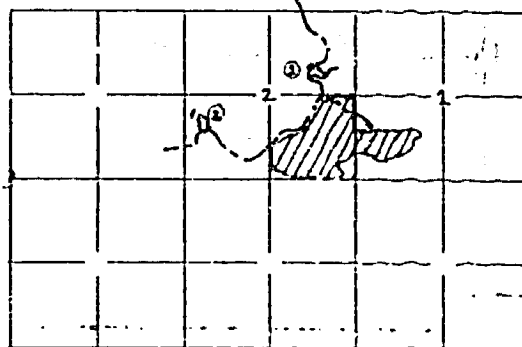


Considered: _____

Vested Right
WATER PERMIT NO. 107A-1MAP No. sameName of Applicant Gary TennantPost Office Address: Box 15, Marmarth R-t, Camp Creek, SD 57724Amount of Water Claimed 0.70 additional Total Acres 138Source of Water Supply dry draws - two spreader damsWater to be used for irrigation County HardingAbout 18 miles N of Camp CreekPROOF OF PUBLICATION: Received ☒ Not Received _____APPLICATION: Approved 3/4/87 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received September 22, 1986 Fee \$15.00 Remarks irrigation of7/1/52 49 acres in addition to 89 acres authorized by V.R. No 107-1Corrected Application Received _____ Period of Annual Use Mar 1 - Oct 31WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES ☐ NO ☐ REMARKS _____Diversion Point Dam No. 1: S 1/2 NE 1/4; Dam No. 2:NW 1/4 SW 1/4; all in section 2 - T21N-R1ELand to be Irrigated SW 1/4 (40 ac) section 1; SE 1/498 ac) section 2; all in T21N-R1ELog: Driller NA Licensed YES ☐ NO ☐

Name of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Jerry L. Nelson Reviewed and the Numberdated on January 10, 1987 By Ron Zurell

No. 107A-1 Hydrologic Unit 10110201
Map No. same Basin Little Missouri R.
Newspaper Nation's Center News, Box 107, Buffalo (Wyo)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☒ Application to: ☐ Change use ☐ Change diversion point(s) ☒ Add diversion point(s)☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. 107-1☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Gary Tennant Phone No. _____Post Office Address Box 15, Marmarth Rt., Camp Crook State SD 57724(Street, RR or Box) 0.70 add'l

Zip Code

138 49 add'l2. Amount of water claimed (c.f.s.) 1.97 total Total acres irrigated _____3. Source of Water supply dry draw and watershed runoff4. Location of point of diversion to

Spreader dam #1 1900 ft. south & 1300 ft. west of NE corner of Sec. 2 T. 21N. R. 1E.

Spreader dam #2 1400 ft. north & 600 ft. east of SW corner of Sec. 2 T. 21N. R. 1E. Harding

5. Counties where water will be used Harding6. Annual period during which water is to be used March thru October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Sec 1, T21N, R1E	13
NE 1/4 SW 1/4 " " " "	6
SW 1/4 SW 1/4 " " " "	18
SE 1/4 SW 1/4 " " " "	3

Land Description	No. Acres Irr.
NE 1/4 Sec. 2 T. 21N. R. 1E.	32
NW 1/4 Sec. 2 T. 21N. R. 1E.	7
SW 1/4 Sec. 2 T. 21N. R. 1E.	33
SE 1/4 Sec. 2 T. 21N. R. 1E.	26

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA

County of HardingI, Gary Tennant the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.Signed Gary TennantSubscribed and sworn to before me this 15 day of Sept 19 86Donna Rouss
Notary Public (notary-qualified-office)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code)

With the following qualifications.

see VR-1

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventh (1/7) 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____ Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 107A-1Gary Tennant
(applicant)Box 15, Marmarth Rt, Camp Crook
(post office address)SD
(state)57724
(zip code)Date of receipt of Application September 22, 1986.Validated March 4, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is July 1, 1952.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed _____

0.70 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Mar. 1 - Oct. 31.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights

Dept. of Water and Natural Resources

DEC 19 1986, 1986

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Gary TennantPost Office Address Box 15, Marmarth Rt, Camp Crook SD 57724
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
When Book PageB. Date of start of construction of water supply system July 1952C. Date that water was first applied to beneficial use April 5, 1953D. Name of owner of original water supply system Martin TennantE. Amount of water originally applied to beneficial use 130 Ac. ft.F. Present Use of Water - Amount of water now being used 130 Ac. ft.Date that this water was first used Apr. 5, 1953

G. Chronological History of Water Use

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Harding) ss

I, Gary Tennant the applicant, certify that I have read the foregoing
(print or type) and that the matters therein stated are true.

Signed Gary TennantSubscribed and sworn to before me Sept 15, 19 86
Russ Davis
Notary Public in and for the State of South Dakota

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Alfred L. Gundersen ALFRED L. GUNDERSON 19 86
(Print name)
Lyle Parfrey 19 86
(Print name)

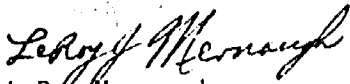
REPORT ON VESTED RIGHT APPLICATION NO. 107A-1

Gary Tennant
November 17, 1986

Vested Water Right Application No. 107A-1 proposes to validate a vested right claim for the appropriation of 0.70 cubic feet of water per second from two dry draw spreader dams. The points of diversion are located in the S 1/2 NE 1/4 and NW 1/4 SW 1/4, Section 2, T21N, R1E. The irrigated acreage is located in the SE 1/4 of Section 2 and the SW 1/4 of Section 1 all in T21N, R1E.

Conclusions:

1. The project is a water spreading system. It was inspected by LeRoy Mernaugh and found to exist as described.
2. According to the affidavit of water use, the system was constructed during July, 1952. Water has been used since 1953.
3. It is recommended that the vested right claim be validated.
4. The priority date of July 1, 1952 should be assigned to the claim.



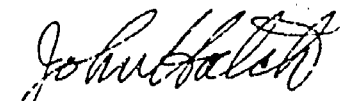
LeRoy Mernaugh
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 107A-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 107A-1, Gary Tennant, Box 15 Marmarth Rt, Camp Crook SD.

The Chief Engineer is recommending VALIDATION of Application No. 107A-1 because 1) water has been appropriated as described for irrigation use with a July 1, 1952 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
November 17, 1986

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

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

January 27, 1987

NATION'S CENTER NEWS
Box 107
Buffalo SD 57720

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 107A-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ regarding Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

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

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

January 27, 1987

NOTE: TO BE SURE OF PUBLICATION ON:
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Gary Tennant
Box 15, Marmarth Rt.
Camp Crook SD 57724

Dear Mr. Tennant:

Your Application No. 107A-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the NATION'S CENTER NEWS printed at Buffalo SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Devall
Natural Resources Engineer
605 773-2352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before February 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 107A-1 to Appropriate Water

Notice is hereby given that Gary Tennant whose mailing address is Box 15, Marmarth Rt., Camp Crook, South Dakota has filed an application to validate a vested right claim to appropriate 0.70 cubic feet of water per second from two dry draw spreader dams to irrigate 49 acres in addition to 1.27 cfs and 89 acres authorized by existing Water Right No. 107-1. The points of diversion are located in the S 1/2 NE 1/4, NW 1/4 SW 1/4 Section 2, T21N, R1E. The irrigated acreage is located in the SE 1/4 Section 2 and the SW 1/4 Section 1 all in T21N, R1E. The water use has a claimed priority date of July 1, 1952.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 107A-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of July 1, 1952, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 215, Joe Foss Bldg, Pierre SD, March 4, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Harding) ss.

I, Laverne M. Helms, Bus. Mgr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the National Western News

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 Buffalo

County of Harding and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

February 4, 1987

February 11, 1987

Laverne M. Helms
(Signature)

Business Mgr.
(Title)

2-11-87

(Date Signed)



Cost of Printing: _____
2-4 - 109 lines x .209 22.78
2-11 - 109 lines x .209 x .90 18.22
Total 3 41.00

WHR-808-7/79
Proof of Publication

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 107A-1

To Appropriate Water

Notice is hereby given that Gary Tennant whose mailing address is Box 15, Marmarth, Wyo., Camp Creek, South Dakota has filed an application to validate a vested right claim to appropriate 0.70 cubic feet of water per second from two dry draw spreader dams to irrigate 49 acres in addition to 27 cfs and 89 acres authorized by existing Water Right No. 107-1. The points of diversion are located in the S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T21N, R1E. The irrigated acreage is located in the SE $\frac{1}{4}$ Section 2 and the SW $\frac{1}{4}$ Section 1 all in T21N, R1E. The water use has a claimed priority date of July 1, 1952.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 107A-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of July 1, 1952, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., Pierre, SD, March 4, 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-4, 46-1-12 thru 45-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by counsel. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 3, 1985

Gary Tennant
Box 15, Marmarth Rt
Camp Crook SD 57724

Dear Mr. Tennant:

On October 27, 1982, I gave the final inspection of your Water Permit No. 107-1. At that time, you were irrigating 40 acres in Section 1, T21N, R1E. This area is not covered under any permit that is filed in this office. In order to comply with the South Dakota Water Laws it will be necessary to file for a permit. If the area as shown on the enclosed map was irrigated prior to July 1, 1955 it will qualify for a Vested Right. In this case there is an examining fee of \$8.00 and \$2.50 for the Water License.

If the area was constructed and irrigated after July 1, 1955 then you will need to file for a modern permit. See the enclosed instruction sheet. The filing fee for this is \$150.00 for your 40 acres. You will need to follow all of the other specifications in the instruction sheet also.

In order to assist you in filing for a permit I am enclosing two copies of a completed Form 2, Application for Permit which is needed for either a Vested Right or a modern permit. Please check the form over and make any corrections necessary and return to this office.

Enclosed also is a Form 2B, Affidavit of Water Use that you need to fill out if filing for a Vested Right.

If you file for a Modern Permit the Form 2 enclosed is also used for this application. Also enclosed is WI-1 Form and its instruction sheet to be used to comply with paragraph 6 of the instruction sheet.

Enclosed is a map of the area. Check this over and make any corrections necessary to make it as accurate as possible. If you make any changes please return it with the forms so that we may correct our office copy. If the map is correct as it is, you may keep it for your use.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer

 **Department of
Water & Natural Resources**

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

August 18, 1986

NOTICE

TO: Gary Tennant, Box 15, Marmarth Rt, Camp Crook, SD 57724

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Notice of Requirement to File Vested Water Right Claim

This Notice is in regard to your water spreading system located in Harding County, South Dakota in the SW 1/4 Section 1, T21N, R1E. LeRoy Mernaugh, Staff Engineer, with the Division of Water Rights inspected your system October 27, 1982. On January 3, 1985, partially completed application forms were sent to you for filing a vested right claim for your system. To date, we have not received the application from you.

In order for a water right to be considered as a "vested right", under South Dakota law, the system would have had to been constructed or under construction on or before March 2, 1955. If the system was constructed after this date, a new application will need to be filed.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the Chief Engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file the vested right claim within 90 days. Any claim filed after the 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee for filing a vested right application is \$15.00.

Enclosed is a partially completed set of application forms to claim vested rights. If your system does not qualify for vested right status, the filing fee for your application will be \$150.00. We will be glad to help you complete the application and answer any questions you may have.

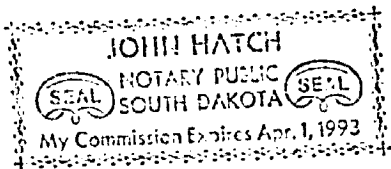
VERTICALITY

I hereby certify that on August 19, 1986 I have personally deposited with the U.S. Mail a postage prepaid envelope containing Notice pertaining to requirement to file a vested right claim addressed to: Gary Tennant
Box 15, Marmarth Rt
Camp Crook SD 57724 .

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of August, 1986.



John H. H. H.
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410371

Pierre, September 22, 1986

RECEIVED OF Gary Tennant, Box 15, Harwarth Route, Gary, SD 57723
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 _____	15	00	75
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 _____			
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	15	00	

By [Signature]
Chief Engineer JOHN HATCHER

Permit No. 127 A1Little Missouri River Water District10110201**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Gary Tennant.Box 15, Alammarth Rt. at Camp Crook, SD 57724 holder of
Permit No. 107 A-1, bearing the priority of .70 CFS Priority date July 1952
1.27 CFS August 19 1912 authorizingthe diversion of 1.97 cu. ft. per second of the waters of Dry draw and watershed runoff.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:

Pt #1 Dam 10' high	Emergency spillway diverts	Pt #2 Dam in draw diverts
" 300' long	water out of dry draw	water into irrigation ditch
" 10' top	to another draw which	no storage.
" 3:1 x 2:1 SS.	is used for irrigation	

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

Irrigation ditches

C. Works used to apply water to beneficial use:

Dikes to detain and spread water.some dikes have 12" CMP thru them to spread waterThe system is in the following condition GoodThe point of diversion is located Pt #1 = 1900' south and 1300' W of the NE cor of
Sec. 2, Pt #2 = 1360' N and 760' E of the SW cor Sec. 2, T21N R1EThe works are capable of diverting and conveying to the place of use 10 + CFScu. 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 T21N R1E

<u>NW 1/4 SW 1/4 Sec. 1 = 13 Ac</u>	<u>NE 1/4 SE 1/4 Sec. 2 = 32</u>
<u>NE 1/4 SW 1/4 Sec 1 = 6 Ac</u>	<u>NW 1/4 SE 1/4 Sec 2 = 7</u>
<u>SW 1/4 SW 1/4 Sec 1 = 18 Ac</u>	<u>SW 1/4 SE 1/4 Sec 2 = 33</u>
<u>SE 1/4 SW 1/4 Sec 1 = 3 Ac</u>	<u>SE 1/4 SE 1/4 Sec 2 = 26</u>

comprising a total of 138 acres of land and the license should be issued for 1.97 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date May 5, 1987LeRoy J. McNamee
Engineer

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 107A-1 FOR IRRIGATION

(1) Gary Tennant of Box 15, Marmarth Route, Camp Crook, SD 57724 made Application No. 107A-1, September 22, 1986, for validation of a vested right claim to appropriate 0.70 cubic feet of water per second from a dry draw (North Fork Shaw Creek) and watershed runoff, Harding County, South Dakota for irrigation purposes. Vested Water Right No. 107A-1 was validated March 4, 1987 with a priority date of July 1, 1952. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The applicable portions of Water Right No. 107-1 have been incorporated into this Vested Right Water License No. 107A-1.

Diversion point #2 (see below), 1.27 cfs and 89 acres carry a priority date of August 19, 1912 as authorized by Water Right No. 107-1.

Diversion point #1 (see below), 0.70 cfs and 49 acres carry a priority date of July 1, 1952 as authorized by Vested Water Right No. 107A-1.

(2) The applicant is entitled to divert 1.97 cubic feet of water per second for beneficial use. The location of the diversion points are:

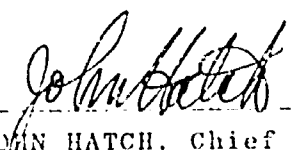
Point 1 - 19.7 ft South and 130.0 ft West of the NE corner of Section 2, T21N, R1E (SE 1/4 NE 1/4) priority date: July 1, 1952; and

Point 2 - 1360 ft North and 760 ft East of the SW corner of Section 2, T21N, R1E (NW 1/4 SW 1/4) priority date: August 19, 1912.

The location of the irrigated acreage is:

Description	Priority Date
T21N, R1E Section 1	
NW 1/4 SW 1/4 13 acres	July 1, 1952
NE 1/4 SW 1/4 6 "	July 1, 1952
SW 1/4 SW 1/4 18 "	July 1, 1952
SE 1/4 SW 1/4 3 "	July 1, 1952
T21N, R1E Section 2	
NE 1/4 SE 1/4 32 acres	August 19, 1912
NW 1/4 SE 1/4 7 "	(6 ac) August 19, 1912 (1 ac) July 1, 1952
SW 1/4 SE 1/4 33 "	August 19, 1912
SE 1/4 SE 1/4 26 "	(18 ac) August 19, 1912 (8 ac) July 1, 1952
TOTAL	138 acres

(3) Pursuant to Section 43-5-30.1 Gary Tennant of Box 15, Marmarth Route, Camp Crook, SD 57724 the holder(s) and/or owner(s) of Vested Water Right No. 107A-1 is issued a license to appropriate 1.97 cubic feet of water per second from a dry draw (North Fork Shaw Creek) and watershed runoff with priority dates of July 1, 1952 (0.70 cfs) and August 19, 1912 (1.27 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 107A-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
DEC 19 1988

107A-1

SOUTH DAKOTA Department of
Water & Natural Resources

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

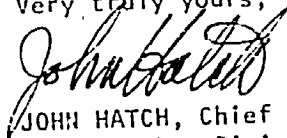
DEC 19 1988

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

NOT TO SCALE

T21N R1E

Map by J. J. Mernagh

5/5/87. Re inspected

Gary Tennant
107A-1
Permit # 107-1

No. 1, Pt. of Diversion

1300'

1000'

2-21-1

760'

#2
DIV. Pt.
No Storage
plug in stream

1360'

B1
21.3

DIVERSION DIKE with 9-12 WIMP/Gates

NW 1/4 SE 1/4

7 Ac.

SW 1/4 SE 1/4

33 Ac

32

B2
50.0

NE 1/4 SE 1/4

32 Ac

SE 1/4 SE 1/4

26 Ac

5-5-87
washed out dam

21-1

B4
11.3

A1
89.9

A3
4

C2
26.3

C3
9.1

107A-1

W/R # 107-1

107A-1

NOT TO SCALE

T21N R1E

Map by L.J. McNaught

Gary Tennant

Permit # 107-1

Office Copy

2-21-1

760'

1360'
DIV. PI
No Storage
plug in stream

B¹
213

DIVERSION DIKE WITH 9-12 HAMP/GATES

6 AC.

32.1
SW $\frac{1}{4}$ SE $\frac{1}{4}$
30 AC

B²
500

NE $\frac{1}{4}$ SE $\frac{1}{4}$
35 AC

SE $\frac{1}{4}$ SE $\frac{1}{4}$
18 AC

21-1

B⁴
113

1-156L

C¹
40.5

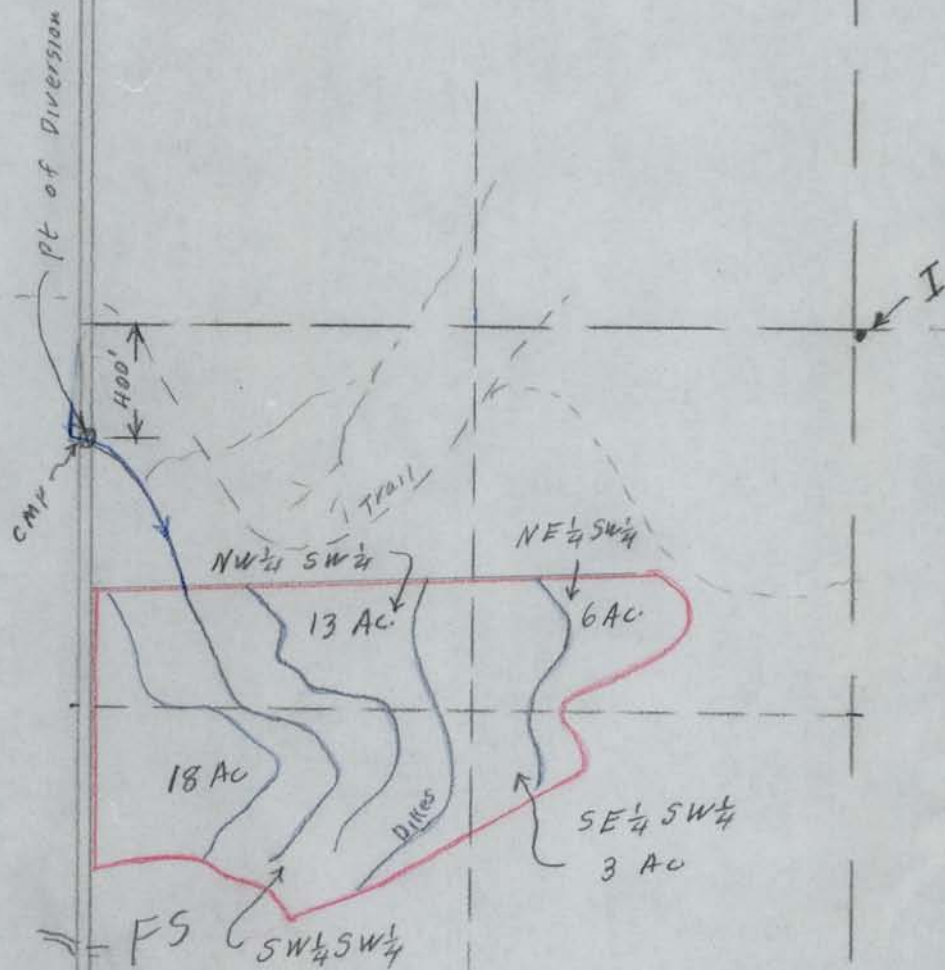
P¹
89.9

C³
9.1

107A-1

W/R #107-1

T21N R1E



Gary Tennant.

overlay of 8" Aerial map
by JJ Mernough

Prepared By: Terry L Nelson D.C. SES
Buffalo S.D.
Prepared For: Gary Tennant
5.2" = 1 mile

V.R. Appl. No. 1074-1

