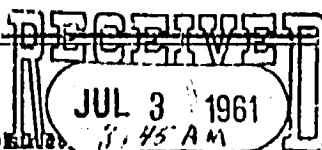


1. Considered 9-13-1907 587-1
2. Name of Applicant J. A. Dwyer
3. Post Office Address Winfield
4. Amount of water claimed 7.7
5. Source of water supply Deep Creek
6. Water to be used for irrigation
Acres to be irrigated 184.5
7. Water to be diverted and used in Madison County about
4W 4N miles 2 of Deep Creek
8. Proof of Publication Received initials
Not Received initials
9. Application Approved initials
Subject to initials
Not approved initials
Action deferred initials
10. Remarks:

No. 587-1Water Division No. 1

(Blank to be Filled by the Engineer for the W. R. C.)

BELLE FOURCHE RIVERSTATE WATER RESOURCES COM.
 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 Mooney, Lester Clark, TX
 Postoffice address Viewfield, County Miner, 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)

By direct labor and applicant-owned equipment.(b) Cash on hand, \$ Sufficient~~(c) Treasury note, \$~~~~(d) Bonds to be issued, \$~~~~(e) Other resources, \$~~2. Name of diversion work Mooney No. 03. Amount of water claimed 2.7 cfs May allowable
490 cubic feet per minute for a 25-year frequency and
12.2-hour flow duration.4. Source of water supply Dry draw5. Location of point of diversion In Lot 7, Sec. 19, T5N, R13E, BHM. 2100' north and 850' west
of S.E. Cor., Sec. 19, on Meade County.6. Annual period or periods during which water is to be used Spring thaw and runoff periods.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 129.5 acres.(b) Legal subdivisions to be irrigated SW 1/4 Sec. 19, Lots 2-3-6-9-13 of Sec. 30, T5N, R13E

(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) State permit for domestic use (giving location, etc.)~~~~--- If stockwatering, mining, mill, 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 ---~~

MAP No 500-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$1490.00 Rock, \$-----
 (e) Other structures Diversion dam \$2130.00 Total, \$-----

9. Description of diversion works:

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

Diversion dam and earth canal.

II. Dimensions of works.

(a) Dam: Height 4.5 feet; length at bottom 6081 Cu yds 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 Compacted earth

(b) Reservoir: Capacity when filled acre-feet Surface area at high water
 mark acres

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

(c) Head gate: Width feet; height feet

Material

(d) Canal: Total length 0.34 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	4 feet	50 feet	feet	feet
At Average 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 0.1 years.

11. Time required for complete application of water to the proposed beneficial use Next spring.

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

Sturgis Tribune, Sturgis, S. Dak.

STATE OF SOUTH DAKOTA

County of Meade 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

Subscribed and sworn to before me this

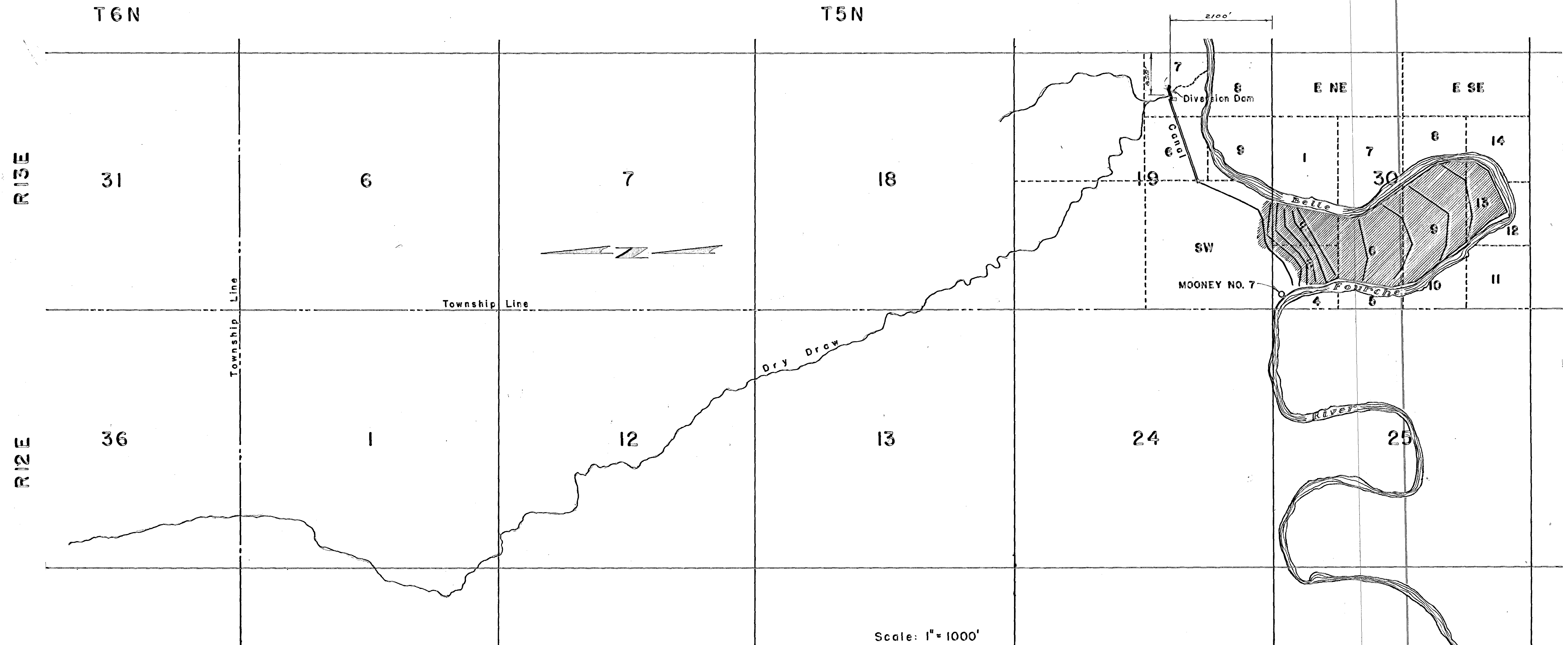
day of

1961

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission Expires March 11, 1969



- SYMBOLS**
- Township Lines
 - Section Lines
 - Subdivision Lines
 - Existing Dikes
 - /// Irrigable Area

Total length of spreader and retainer dikes (constructed under permit for Mooney No. 7) 27,500'

Amount of water claimed, 490 c.f.m. for a 25-year frequency and 12.2 hour flow duration.

Drainage area of dry draw, 1965 acres.

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

B.H.M.

Scale: 1" = 1000'

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

I, D.E. Matter, do hereby certify that this map correctly represents the lands and physical features thereof relating to the proposed diversion of dry-draw runoff as irrigation facilities to supplement pumping station "Mooney No. 7" for which a Water License is now in effect.

D.E. Matter
Registered Professional Engineer
and Land Surveyor

Reg. No. 427

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

On this 30th day of June, 1961, before me, 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.

My commission expires 1-25-67 *Bernard P. Stone, Jr.*
Notary Public

MAP OF PROPOSED DRY DRAW RIGHTS		
F.A. MOONEY - VIEWFIELD, S. DAK.		
DRAWN D.E.M.	D.E. MATTER Consulting Engineer Cheyenne Crossing Lead, South Dakota	JOB NO. 655
DATE June 1 1961		SHEET NO. 1 OF 1

MAP No 499-1 (APPL No 587-1)

Remarks by State Water Resources Commission:

Lands covered under this permit and Permit 310-1 may not receive in excess of the 2.7 cfs by using both systems at the same time.

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, September 14, 1961

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock a.m. upon the 3rd day of July, 1961.

State Water Resources Commission

By:

Barton Jones
Chief Engineer, Executive Officer

Number of permit 587-1

Date of first receipt of application July 3, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right July 3, 1961

Approved September 13, 1961, Recorded in Book 6 Page 324

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 _____

October 13, 1961

2nd. The whole of said work is to be completed on or before November 13, 1961

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

April 1, 1962

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 2.7 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 April 1, 1962; said water to be used during the following described annual period:

Spring thaw and runoff period

Witness my hand this 14th day of September, 1961

State Water Resources Commission

By:

James B. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued August 14, 1963

Water License issued August 14, 1963

Remarks by the Applicant:

The works described under this Application for Permit are designed to supplement irrigation water from Pumping Station "Moorey No. 7" under Permit No. 310-1.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 587-1

WHEREAS, On the 2nd day of July A. D. 1961
F. A. Mooney

of Viewfield County of Meade and State of
South Dakota duly made application (No. 587-1) to us for a permit to use 2.7
cubic feet per second of the waters of a dry draw
County of Meade, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 14th day of September A. D. 1961
Permit No 587-1 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 13th
November A. D. 1961 and for the application to beneficial use of said
water on or before the 1st day of April A. D. 1962
and,

WHEREAS, On the 17th day of July A. D. 1963
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.7
cubic feet per second of said waters, as evidenced by our Certificate No. 587-1
dated August 14, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.7 cubic feet per second of water, with date of
priority of July 3, 1961 and,

WHEREAS, On the 17th day of July A. D. 1963
proof was duly made of the application to beneficial use of 2.7 cubic feet per second of said water;
for irrigating 189.5 acres in portions of Section 19 and 30, T5N, R13E

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. 587-1

a water right, dating from July 3, 1961 to the use of 2.2

cubic feet per second of the waters of a dry draw

In the County of Meade and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinafter mentioned, to be diverted at a point 2100'N and 853'W of the

SE corner Section 19, T5N, R13E

and conducted to and upon 189.5 acres in Sections 19 and 20, T5N, R13E, more specifically

described in the 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 14th day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acres _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 587-1

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. Moorer

of Viewfield, County of Meade, and State of South Dakota, the holder of Permit No. 587-1, issued upon Application No. 587-1, bearing date of priority of July 3, 1961, authorizing the diversion of 2.7 cu. ft. per second of the waters of a dry draw County of Meade, State of South Dakota, at a point 2100'N and 858'W of the SE corner, Section 19, T5N, R13E

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 2.7 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 T5N, R13E

Section 19	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.6 acres
Section 30	Lot 2	23.0 "
	Lot 3	21.7 "
	Lot 6	50.1 "
	Lot 9	65.0 "
	Lot 13	22.1 "
	Total	189.5 "

Witness my hand this 14th day of August A. D. 1963

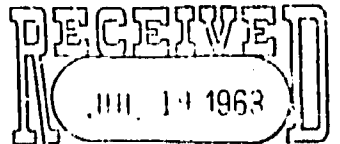
State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 587-1

Water Division No. _____

Water District _____



Certificate of Examination of Works

 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

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 July 2 1963, I have this day made a thorough examination of the diversion works constructed by F. A. Mooney, of Vinfield Meade County, South Dakota, holder of Permit No. 587-1, issued upon Application No. _____, bearing date of priority of May 10, 1963, authorizing the diversion of 490 cu. ft. per minute of the waters of a dry draw for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: a diversion dam and earth canal, the dam employing an excess 6000 cu. yds. of earthwork being approximately 50 feet wide at bottom and having an average freeboard of 6' Canal is approximately 1/3 mile in length.

and the system is in the following condition: completed and ready for operation.

The point of diversion is located in Lot 7, Sec. 19, T5N, R13E, BHM. 2100' north and 858' west of S. E. Cor. Sec. 19.

The works are capable of diverting and conveying to the place of use 490 cu. ft. per minute of water, which is to be used for irrigation purposes.

The legal sub-divisions to be irrigated are: sub 1/4 Sec. 19, Lots 2-3-6-9-13 of Sec. 30, T5N, R13E, BHM.

_____ comprising a total of 189.5 acres of land.

The domestic use intended comprises none

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

Witness my hand, this 17th day of July, A. D. 1963

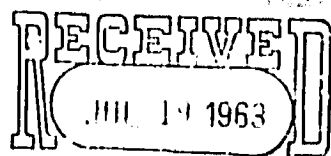
—SEAL—

Examining Engineer.

D. E. Matter, Consulting Engineer
 Registry Number 427

Location No.

Water Division No. Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**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. August 1961June 24, 1963

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

Ans. Dry draw. Earth dam 2100' north and 858' west of S. E. Cor., Sec. 19,T5N, R13E, R4M.

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. Earth dam 50' width at bottom, 6000 cu. yd. embankment, ⁶ 3' freshboard.1/3 mile canal. 490 cu. ft. per minute. Completed June 24, 1963.

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. Irrigation. S.W. 1/4 Sec. 19. Lots 2-3-6-9-13 of Sec. 30, T5N,R13E, R4M.

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. 490 cfm.

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

Ans. Occassional flash floods and other rains producing runoff.

(Sign) *[Signature]*

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 Heade Sturgis, County of Heade

State of South Dakota, on this 18 day of July A. D. 19 63

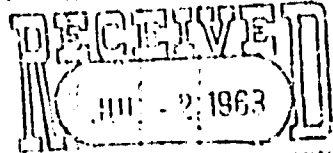
[Signature]
[Signature]

Witnesses.

[Signature]
Notary Public
Heade Co. S. Dak.

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.

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 _____	



STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

Permit No. 537 -1

Water Division No. _____ Water District _____

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.) Vicfield, S. Dak.

(Date) June 24, 1963

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 490 cu. ft. per ~~second~~ ^{minute} of the waters of the state through the spring thaw and runoff period for irrigation purposes in accordance with the terms and conditions 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 Vicfield County of Meade State of South Dakota
3. The number of such permit is 587-1 and the date set for the completion of such work is May 10, 1963
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 490 cubic feet per ~~second~~ ^{minute}
6. The amount of land for which said water is available is 189.5 acres, particularly described as follows: SW 1/4 Sec. 19; Lots 2-3-6-9-13 of Sec. 30, T5N-R1E, B. H. M.

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

F. A. Mooney

(Signature of Owners)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
)ss
COUNTY OF MEADE)

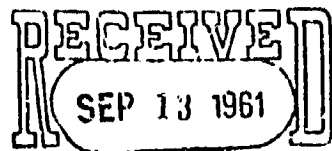
Morris G. Fallock, of said County and State, being duly sworn, on oath says: THE BLACK HILLS PRESS is a weekly newspaper of general circulation, printed and published in STURGIS in said County and State and has been such newspaper during the times hereinafter mentioned; that the said BLACK HILLS PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Publisher of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Appropriation of Water No. 587-1

, a printed copy of which is hereto attached, was printed, and published in said newspaper for four successive issues, the first publication being on the 19 day of Aug., 19 61 and the last publication on the 9 day of Sept., 19 61; that \$18.57 being the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever

Subscribed and sworn to before me this 12 day of Sept., 19 61

Bob Lee
Notary Public, Meade County

Bob Lee
My Commission Expires
April 12, 1968



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

No. 587-1
APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak., August 7, 1961
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 2.8 cubic feet of water per second of time from Dry Draw through the Mooney No. 8, the point of diversion of which is to be located on the south bank of said stream in Lot 7 of Section 19 Twp. 5 N Range 13 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
E1/4, SW1/4, Section 19; Lots 2, 3, 6, 9 and 13, Section 10, T 5N, R 13 E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, at 2 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: BURTON F. JONES
Water Right Specialist
Press Aug. 15-24-Sept. 2-9

On or before August 19, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1961

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 2.9 cubic feet of water per second of time from the dry draw through the Mooney #2, the point of diversion of which is to be located on the south bank of said stream in the Lot 2 ~~xxxx~~ of Section 19 portions of Twp. 5 N Range 13 E. Said water to be used for the purpose of providing irrigation on the following described land:

E1/2, SW1/4, Section 19; Lots 2, 3, 6, 7 and 15, Section 30, T 5N, R 13 E

~~xxxx~~ ~~xxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of September, 1961, at 2 PM. 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.

CC: Morris G. Hallock, Publisher
Black Hills Press
Sturgis, S. Dak.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

March 11, 1963
(date)

Dear Sirs:

I hereby request that an extension of time from November 16, 1961
to May 16, 1963 be granted me for the completion of works to be done under Permit No.
and that the time for proof of beneficial use of water be extended to May 10, 1963

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

Location of headworks: In the Lot 7 1/4 of the 1/4
of Section 19 Township 5N Range 13E
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:

Letter dated January 21, 1963

APPROVED:

State Water Resources Commission

By:

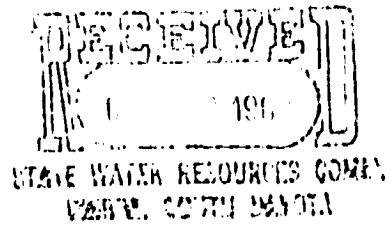
Chief Engineer, Executive Officer

F. A. Mooney
F. A. Mooney

Viewfield, S. Dak.

Holder of Permit No.

587-1



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: October 7, 1977

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

Lot 7. Section 19, T5N, R13ESW $\frac{1}{4}$, Section 19. Lots 2-3-6-9-13 of Section 30, T5N, R13Eformerly owned by Mooney, F. A.has been transferred to Olin Mooney, & Jess Eurner, Star Route, New Underwood

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

Water Right Permit No. 587-1 as provided for in Section 61.0127 of the 1960

Supplement to the South Dakota Code of 1939.

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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Hughes) SS.

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

Olin Mooney
(Signed)

Subscribed and sworn to before me this 7th day of October19 77.

Justin A. Ziebrich
(Notary Public)

my Commission Expires 3/27/83

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:

Lot 7, Section 19 - T5N - R13ESW 1/4 Section 19, Lots 2 - 3 - 6 - 9 - 13 of Section 30 - T5N, R13Eformerly owned by Olin Mooney & Jess Burner, Star Route, New Underwoodhas been transferred to X Lester Clark, Box 752, Brickenside, TX
together with any rights to the beneficial use of water thereon as evidenced byWater Right Permit No. 587-1 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)

X 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.

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

WILLIAM H. COACHER
Notary Public, South Dakota
My Commission Expires March 28, 1982



(Notary Public)

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 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



310-1
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,

A handwritten signature in cursive script, appearing to read "Don Frye".

DON FRYE, Natural Resources Analyst
Division of Water Rights

enclosure

587-1



**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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1183

November 18, 1994

587-1

Lester Clark
PO Box 752
Breckenridge, TX 76424-0752

Attention: Andria Sims, Accounting Clerk

Dear Ms. Sims:

Thank you for the prompt return of the 1994 irrigation questionnaires pertaining to Water Right Nos. 310-1 and 311-1.

In your letter of November 14th, you inquired about an irrigation questionnaire for Water Right No. 587-1 also held by Mr. Clark. Your files are correct, a yearly irrigation questionnaire for Water Right No. 587-1, is not required. Under Water Management Board Rule 74:02:01:14.02 states that all irrigation permit owners except water spreading permit owners shall submit completed irrigation questionnaires on the forms mailed to them each year by the Chief Engineer.

Our records indicate the type of system utilized for No. 587-1 is a waterspreading system. If the system type has changed, please contact us and a questionnaire will be forwarded to you.

If you have any questions, please contact me.

Sincerely,

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

587-1

LESTER CLARK

BRECKENRIDGE, TEXAS 78424

POST OFFICE BOX 752

AREA CODE 817 550-2240

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 E. Capitol
Pierre, SD 57501-3181

No. 587-1

Date: January 1, 1996



I We request that Water Right No. 587-1

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:
SE 1/4 SW 1/4 Section 19; Lots 2, 3, 6, 9 and 13, Section 30, all in T5N, R13E

I/We understand that the validity of Water Right No. 587-1 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.

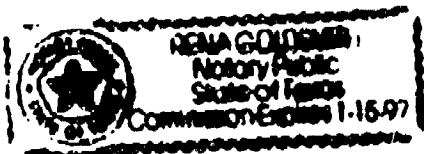
STATE OF TEXAS
SOUTH DAKOTA)

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.

Lester Clark
(Signed)

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



Rena Golden
(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

414748

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

Pierre, _____ January 8, 19 96

RECEIVED OF Four Points, Inc., 10 Box 752, 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>537-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



587-1

**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

FOUR POINTS, INC.

Post Office Box 752 • Breckenridge, Texas 76424 • 817-558-2248 • FAX 817-558-8553
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
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 EAS. 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

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.

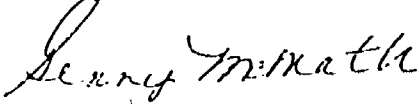
continued

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,



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
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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417217

Pierre, July 10, 20 02

RECEIVED OF Mooney Ranch Account, Gail Miller, 907 N Madison, Pierre SD 57501
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>587-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Darlene E. Eide

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 587-1

Date: 7-9-02

I/We request that Water Right No. 587-1

formerly owned by: Breckenridge Partnership, Ltd.

be transferred to: (name & address) Mooney Ranch, % Gail Miller

907 N Madison, Pierre, SD 57501

Telephone No.

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

189.5 acres - SE¼ SW¼ Section 19; Lots 2, 3, 6, 9 and 13, Section 30, T5N, R13E

I/We understand that the validity of Water Right No. 587-1 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Gail D. Miller
(Signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 11, 2002

587-1

Gail Miller
Mooney Ranch
907 N Madison
Pierre, SD 57501

Dear Mr. Miller:

The transfer of ownership for Water Right No. 587-1 has been completed. The water right, formerly held by Breckenridge Partnership, Ltd., authorizes diversion of water from a dry draw to irrigate 189.5 acres in portions of Section 19 and 30, T5N, R13E in Meade County.

Enclosed is your Receipt No. 417217 in the amount of \$2.50 which you paid for filing the ownership change. I have included a copy of the water right for your records.

The remaining two water rights you have filed ownership changes on (Nos. 310-1 and 311-1) are being processed and will be sent to you as soon as they have been completed.

If you have any questions, please get in touch with me.

Sincerely,

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

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

enclosures



587-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 2004

587-1
310A-1
311A-1

Ted Robb
20960 Oxbow Place
New Underwood SD 57761

Dear Mr. Robb:

Enclosed, as we discussed, are copies of Water Right Nos. 587-1, 310A-1 and 311A-1 currently listed in the name of Mooney Ranch. I have included maps outlining the area described in each water right.

You indicated you may want to change diversion points and/or set up center pivots in the area. As soon as you have reviewed the water rights and made a decision on what you would like to do, please get in touch with us so we can discuss whether or not the plan falls under the current water rights or whether amendments will be necessary.

Sincerely,

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

enclosures

587-1

RECEIVED

**COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP**

JUN 10 2020

**WATER RIGHTS
PROGRAM**

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
DONALD A. PORTER
JOSEPH R. LUX
HEATHER LAMMERS BOGARD¹
JESS M. PEKARSKI

200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709

Telephone: (605) 343-2410
Fax: (605) 343-4262

PHILLIP R. STILES
SHANE M. PULLMAN ±±
JONATHAN P. McCOY*
MICHAEL F. STEVE~
DAVID R. HANSEN
KRISTEN E. BASHAM
REECE R. WEBER

± Registered Patent Attorney

J.M. COSTELLO
1923-2007

WILLIAM G. PORTER
1926-2004

¹Also available at Spearfish office
115 N. 7th Street, Suite 3
Spearfish, SD 57783

+ Also admitted in North Dakota

* Also admitted in Wyoming

^Also admitted in Nebraska

June 8, 2020

PMB 2020
DENR – Water Rights Program
523 E. Capital Ave.
Pierre, SD 57501-3182

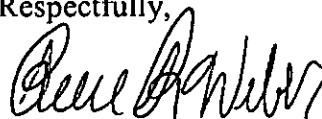
Re: Notices of Transfer of Ownership
Our File No.: 182348

To Whom It May Concern:

Please find enclosed three Notices of Transfer of Ownership for filing with your office and a check in the amount of \$150.00 for the filing fee.

Thank you for your consideration in this matter and please do not hesitate to contact our office with any questions or concerns.

Respectfully,



Reece R. Weber

RRW/arb
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUN 10 2020

Ck# 078923

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUN 10 2020

Water Right/Permit No. 587-1

Date: January 1, 2020

WATER RIGHTS
PROGRAM

I/We request that Water Right/Permit No. 587-1 formerly owned by:

Mooney Ranch be transferred to:

New Owner Name: HBW, LLC

Address: 13655 Silver Fox Spur

City, State, Zip: Rapid City SD 57702 Telephone No.

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

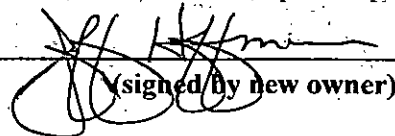
189.5 acres in SE 1/4 SW 1/4 Section 19 and Lots 2, 3, 6, 9 and 13, Section 30, T5N, R13E

☒ I understand that the validity of Water Right/Permit No. 587-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, HBW, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

587-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 10, 2020

RECEIVED OF Costello Porter Hill Heisterkamp Bushnell & Carpenter LLP PO Box 290 Rapid City SD 57709

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>587-1</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer

DM

587-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 11, 2020

310A-1
311A-1
587-1

Jeff Hoffman
HBW LLC
13655 Silver Fox Spur
Rapid City SD 57702

Dear Mr. Hoffman:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 310A-1, 311A-1 and 587-1. The ownership changes have been completed. The water rights formerly held by Gail Miller dba Mooney Ranch, are now listed under HBW LLC.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

I also included a couple past irrigation questionnaires pertaining to Nos. 310A-1 and 311A-1 to give you an idea of what they reported. An annual irrigation questionnaire is not required for Water Right No. 587-1 since the water source is a dry draw.

I have also included a copy of all three water rights for your files in the event you do not have them. The receipts for the filing fees are being sent to Costello law firm with a copy of this letter. If I can answer any questions for you, please let me know.

Sincerely

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive.

Genny McMath
DENR - Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Enclosures

cc: Reece R Weber, Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP w/Receipts