holder of Permit No. 311-1, issued upon ApplicationNo. 311-1, bearing date of priority of September 8, 1956 for 9.97 cfs
November 7, 1957 for 6.64 cfs authorizing the diversion of16.61 cu. ft. per second of the waters of The Belle Fourche RiverCounty of Meade, State of South Dakota, at three stations respectivelyfrom NE corner Section 28: S 10°W 3940'; S 12°W 4320'; S 17°E 3695'. Two stations
from SE corner Sec. 27: N 15°E 1270' and N 64°E 5230' - all in T 5NR 12E R.H.U. for Irrigationpurposes, 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 16.61 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: All in T 5N R 12E

Section	Legal Subdivision	Acres	Section	Legal subdivisions	acres
26	Lot 5	16.6	26	W $\frac{1}{2}$ NE $\frac{1}{4}$	50.3
26	NW $\frac{1}{4}$	78.0	26	NE $\frac{1}{4}$	37.0
27	Lot 2	7.4	28	Lot 2	37.8
27	Lot 3	55.1	28	Lot 4	31.4
27	Lot 6	53.8	28	SE $\frac{1}{4}$	58.5
27	NE $\frac{1}{4}$	75.5	32	Lot 1	4.7
27	E $\frac{1}{2}$ NW $\frac{1}{4}$	2.0	33	Lot 1	3.4
27	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.8	33	Lot 2	58.6
27	N $\frac{1}{2}$ SE $\frac{1}{4}$	30.0	33	Lot 3	32.7
27	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	33	Lot 4	26.3
34	Lot 1	22.0	33	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.1
34	Lot 2	28.6	17	Lot 4	13.3
26	Lot 1	21.2	17	Lot 5	21.7
26	Lot 2	24.7	28	Lot 5	19.3
26	Lot 3	35.0	28	Lot 6	34.7
26	Lot 4	30.1	25	Lot 6	35.2
26	Lot 5	27.4	25	Lot 7	44.5
			25	Lot 8	1.4
			25	W $\frac{1}{2}$ SW $\frac{1}{4}$	9.1
			26	Lot 1	3.7
			26	Lot 2	9.1
			26	Lot 9	3.6

Witness my hand this 28th day of September A. D. 1959

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

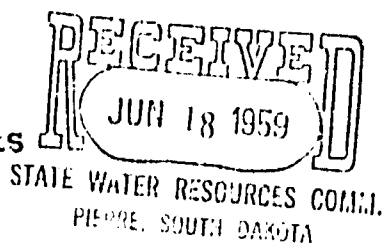
Permit No. 311-1

Water Division No. _____

Water District _____

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 May 20, 1959, I have this day made a thorough examination of the diversion works constructed by F. A. Mooney of Viewfield Meade County, South Dakota, holder of Permit No. 311-1 issued upon Application No. 311-1, bearing date of priority of July 9, 1958, authorizing the diversion of 16.61 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: Four electrically-driven pumping plants taking directly from river at points described below; 10,760 lineal feet of spreader and retainer dikes.

and the system is in the following condition: Fully completed as outlined in application for permit except that five pumping plants were originally anticipated.

The point of diversion is located Three stations respectively from NE Cor Sec. 28: S40°W 8940', S12°W 4520', S17°E 3695'. Two stations from SE Cor Sec. 27: N15°E 1270' and N14°E 5230'. All in T5N, R12E, B.H.M.

The works are capable of diverting and conveying to the place of use 16.61 cu. ft. per second of water, which is to be used for irrigation purposes only.

The legal sub-divisions to be irrigated are: between Lot 9, Sec. 26 and Lot 1, Sec. 32;

T5N, R12E, BHM

comprising a total of 1163.6 acres of land.

The domestic use intended comprises none

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

Witness my hand, this 16th day of June, A. D. 1959

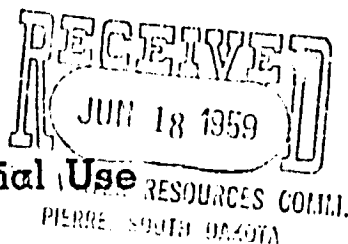
—SEAL—

D. E. Mattar

Examining Engineer.

Location No. 311-1

Water Division No. _____ Water District _____



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, 1957 - JULY 9, 1958

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

Ans. 340°W, 8940' FROM H.E. COR. SEC 25, 512°W, 4520'
FROM NE COR SEC 27, 517°E, 3695' FROM NE COR SEC 26,
N 150°E, 1220' FROM SE COR SEC 27, N 64°E, 5220' FROM
SE COR SEC 27, - ALL IN TSH, RILE, RHM.

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. 10,760 LIN. FT. 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. SECTION 26 & SECTION 27 ONLY.

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. 16.61 C.F.S.

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. DURING OCTOBER AND NOVEMBER
OF 1958 AT RATE OF 9.97 C.F.S.
FROM STATIONS MOOREY No. 1 AND 2
ONLY.

(Sign)

H.R. Moorey

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 *Sioux*, County of *Sioux*

State of South Dakota, on this *17* day of *June* A. D. 19*59*

Witnesses.

John H. H. H.
W. H. H.

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.

Howard W. Elliott

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

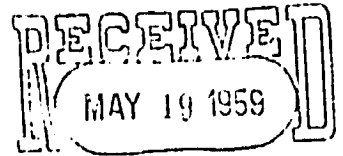
County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Permit No. 311-1

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.) Violafield, 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 _____
_____ 16.61 _____ cu. ft. per second of the waters of the state _____
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. Hooney

2. The postoffice address of such person or the place of business of such corporation is Violafield
County of Deade State of South Dakota

3. The number of such permit is 311-1 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 ac-
companying the application for such permit, is _____ 16.61 _____ cubic feet per second.

6. The amount of land for which said water is available is _____ 1,163.6 _____ acres,
particularly described as follows: Portions of Sections 24, 25, 27, 28, 32, 33 and 34, all

T5N, R12E, B11

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

F. A. Hooney

(Signature of Owners)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Meade } ss.

Frank J. Hunn 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 itme of publication of said notice herein after stated, has been and is printed and published in the _____ city of Sturgis _____ County of _____

Meade 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 _____ the printer and publisher of the said newspaper.

Frank J. Hunn

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

Notary Public Shane County, S. D.

Form 8—Notice of Intention to Appropriate Water

No. 311-1

(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 16.61 cubic feet of water per second of time from the Belle Fourche River through the Mooney 1-2-4-5-6, the point of diversion of which is to be located on both banks of said stream between a point in Lot 9, Sec. 26, and a point in Lot 1 of Section 32 all in Twp. 5N Range 12E. Said water to be used for the purpose of providing irrigation on the following described land:

Parts of Sections 25, 26, 27, 28, 32, 33 and 34 all 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 1:00 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: Les Wyborny, Water Rights Engineer

(Dec. 26-Jan. 2-9-16)

RECEIVED
JAN 21 1958

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

310-1
311-1

March 3, 1958

Mr. D. E. Matter
Consulting Engineer
Cheyenne Crossing
Lead, South Dakota

Dear Mr. Matter:

This letter concerns the water right Applications No's. 310-1, 311-1, 277-1, 280-1 and 231-1, for F. A. Mooney.

The Water Resources Commission approved Permits to Appropriate Water on February 19, 1958 for Applications 310-1 and 311-1. Applications 277-1, 280-1 and 231-1 were approved November 21, 1956.

When processing Application 310-1, we noted that this application included irrigation of the same land covered by Application and Permit 281-1, plus additional acreage. For issuance of the Permit to Appropriate Water for Application 310-1, we believe that the best water right record for Mr. Mooney will result if Permit 310-1 includes all the land and water for the entire irrigation project and Permit No. 281-1 canceled. Priority dates will not be changed.

When processing Application 311-1, we noted a similar combination of lands already covered by Application and Permits No's. 277-1 and 280-1. In this case too we believe that the best water right record will accrue if Permits 277-1 and 280-1 are canceled and the entire project be included in Permit 311-1.

Before issuing Permits 310-1 and 311-1, we would like to have the approval of Mr. Mooney and yourself to handle these matters as outlined in the above two paragraphs.

August 11, 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 apportionment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is 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. CRIMES
Chief Engineer and
Executive Officer

cc: to each Water Resources Commissioner

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6542

October 10, 1978

PIERRE, Stephens, Quinn, Carr and Tschetter, P.C., Attorneys, 117 5th Ave.

RECEIVED OF 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 No. 311-1 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
 Chief Engineer, Executive Officer
 JOHN HATCH 97

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, 26, 27, 28, 32, 33, 34 - T5N, R12E, BHM as
described on Water Permit No. 311-1.

formerly owned by Olin Mooney & 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. 311-1 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 despose 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 Jr.

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

William H. Coachen
(Notary Public)

WILLIAM H. COACHEN
Notary Public, South Dakota
My Commission Expires March 29, 1981





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
Ereckenridge, 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	163.50

TOTAL

\$624.50

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/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8306

PIERRE, June 22, 1981

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		
Fee for water master services on WR# 311-1		461.00
(any other work as provided by law)		
TOTAL		461.00

WATER RIGHTS COMMISSION

By (John Hatch) Chief Engineer, Executive Officer
JOHN HATCH / 60

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

JOHNSON No.

DATE _____

PAYEE ,

DEPT. 4.

Lester Clark
Box 752
Breckenridge TX 76024

DWR, Water Rights Division
Foss Bldg.
Pierre SD 57501

STAPLE
HERE

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	

NOTE: Vendors invoice must be attached.

Warrant # 82
date 1/13/77
1/13/77

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	186.85		
			311-1 Lester Clark	<u>408.05</u>		
				\$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.

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.

Claimant Signature

Date _____

DIVISION APPROVAL

NOTE

APPROVAL SIGNATURE _____

12511

DATE MICROFILMED

CHERRY OPERATOR

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	\$ 31.00	\$ 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	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.51
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	128.30	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	85.03
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	2.30	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	343.71
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
1145-1	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	\$ 175.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.63
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 Wennberg	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 Snuck	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	Homestake 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 Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	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 Foos	1.64	115.00	48.75	---
962-1	Ione 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	37.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon 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
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

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

South Dakota

GREAT FACES. GREAT PLACES.

311-1

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

311-1



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 T5N, 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

311-1

LESTER CLARK

BRECKENRIDGE, TEXAS 76121

POST OFFICE BOX 752

AREA CODE 817 580-2210

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
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 Capitol
Pier D 57501-3181



No. 311-1

Date: January 1, 1996

I/We request that Water Right No. 311-1

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 4-5 Sec 17; Lots 5-8, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 25; Lots 1-5, 9, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 26; Lots 2,3,6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27; Lots 3-6, SW $\frac{1}{4}$ Sec 28; Lot 1 Sec 32; Lots 1-4, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 33; Lots 1-2 Sec 34, all in T5N, R12E

I/We understand that the validity of Water Right No. 311-1 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.

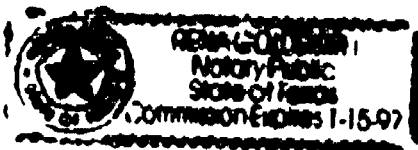
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

TEXAS
STATE OF 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.

Lester Clark
(Signed)

Subscribed and sworn to before me this 1st day of January, 1996.



Rena Gredmire
(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

414747

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

Pierre, _____ January 3, 19 96

RECEIVED OF Four Points, Inc., PO Box 552, Breckenridge, TX 76424

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. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 311-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

311-1



**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,

A handwritten signature in cursive script, appearing to read 'Cheryl F. Frost'.

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

enclosure

311-1

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.

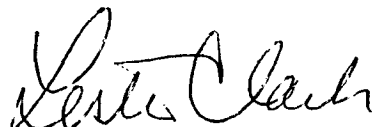
There has been some confusion on this as to who is going to file what. Sam Johnston has actually operated the ranch for the last year for me under a lease agreement, so he has the information needed to file the report. I have written Mr. Johnston, and also Mr. O'Connell, to be sure that they file these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

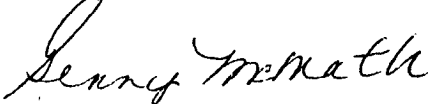
February 4, 1998

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:

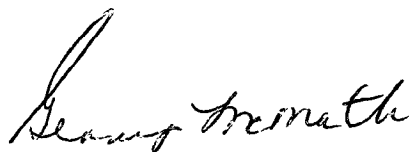
RE: transfers for 248-1, 310-1 and 311-1

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

Genny,

Thank you very much
for all your help and
patience on this matter.
I appreciate you a lot.

Sincerely
Sam Johnston



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

File No. 248-1

310-1

311-1

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:

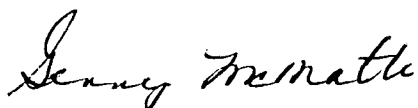
Water Right No. 248-1 authorizes irrigation of 64 acres. The 2000 irrigation questionnaire submitted by Mr. Johnston reported irrigation of 300 acres.

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



311-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 2002

310B-1

311B-1

Sam & Cary Johnston
17942 River Rd
Elm Springs SD 57736

Dear Mr. & Mrs. Johnston:

Enclosed, as we discussed, are copies of Water Right Nos. 310-1 and 311-1. I have included a map and marked the areas that pertained to each water right.

It is my understanding that you own the area south of the Belle Fourche River (with the exception of the area south of the river in Sections 27 & 28). Mr. Miller told us that he owns that land but rents it out to you. I have highlighted the area in yellow that I believe is the portion you own. I am assuming that the diversion points south of the river are the ones that you use. If any of this is incorrect, please let me know.

Enclosed are partially completed Notice of Transfer of Ownership forms for use in filing an ownership change with Water Right Nos. 310-1 and 311-1. The water rights will be divided and reissued as "A" and "B" numbers to reflect separate ownership.

The legal descriptions I listed on the transfer forms were taken from the water right and correspond with the highlighted areas on the map. Please review the forms and make any necessary corrections. Upon completion, please sign them and return them to our office with a filing fee of \$2.50 each (total of \$5.00).

During our phone conversation, we talked about the land authorized for irrigation under your Water Right No. 248-1. You have had some concern that the water right does not accurately reflect what you are irrigating. Enclosed is a copy of the water right and the map. It appears that when the application was originally filed, it described only 64 acres. It was subsequently licensed for the same acreage. If you irrigate more acreage than what is described, you would need to apply for a new water permit for the additional acreage. Water permit application forms are available from our office if you need them.

The only paperwork in the enclosed materials you need to return are the Notice of Transfer of Ownership forms (include \$5.00). You may keep the copies of the water rights and the corresponding maps. If you have any questions, please give me a call.

Sincerely,

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

enclosures

DIVISION OF NO. 311-1

INTO NOS. 311A-1 AND 311B-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. 311-1 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 311A-1, Mooney Ranch: irrigation of 1089.8 acres in Lots 1-5, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26; Lots 2-6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; Lots 3-6, SW $\frac{1}{4}$ Section 28; Lot 1 Section 32; Lots 1-4, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; Lots 1 & 2 Section 34; all in T5N-R12E; with diversion of 15.27 cfs from the Belle Fourche River located in Lot 5 Section 26; Lot 2 Section 27; Lot 5 Section 28 and Lot 1 Section 32; all in T5N-R12E.

No. 311B-1, Sam & Cary Johnston: irrigation of 93.8 acres in Lots 6, 7, 8 and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25 and Lot 9 Section 26; all in T5N-R12E; with diversion of 1.34 cfs from the Belle Fourche River located in Lot 9 Section 26-T5N-R12E.