

No. 107-1

Water Division No. 1 Little Missouri Water District.  
[Blanks to be filled by the State Engineer]

COPY

# APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

[NOTE—Draw a line through items not applicable.]

1. Name of applicant Charles W. CouserPostoffice address Willott, County Harding, State South Dakota

I. If a corporation: -----

(a) Name of same -----

(b) Date and place of incorporation -----

(c) Amount of capital stock -----

(d) Amount paid in -----

(e) Names and addresses of directors: -----

[NOTE—A certified copy of articles of incorporation must accompany the application.]

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

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Direct Labor

(b) Cash on hand, \$ ----- (c) Treasury stock, \$ -----

(d) Bonds to be issued, \$ ----- (e) Other resources, \$ -----

2. Name of diversion works Couser Diversion Works3. Quantity of water claimed 2 cubic feet per second.4. Source of water supply North Fork of Shaw Creek5. Location of point of diversion Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$  of Sec. 2, Tp. 21North Range 1 East, S.H.M. on Left bank.  
(Right or left bank looking down stream.)6. Annual periods during which water is to be used During the entire year

7. To be used for:

I. Irrigation or domestic use Irrigation only(a) Number of acres to be irrigated 112 acres.

Sec. 3, T. 21 N., R. 1 E. B.H.M.

|                  |                  |      |        |                  |    |        |
|------------------|------------------|------|--------|------------------|----|--------|
| NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | - 40 | acres. | Amount irrigable | 10 | acres. |
| NE $\frac{1}{4}$ | SE $\frac{1}{4}$ | - 40 | "      | "                | 35 | "      |
| SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | - 40 | "      | "                | 38 | "      |
| SE $\frac{1}{4}$ | SE $\frac{1}{4}$ | - 40 | "      | "                | 35 | "      |

Total amount irrigable 112 acres.

(c) Location of plan -----

(d) Method of developing power -----

(e) Point where water will be returned to stream -----

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....  
 (c) Fluming, \$..... (d) Canal-cutting, \$..... Rock, \$.....  
 (e) Other structures..... \$..... Total, \$770.00.....

9. Description of diversion works:

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

Reservoir, dam and ditches

II. Dimensions of works:

(a) Dam: Height 14.4 feet; length at bottom..... feet; length at top 200 feet; thickness at bottom 85 feet; thickness at top 15 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; material used in construction clay

(b) Reservoir: Capacity when filled 48 acre feet. Surface area at highwater mark 11 acres.

| DEPTH AT<br>OUTLET-FEET | SURFACE AREA AT EACH..... FEET OF<br>DEPTH AT OUTLET-ACRES | CAPACITY-<br>ACRE-FEET |
|-------------------------|------------------------------------------------------------|------------------------|
|                         |                                                            |                        |
|                         |                                                            |                        |
|                         |                                                            |                        |
|                         |                                                            |                        |
|                         |                                                            |                        |
|                         |                                                            |                        |
|                         |                                                            |                        |

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

(d) Canal: Total length..... miles.

| LOCATION BELOW<br>HEADGATE | DEPTH | BOTTOM WIDTH | WIDTH AT WATER<br>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           |

[Given bearings, or locations and are made.]

10. Time required for completion of work..... years.

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

12. Choice of newspaper for publication of notice of intention to appropriate..... Range Gazette  
 published at Camp Crook, S. D.

STATE OF SOUTH DAKOTA

County of Parkins } ss

I, Alfred S. Tubbs, Deputy State Surveyor, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of  
 engineer in charge, that I have read the above and foregoing statement, and examined the maps accompanying the same, and that I know of my own personal knowledge that the matters therein stated are true.

Signed..... Alfred S. Tubbs.....

Subscribed and sworn to before me this 18th day of August 1902

(SEAL)

Albert Smalley  
 Notary Public (or other qualified officer.)

# PLAT OF DESERT CLAIM NO. 025576

Filed on by CHARLES W. COUSER, Willott, S.D.

Showing method of irrigation

Description—SE  $\frac{1}{4}$  of Sec. 2

Tp. 21 N., Range 1 East, B.H.M.

Point of Diversion—NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sec. 2

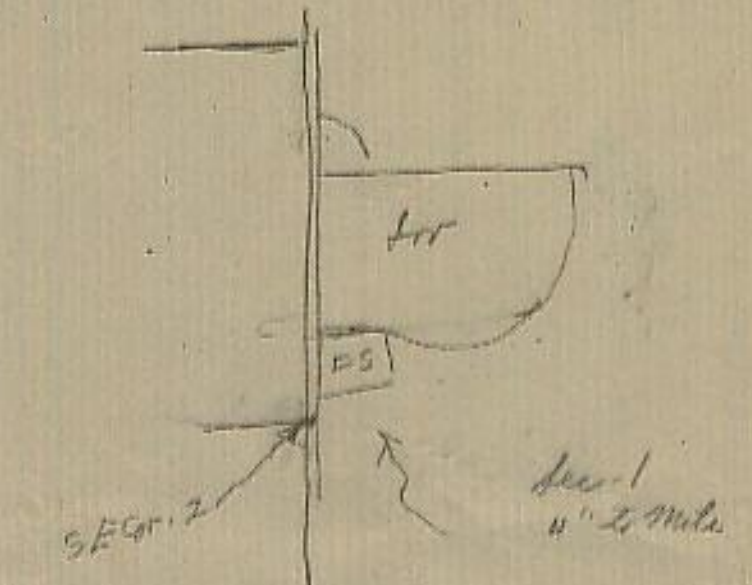
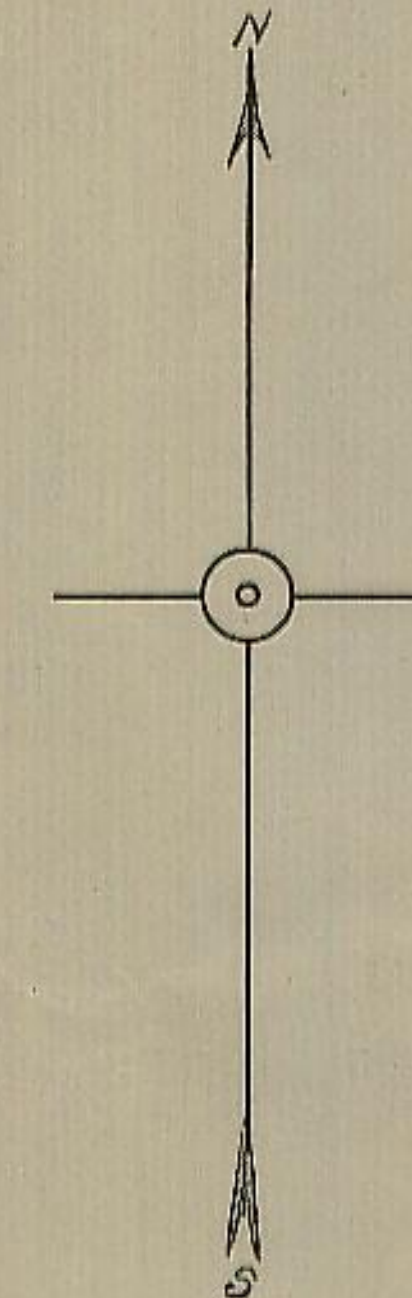
Tp. 21 N., R. 1 E., B.H.M. as

above on North Fork of Shaw Creek.

Area of Desert Claim—160 acres

Area irrigable on Desert Claim—118 acres

Amount of water required—2 cubic feet per minute



See USGS. AA-2  
for 60 to E of road  
in SW  $\frac{1}{4}$ -1

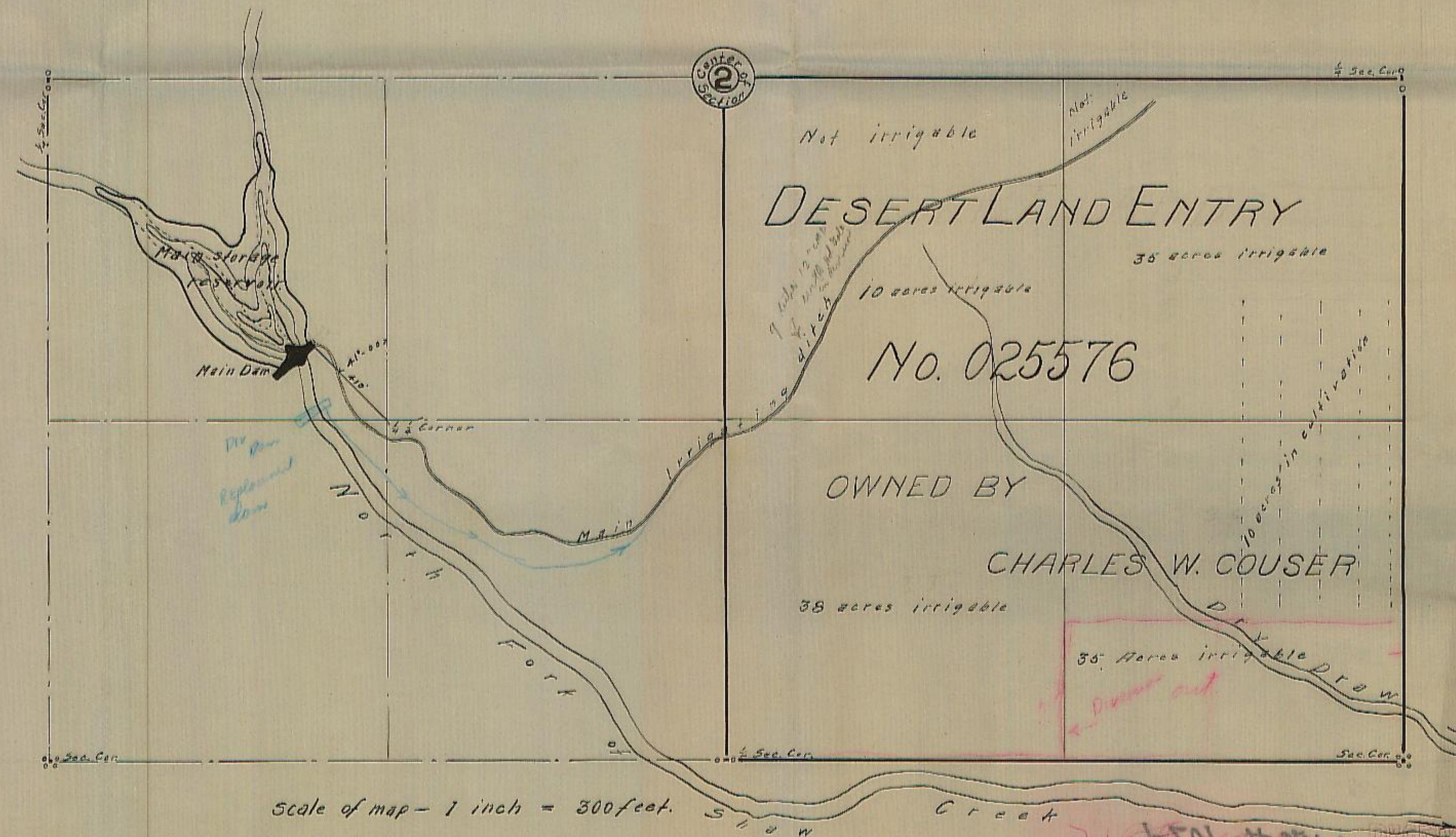
State of South Dakota, } s.s.  
County of Perkins.

I, Alfred S. Tubbs, being sworn upon my oath say that I am the engineer who was employed by Charles W. Couser to survey his Desert Claim as shown upon this plat, that the survey and map thereof were made by me and under my direction that the map was made for the purpose of being filed with the State Engineer at Pierre, South Dakota in order to obtain a Water Right on Shaw Creek as shown hereon, that I know of my own knowledge that the statements hereon made are true.

Sworn to and subscribed before  
me this 3rd day of August, 1912.

Albert Smalley  
Notary Public.

Alfred S. Tubbs  
Deputy State Surveyor.



Remarks by State Engineer:

This application is for the right to appropriate and divert for irrigation purposes two second feet of the waters of North Shaw Creek in Harding County. Diversion to be by gravity flow from dam across channel of stream.

STATE OF SOUTH DAKOTA }  
County of Hughes } ss

Pierre, South Dakota, November 7, 1902

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the 18th day of August, 1902, and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on October 19, 1902.

Samuel H. Lee  
State Engineer.

By B. B. Lee Deputy.

Number of permit 107-1

Date of first receipt of application August 19, 1902

Date of return to applicant for correction - - - - - 190

Date of receipt of corrected application - - - - - 190

Date from which applicant may claim right August 19, 1902

Approved October 19, 1902, Recorded in Book 2 Page 190-191

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 April 19, 1914.

2d. The whole of said work is to be completed on or before October 19, 1915.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 19, 1925.

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 - 1.7 - cubic feet of water per second of time; 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 October 19, 1915; said water to be used during the following described annual periods.

During the entire year.

Witness my hand this 7th day of November, 1902.

Samuel H. Lee  
State Engineer.

By B. B. Lee Deputy.

COPY

No. 107-1

Division No. 1

Little Missouri Water District.

PERMIT

to appropriate water from

North Fork of Shaw Creek

Harding County, South Dakota

Name of applicant

Charles W. Couser

Name of diversion works

Couser Diversion Works

Date of first receipt at office of State

Engineer August 19, 1902

Returned to applicant for Correction

190

Corrected application received

190

Date of water right

August 19, 1902

Recorded in Book 2 Page 190-191

One-fifth of work to be completed

April 19, 1914

Whole work to be completed

October 19, 1915

Final proof of use of water

October 19, 1915

Approved October 19, 1912

Samuel H. Lohr  
State Engineer.

By B. B. Lohr  
Deputy

STATE OF SOUTH DAKOTA, )  
COUNTY OF HUGHES. ) ss

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 7th day of November 1902

Samuel H. Lohr  
State Engineer.

By B. B. Lohr  
Deputy.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County of Harding, ss

J. C. Clough, being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from the

Range Gazette, a newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the Town of Camp Creek, ~~Harding~~ County of Harding and State of South Dakota,

That the said notice was published in said newspaper on the following dates:

August 29, 1912; Sept. 5, 1912;

Sept. 12, 1912; Sept. 19, 1912;

in each and every issue of the full number thereof, the publication being made on the 29th day of August, 1912

and the last publication on the 19th day of September, 1912, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication

he was foreman and the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 20th day of September, A. D. 1912.

U. S. Commissioner,  
Harding County, S. D.

### APPROPRIATION OF WATER.

Office of the State Engineer,

Pierre, S. D., August 20, 1912.

Notice is hereby given that Charles W. Couser, whose postoffice address is Willett, Harding county, South Dakota, has made an application in accordance with the provisions of the Irrigation laws of the State of South Dakota for a permit to appropriate for beneficial use 3 cubic feet of water per second of time from North Fork of Sharp creek through the Couser Diversion Work, the point of diversion of which is to be located upon the left bank of said stream in the NW 1/4 of the SW 1/4 of section 2, township 21 north, range 1 east, Black Hills meridian, and water to be used for the purpose of irrigation upon the NW 1/4, NE 1/4, SE 1/4, SW 1/4, NW 1/4, NE 1/4, SE 1/4, section 2, township 21 north, range 1 east, Black Hills meridian.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 10th day of October, 1912, at 9 a. m. at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application and to be benefited and notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SALVUS H. ISA.  
State Engineer.

**RECEIVED**

SEP 25 1912

OFFICE OF STATE ENGINEER,  
PIERRE, S. DAK.

Permit No. 107-1Little 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 Gary Tennant.  
Marmarth Rt. of Camp Crook, S. Dak. 57724 holder of  
 Permit No. 107-1, bearing the priority of August 19 1912 authorizing  
 the diversion of 1.7 cu. ft. per second of the waters of North Fork of Shaw Creek.  
 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 that diverts water into an irrigation supply ditch. Dam is 8 ft high. Does not impound water

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

Irrigation Supply Ditch

## C. Works used to apply water to beneficial use:

Diversion Dike with 9-12" CMP/Hd gates.  
Dikes and ditches to spread water

The system is in the following condition Good

The point of diversion is located 1360 ft N and 760 ft E of the SW corner of  
Section 2. T21N R1E

The works are capable of diverting and conveying to the place of use 10 cfs.cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in Section 2 T21N R1E

NW $\frac{1}{4}$ SE $\frac{1}{4}$  = 6 Ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$  = 18 Ac.

NE $\frac{1}{4}$ SE $\frac{1}{4}$  = 35 Ac.

SW $\frac{1}{4}$ SE $\frac{1}{4}$  = 30 Ac.

comprising a total of 89 acres of land and the license should be issued for 1.27 cfsApplicable permit qualifications have been complied with X Yes      NoExceptions to compliance are:      Date October 27, 1982

LeRoy J. Mernaugh  
 (signature)



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

July 2, 1984

107-1

Gary Tennant  
Farmarh Rt.  
Camp Crook SD 57724

Dear Mr. Tennant:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 107-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$12.00 license fee has been paid.

Also enclosed is a Notice of Transfer form. Please check this over, date sign, have notarized and return with a \$2.50 filing fee so that the permit can be changed to your name. Total amount due for the Water License and transfer is \$14.50.

Sincerely,

KAREN SCHLAACK  
Administrative Aide

NOTE: On form of payment, please include the number of the Water Right. This insures proper handling of the fee.

*Equal Opportunity Employer*

L

**State of South Dakota**

**Water License No. 107-1**

(1) Charles W. Couser  
of Willatt, South Dakota  
made Application No. 107-1, August 19, 1912 for a water permit to appropriate  
1.70 cubic feet per second of water from North Fork of Shaw Creek  
Harting County, South Dakota for Irrigation purposes.  
Permit No. 107-1, with a priority date of August 19, 1912  
was approved October 19, 1912 and issued to applicant(s) for diversion of water with construction of the described  
water supply system to be completed on or before October 19, 1915 and for the application to beneficial use of said  
water on or before October 19, 1915.

On September 24, 1984, Water Permit No. 107-1 was transferred to Gary Tennant,  
Marmarth Route, Box 15, Camp Crook, South Dakota 57724

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 1.27 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is 1360 feet N and 760 feet E of the  
SW Corner of Section 2, T21N, R1E (C8)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land, all in T21N, R1E, Sec 2,

NW $\frac{1}{4}$ SE $\frac{1}{4}$  6 Acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$  35 Acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$  30 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$  18 Acres (DD)

TOTAL 89 ACRES

(4) Pursuant to §46-5-30.1 Gary Tennant

of Harmerth Route, Box 15, Camp Crook, South Dakota 57724

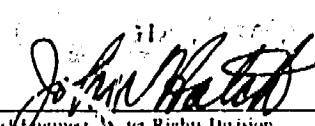
the holder(s) and/or owner(s) of Water Permit No. 107-1 is issued a license to appropriate water, the right to use

1.27 cubic feet per second of water from North Fork Shaw Creek with a priority date

of August 19, 1912 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

This license is subject to any limitations or qualifications listed in Water Permit No. 107-1 and subject to South Dakota State Law.

  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources **JOHN HATCH**

January 15, 1985

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9756

Pierre, September 24, 1934

RECEIVED OF Gary Tennant, Marmarth Route, Box 15, Camp Crook, SD 57724  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____ 107-1                  | 12    | 00    |
| Fee for Filing Transfer Form _____ 107-1                                                                                   | 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 | 14 50 |

By John Hatch  
Chief Engineer JOHN HATCH/ms

NO. 107-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 9/19/84

This is to notify you that the title to the lands described as follows:  
S 1/2 Section 2 and SW 1/4 Section 1, T21N, R1E

formerly owned by Charles W Couser  
has been transferred to Gary Tennant, Box 15, Marmarth Rt, Camp Creek SD  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by  
Water Right Permit No. 107-1 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 HARDING ) ss.

I, GARY TENNANT 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.

Gary Tennant  
(Signed)

Subscribed and sworn to before me this 19<sup>th</sup> Day of September, 1984.

James P. Hinley  
(Notary Public)



No. 107-1

**South Dakota**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

January 18, 1985

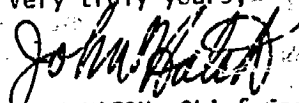
Gary Tennant  
Marmarth Route, Box 15  
Camp Crook, South Dakota 57724

Dear Mr. Tennant:

Enclosed herewith is, Water License No. 107-1. 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 9756 for transfer and licensing of No. 107-1 is also enclosed.

WNR-817 3/83  
Transmittal of Water License

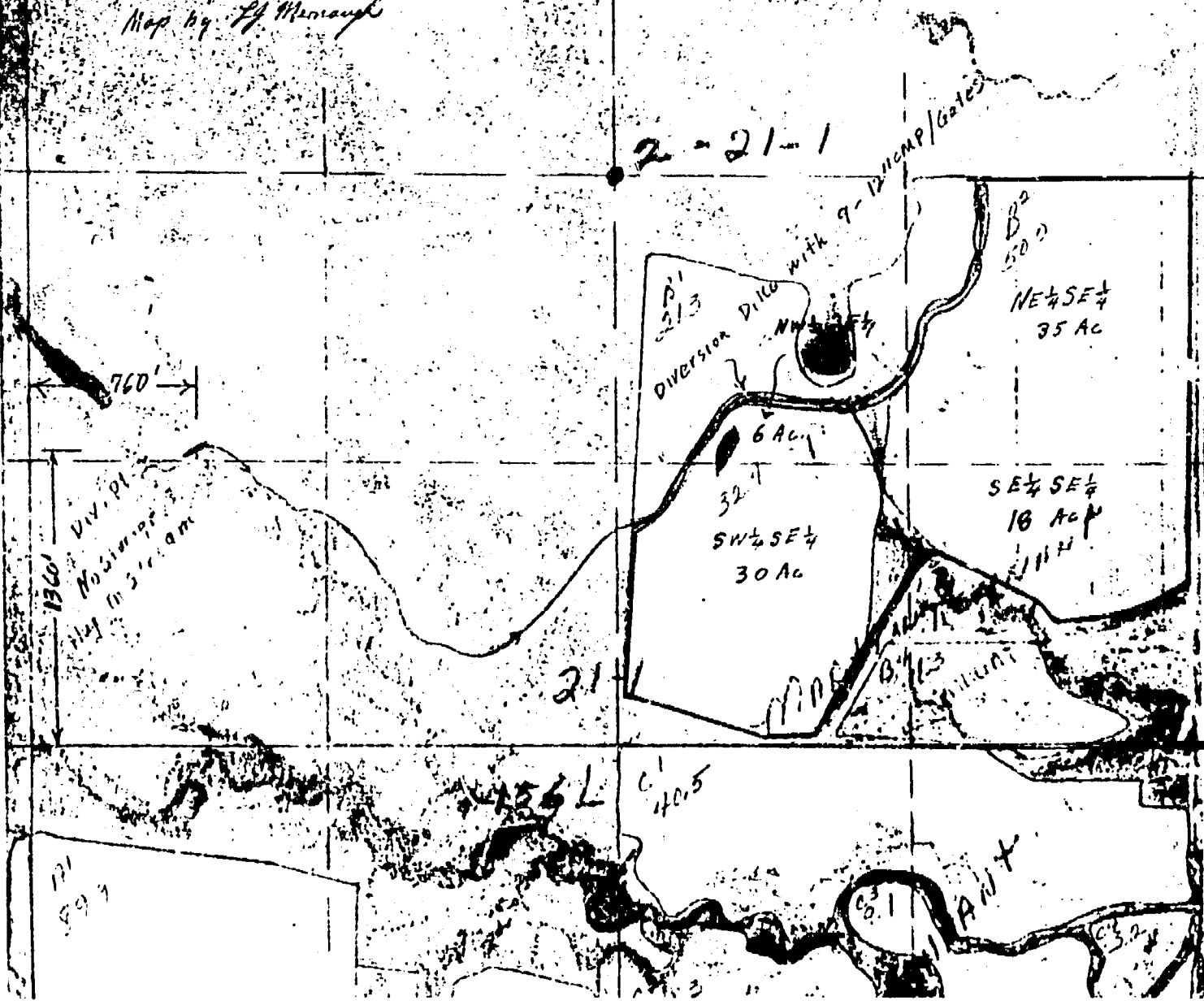
NOT TO SCALE

T21N R1E

Map by J. J. Mearns

Gary Tennant  
Permit # 107-1

2-21-1





# Department of Water & Natural Resources

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

DEC 19 1983

Gary Tennant  
Box 15 Marmarth Route  
Camp Crook, South Dakota 57724

Dear Mr. Tennant:

Enclosed are your Validated Vested Water Right and Water License No. 107A-1.  
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  
605 773-3352

JH:ms

enclosures

NOTE: Applicable portions of Water Right No. 107-1 have been incorporated  
into this Vested Right Water License No. 107A-1.

*Equal Opportunity Employer*