

GRANT OF WATER RIGHT

MB-1

Herman S. Bye, Grantor, of Carter County, State of Montana, for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, conveys, grants and quitclaims to Lloyd A. Moncur, of Camp Crook, South Dakota, all of the water rights, water, ditches, reservoirs, and water easements and profits thereunto belonging or in anywise appertaining which are now or hereafter may be used on the hereinafter described premises, together with all rights which may have been acquired by prescription or otherwise, and including the following, to-wit:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-five (35); the Southeast Quarter (SE $\frac{1}{4}$) the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter of Section Thirty-four (34), Township Seventeen (17) North, Range One (1) East, B1M, in Harding County, South Dakota,

and in particular one diversion dam across dry draw in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-five (35) and a storage dam across dry draw in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-four (34) in Township Seventeen (17) North, Range One (1) East, B1M, in Harding County, South Dakota, as shown by a location certificate, dated March 24, 1909, by Herman S. Bye, for a location made on March 9, 1909, covering 4.56 cubic feet of water per second during any and all times that flood waters may flow in either of said dry draws, said location certificate is recorded in the Office of the Register of Deeds of Harding County, South Dakota, on April 1, 1909, in Book 1 of Miscellaneous Instruments at Page 15.

Dated this 1st day of October, 1958.

Herman S. Bye

State of South Dakota)
) ss.
County of Harding)

On this the 1st day of October, 1958, before me, Florence Gunderson, the undersigned officer, personally appeared Herman S. Bye, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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

RECORDED
COMPARED
GRANTOR
GRANTEE
NUMERICAL

Florence Gunderson
Notary Public.

STATE OF SOUTH DAKOTA } ss.
County of Harding }
I hereby certify that the within instrument was filed for record in this office on this 3 day of Oct. 1958, and was recorded in Book 1 of Miscellaneous Instruments at Page 15.
A. D. 1958 at 10:55 o'clock P. M. by the Register of Deeds.

State of South Dakota

LOCATION NOTICE Water License No. 78-1

(1) Herman S. Bye
of Montana, located and filed Location Notice No. 78-1
made Application No. March 9, 1909 for a right ~~water permit~~ to appropriate
4.56 cubic feet per second of water from a dry draw
Harding County, South Dakota for Irrigation purposes.
Location Notice 78-1 with a priority date of March 9, 1909
~~was approved~~ located and filed ~~by the~~ applicant(s) for diversion of water with construction of the described
water supply system ~~as completed~~ /The system was and the water placed ~~and for the application to beneficial use of said~~
~~water~~

Herman S. Bye originally located and filed Location Notice No. 78-1. December 13, 1984,
Location Notice No. 78-1 was transferred to Lloyd A. Moncur.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.71 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2080 feet N and 1350 feet E of the
SW Corner of Section 35, T17N, R1E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent. to irrigate the following land all in T17N, R1E

Section 34	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 Acres	(CD)
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 Acres	(DC)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 Acres	(DD)
	TOTAL	120 ACRES	

(4) Pursuant to §46-5-30.1 Lloyd Moncur

of Camp Crook Route, Belle Fourche, South Dakota 57717

Location Notice

the holder(s) and/or owner(s) of Water Permit No. 78-1 is issued a license to appropriate water, the right to use

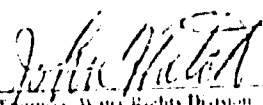
1.71 cubic feet per second of water from a dry draw with a priority date

of March 9, 1909 from the location specified in (2) of this license. The water to be

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

Location Notice 78-1

This license is subject to any limitations or qualifications listed in Water Permit No. 78-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
December 17, 1984

R I E

T
17
N

Lloyd Moncur

1350'

Pt. of
DIVERSION

DIVERSION
Ditch
Dike

SE $\frac{1}{4}$ SW $\frac{1}{4}$
40 AC.

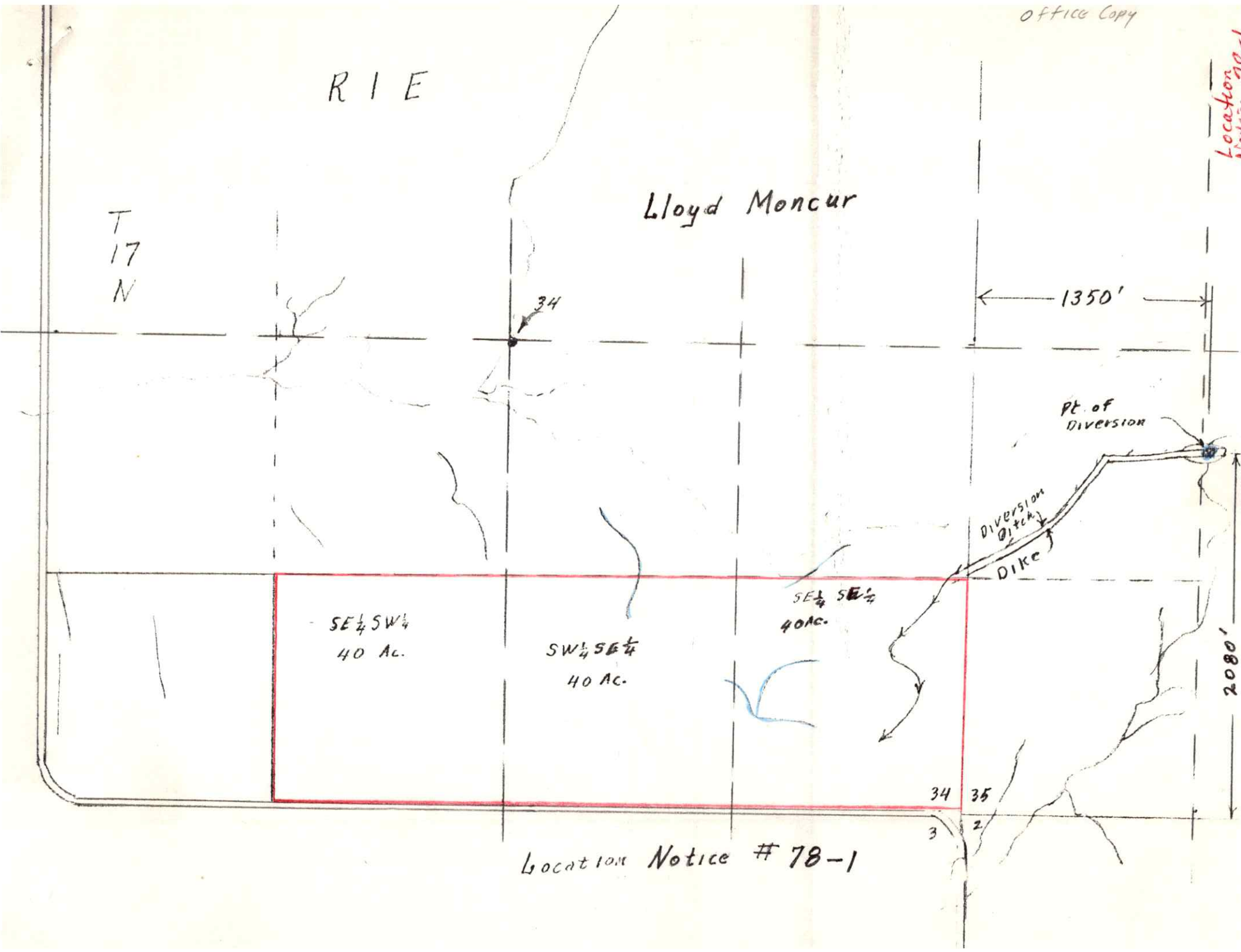
SW $\frac{1}{4}$ SE $\frac{1}{4}$
40 AC.

SE $\frac{1}{4}$ SE $\frac{1}{4}$
40 AC.

2080'

Location Notice # 78-1

34 35
3 2



Loc. Holua W. Ford Mancos

#78-1 Bone - disjunct

5-24-84 15' high back end

21 x 31 - 4' I reached

12' top

SP. away from the river and
into the field

SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34-T17N1E

Mancos Bone point 15' from the center

Bank 4th W. Thompson a copy wait 14 sec

W. J. Thorne

8301 2nd 78-1 Bone from the center Mancos

Bank 4th 35-11-1 Old Point 18'

18' high, from the center 78-1

Location Notice Permit No. 78-11 - Little Missouri River Water District 10110201**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Lloyd Moncur
Camp Crook Rt a Belle Fourche, S.Dak. 57717 holder of
 Permit No. LN#78-1, bearing the priority of March 9 1909 authorizing
 the diversion of 4.56 cu. ft. per second of the waters of Dry Draw
 for Irrigation purposes, in Harding County

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

A. Works used to divert the water:

Diversion Dam : Height 15', 3:1 + 2:1 Side Slopes, 4.0' Freeboard.
12' Top Width

B. Works used to transport water to place of use:

Diversion Ditch / Dike.

C. Works used to apply water to beneficial use:

Dikes and Ditches to spread Water

The system is in the following condition Fair.

The point of diversion is located 2080 ft N and 1350 ft E of the SW Corner
of Sec. 35, T17N R1E

The works are capable of diverting and conveying to the place of use 10.0+cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T17N R1E

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34 = 40 Ac.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ " 34 = 40 Ac.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ " 34 = 40 Ac.

comprising a total of 120 acres of land and the license should be issued for 1.71 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date May 24, 1984

LeRoy J. Mernauke
 (signature)

Location Notice 78-1

WATER RIGHTS DIVISION
(605) 773-3352

December 6, 1984

Lloyd Moncur
Camp Crook Route
Belle Fourche, South Dakota 57717

Dear Mr. Moncur:

In May, 1984 when Mr. LeRoy Hernaugh, of this office, inspected your water use system under Location Notice 78-1, you were informed that you needed to submit a Vested Right Application. Since that time, after discussion with Staff and further interpretation of the South Dakota Water Laws, it was concluded a Vested Right Application would not have to be filed.

In order to update your location notice, a notice of transfer should be filed with our office to transfer the name from Herman S. Bye to your name. When the transfer is completed, a water license will be issued for the lands you are actually irrigating. This will bring your location notice up-to-date.

Enclosed is a partially completed transfer form for transferring the location notice. Please check over, date, sign before a notary public, and return the form to this office with a \$2.50 filing fee.

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

If you have any questions concerning this procedure, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

LOCATION NOTICE NO. 78-1

LOCATION NOTICE
NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-12-84

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

SE1/4SW1/4, S1/2SE1/4 Section 34, T17N, R1E

formerly owned by Herman S. Bye

has been transferred to Lloyd Moncur, Camp Crook Route, Belle Fourche, SD 57717
(please include complete mailing address)

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

~~Water Right Permit~~ No. 78-1 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 Div. of Water Rights, Water Management Board 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.

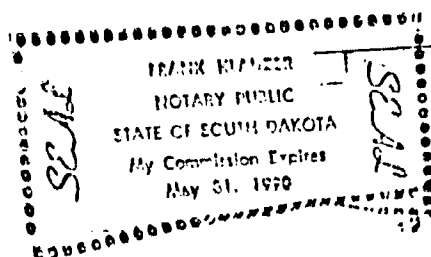
STATE OF SOUTH DAKOTA)

County of Blair) ss.

I, Lloyd Moncur 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 infor-
mation herein stated is true.

Lloyd A. Moncur
(Signed)

Subscribed and sworn to before me this 11th Day of December, 1984.



Frank Klemm
(Notary Public)



WNR-820-9/83
Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

No 4 9854

South Dakota Department of Water and Natural Resources

Pierre, December 13, 1955

RECEIVED OF Lloyd A. Mancur, Camp Crook Route, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form WATER IN #78-1	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By (John Hatch)
Chief Engineer JOHN HATCH (MS)

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

December 17, 1984

Lloyd Moncur
Camp Crook Route
Belle Fourche, South Dakota 57717

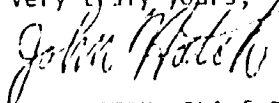
Dear Mr. Moncur:

Location Notice

Enclosed herewith is, Water License No. 78-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Receipt No. 4 9854 is enclosed for transfer of Location Notice No. 78-1. The Water License is now listed in your name.

WNR-817 3/83
Transmittal of Water License