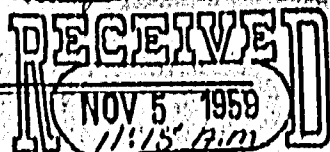


1. Considered 1-26, 1960 Appl. No. 436-1
2. Name of Applicant Thomas Mc Nenny
3. Post Office Address Sturgis
4. Amount of water claimed 1.6
5. Source of water supply dry draws
6. Water to be used for irrigation
Acres to be irrigated 112.2
7. Water to be diverted and used in Meade County about
 miles of
8. Proof of Publication Received ☒
Not Received
9. Application Approved ☒
Subject to
Not approved
Action deferred
10. Remarks:

No. 436-1Water Division No. 1

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

Belle Fourche RiverSTATE WATER RESOURCES COM. I.
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 Thomas McNennyPostoffice address Sturgis, County Hotchkiss, State S. Dak.

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 work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, accounts

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work McNenny #23. Amount of water claimed 1.6 cubic feet per second4. Source of water supply dry draw5. Location of point of diversion 137Rds. S. 1/4 of NE corner Sec. 10, T. 5N, R. 26E
NE corner of S. 10, T. 5N, R. 26E on bank Mendo County.6. Annual period or periods during which water is to be used During growing season

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead, sprinkling or combination system? water spreading(a) Number of acres to be irrigated 112.2 acres.(b) Legal subdivisions to be irrigated See Map. See Attachment

(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) Statement as to domestic use (giving location, etc.)

II. Stockwatering, tanning, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

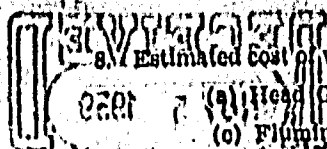
Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 380-1



8. Estimated cost of work:

2221

(a) Head gates, \$.....

(c) Flumes, \$.....

(d) Canal earth, \$ 256.65

(b) Pumping plant, \$.....

Rc.k, \$.....

Total, \$.....

(g) Other structures Diversions, 3227.011.44...\$ 524.55..

9. Description of diversion works:

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

Days.....

II. Dimensions of works:

(a) Dam: Height 14 feet; length at bottom 500 feet; length at top 500 feet; thickness at bottom 58 feet; thickness at top 10 feet; slope at front water face 2:1; slope at back face 3:1; material used in construction Earth

(b) Reservoir: Capacity when filled 4 acre-feet. Surface area at highwater mark 4 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 1.2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

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

STATE OF SOUTH DAKOTA

County of Meade ss.

I, Thomas M. Perry, 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.

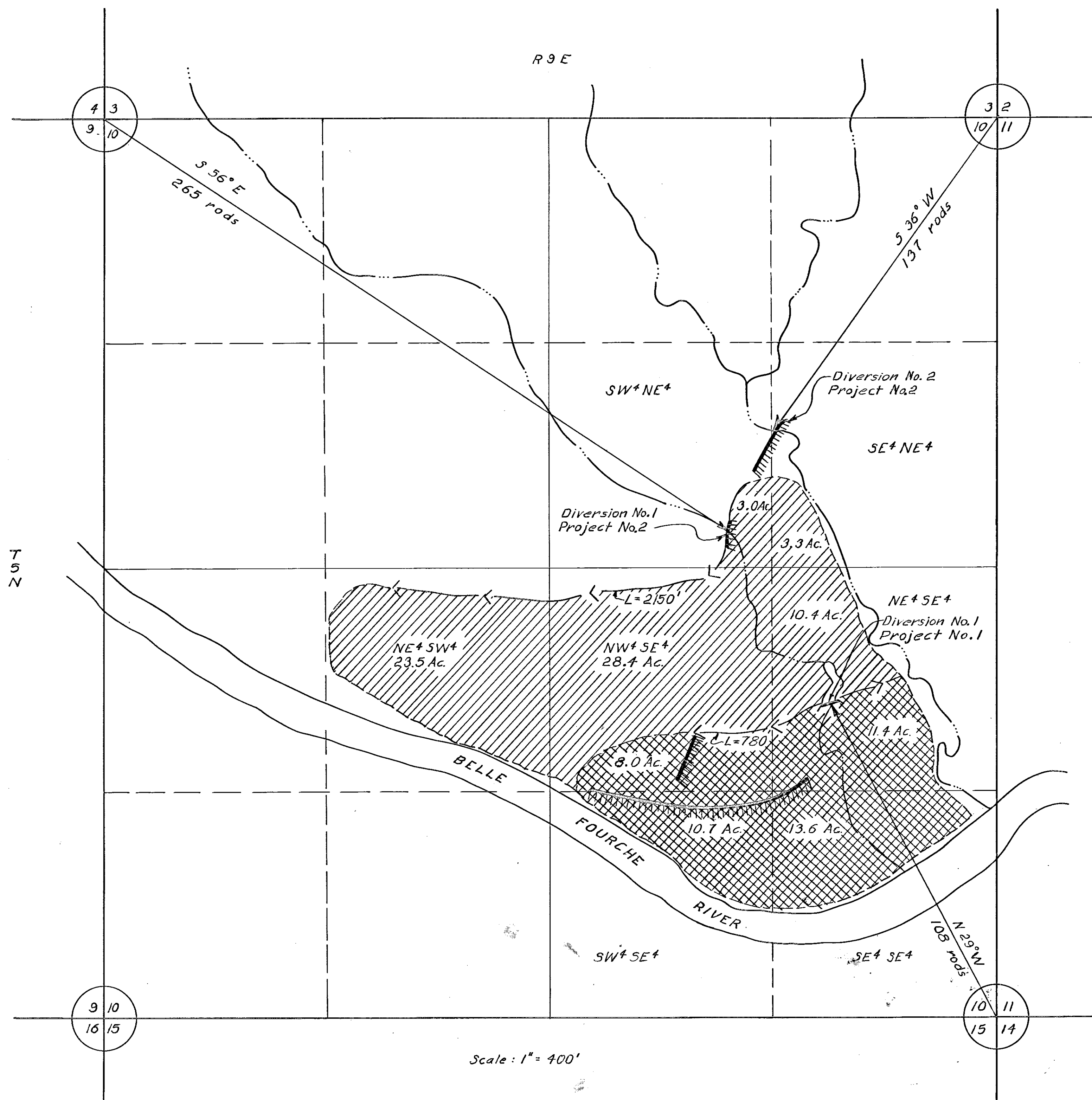
Signed Thomas M. Perry

Subscribed and sworn to before me this 4th day of November 1959

Ottie L. Langhorne

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LEGEND

- Land to be irrigated (No. 2)
- Diversion ditch
- Diversion dike
- Project No. 1 supplemented by No. 2

McNenny No. 1
All lands shown are owned by T.J. McNenny

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW ¹ SE ⁴	10	5N	9E	8.0
NE ¹ SE ⁴	10	5N	9E	11.4
SW ¹ SE ⁴	10	5N	9E	10.7
SE ¹ SE ⁴	10	5N	9E	13.6
TOTAL				43.7

McNenny No. 2
All lands shown are owned by T.J. McNenny

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW ¹ NE ⁴	10	5N	9E	3.0
SE ¹ NE ⁴	10	5N	9E	3.3
NE ¹ SW ⁴	10	5N	9E	23.5
NW ¹ SE ⁴	10	5N	9E	28.4
NE ¹ SE ⁴	10	5N	9E	10.4
TOTAL				68.6

SURVEYOR'S CERTIFICATE

I, Hollis W. Allcott DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE McNenny Water Spreading System AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE EIK Creek SOIL CONSERVATION DISTRICT.

SIGNATURE: Hollis W. Allcott
TITLE: Area Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17 DAY OF November, 1957, A.D.

Ray E. Egan
NOTARY PUBLIC of South Dakota

MY COMMISSION EXPIRES January, 1961.

**THOMAS J. MCNENNY
WATER SPREADING PROJECT**
Meade County, South Dakota
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	10-1659	Sheet No. 1 of 1

Map No. 380-1 (App. No. 436-1)

Remarks by State Water Resources Commission:

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, January 29, 1960

This is to certify that the foregoing application was received by the Commission at 11:15 o'clock
A.m. upon the 5th day of November, 1959

State Water Resources Commission

By:

W. C. Brown
Chief Engineer, Executive Officer

Number of permit 436-1

Date of first receipt of application November 5, 1959

Date of return to applicant for correction, amendments or changes required as follows: November 6, 1959

Date of receipt of corrected application November 14, 1959

Date from which applicant may claim right November 5, 1959

Approved January 26, 1960, Recorded in Book 5 Page 306

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

July 26, 1961

2nd. The whole of said work is to be completed on or before January 26, 1963

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

January 26, 1967

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 1.6 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 January 26, 1967; said water to be used during the following described annual period:

during growing season

Witness my hand this 29th day of January, 1960

State Water Resources Commission

By:

W. C. Brown
Chief Engineer, Executive Officer

Certificate of Construction Issued October 30, 1962

Water License Issued October 30, 1962

McNenny No. 1
All lands shown are owned by T.J. McNenny

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW ⁴ SE ⁴	10	5N	9E	8.0
NE ⁴ SE ⁴	10	5N	9E	11.4
SW ⁴ SE ⁴	10	5N	9E	10.7
SE ⁴ SE ⁴	10	5N	9E	13.6
TOTAL				43.7

Mc Nenny No 2
All lands shown are owned by T.J. McNenny

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW ⁴ NE ⁴	10	5N	9E	3.0
SE ⁴ NE ⁴	10	5N	9E	3.3
NE ⁴ SW ⁴	10	5N	9E	23.5
NW ⁴ SE ⁴	10	5N	9E	28.4
NE ⁴ SE ⁴	10	5N	9E	10.4
TOTAL				68.6

STATE OF SOUTH DAKOTA

WATER LICENSE No. 436-1

WHEREAS, On the 5th day of November A. D. 1959.Thomas Ma Nanny

of Sturgis County of Meade and State of South Dakota duly made application (No. 436-1) to us for a permit to use 1.6 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 29th day of January A. D. 1960 Permit No. 436-1 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 26th day of January A. D. 1963 and for the application to beneficial use of said water on or before the 26th day of January A. D. 1967 and,

WHEREAS, On the 12th day of September A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by our Certificate No. 436-1 dated October 30, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of water, with date of priority of November 5, 1959 ~~xxxx~~ and,

WHEREAS, On the 12th day of September A. D. 1962 proof was duly made of the application to beneficial use of 1.6 cubic feet per second of said water; for irrigating 112.3 acres in Section 10, T. 5N, R. 9E

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 Thomas Mo. Nerny
of Sturgis the holder and owner of said permit No. 436-1
a water right, dating from November 5, 1959 to the use of 1.6
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 hereinbelow mentioned, to be diverted at between points S 36° W 137 rods
from the NE corner, Section 10, and S 56° E 265 rods from the NW Corner, Section 8, T5N, R9E.
and conducted to and upon 112.3 acres in Section 10, T 5N, R 9E, 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 30th day of October A. D. Nineteen

hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J.W. CRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Look _____ of _____ Page _____

Permit No. 436-1Water Division No. 1 Belle Fourche Water District
River**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Thomas Mc Nemayof Sturgis, County of Meade, and State of
South Dakota, the holder of Permit No. 436-1, issued upon ApplicationNo. 436-1, bearing date of priority of November 5, 1959, authorizing the diversion of1.6 cu. ft. per second of the waters of a dry drawCounty of Meade, State of South Dakota, xx between points S. 36° W.137 rods from the NE Corner, Section 10, and S 56° E 265 rods from the NW corner,Section 8, T 5N, R 9E., for

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 1.6 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 Section 10, T 5N, R 9ESW 1/4 NE 1/4 3.0 AcresSE 1/4 NE 1/4 3.3 acresNE 1/4 SW 1/4 23.5 acresNW 1/4 SE 1/4 36.4 acresNE 1/4 SE 1/4 21.8 acresSW 1/4 SE 1/4 10.7 acresSE 1/4 SE 1/4 13.6 acresTotal 112.3 acresWitness my hand this 30th day of October A. D. 1962.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Permit No. 436-1Water Division No. 1 Belle Fourche Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 10____, I have this day made a thorough examination of the diversion works constructed by _____
Thomas Mc Nenny of _____
Meade County, South Dakota, holder of Permit No. 436-1, issued
 upon Application No. 436-1, bearing date of priority of Nov. 5, 1059, authorizing the
 diversion of 1.6 cu. ft. per second of the waters of Dry Draw for Irrigation
 purposes, I have to report on the condition of the same as follows:

The diversion works comprise: One dam 14' high, 500' across top,
2 1/2 miles of ditches. Dam is 500' across bot., 58' thick
@ bot. & 10' thick @ top. Approx. 4 acre feet capacity.

and the system is in the following condition: Good

The point of diversion is located S 36° 41' 13" E 1/4 Sec. 10 T5N R9E,
S 56° E 1/4 Sec. 10 T5N R9E, SE of NW Cor. of Sec. 10 T5N R9E, N 29° W 1/4 Sec. 10 T5N R9E, SE of NW Cor. of Sec. 10 T5N R9E.

The works are capable of diverting and conveying to the place of use 1.6 cu. ft. per second of water,
 which is to be used for Irrigation

The legal sub-divisions to be irrigated are:

Mc Nenny No. 1
All lands shown are owned by T.J. Mc Nenny

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SE 1/4	10	5N	9E	8.0
NE 1/4 SE 1/4	10	5N	9E	11.4
SW 1/4 SE 1/4	10	5N	9E	10.7
SE 1/4 SE 1/4	10	5N	9E	13.6
TOTAL				43.7

_____ acres of land.

The domestic use intended _____

The utilization for power, _____

Witness my hand, this 12 day of Sept.A. D. 1963

—SEAL—

William H. Miller
 Examining Engineer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Meade

Morris G. Hallock

Exonerated. Any of said county being first duly sworn, on oath says that he is the publisher of The Sturgis Tribune, a weekly newspaper printed and published in Sturgis, said county of Meade and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that Water Appropriation

No. 436-1, a printed copy of which taken from the paper in which the same was published, is attached to this sheet, and made a part of this Affidavit, was published in said newspaper at least once in each week for four successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

December 9, 1959;	19.....
December 16, 1959;	19.....
December 23, 1959;	19.....
December 30, 1959;	19.....
19.....;	19.....
19.....;	19.....

that the full amount of the fees for the publication of the annexed notice is \$ 19.40

Morris G. Hallock

Subscribed and sworn to before me this 4th

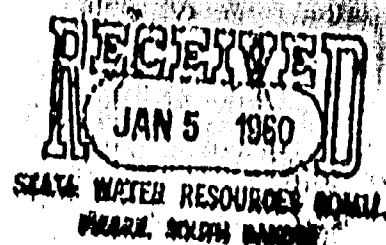
day January, 1960.

David J. Merrill
Notary Public

County of Meade, South Dakota

My Commission Expires

Apr 19, 1966



APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.
December 1, 1959
Notice is hereby given that
Thomas J. McNenny, whose post-
office address is Sturgis, S. Dak.,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.4 cubic feet of
water per second of time from
dry draws through the McNenny
No. 2, the points of diversion or
which are to be located on both
banks of said stream between
points in the NE 1/4 Sec. 10;
SW 1/4 NE 1/4 Sec. 10; and a point
in the NE 1/4 of the SE 1/4 of Sec.
tion 10, Twp. 58N, Range 9E. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SW 1/4 NE 1/4 and NE 1/4 SW 1/4
Sec. 10, T. 58N, R. 9E, S. 48.
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
26th day of January, 1960, at 2
P. M. All interested persons may
appear and be heard.
Appropriate action will be tak-
en by the Water Resources Com-
mission after suitable time has
elapsed for the consideration of
any or all information presented.
State Water Resources
Commission
By: Burton F. Jones
Water Rights Specialist
Dec. 9, 16, 23 and 30.

(First Publication on or before Jan. 1, 1960)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., December 4, 1959

Notice is hereby given that Thomas J. Mc Nenny whose postoffice address is Sturgis 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 1.6 cubic feet of water per second of time from xx dry draws through the

Mc Nenny # 2, the points of diversion of which are to be located on xx both banks of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10 between points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 10; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 10, and a point portions of Twp. 5N Range 9E. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$; S $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 10, T. 5N. R. 9E

and xx purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of January, 1960 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:

~~Charles F. Jones, Director~~
Burton F. Jones,
Water Rights Specialist

cc: Morris G. Hallock-Publisher
Sturgis Tribune
Sturgis, South Dakota