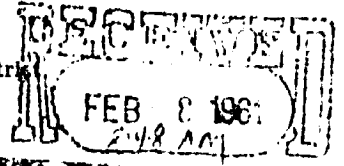


1. Considered 3-15 1960
2. Name of Applicant John E. Johnson
3. Post Office Address Primm City
4. Amount of water claimed 1.21 (33 standard rights)
5. Source of water supply Chug Creek
6. Water to be used for irrigation
Acres to be irrigated 83
7. Water to be diverted and used in Trinity County about
1 1/2 miles of Primm City.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 537-1Water Division No. 1 MOREAU RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant JOHN E. TESCHER
Postoffice address Prairie City, County Dakota, State S. Dak.

~~XXXXX 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)
Contract and Direct Labor

(b) Cash on hand, \$ Ampla (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, Govt. Cost Share

2. Name of diversion work JOHN E. TESCHER IRRIGATION PROJECT #1
3. Amount of water claimed 0.33 cubic feet per second 69.0 Ac. Ft. max. (Vested)
0.86 cubic feet per second 180.0 Ac. Ft. Max. (New App.)
4. Source of water supply Surface runoff from local watershed.
5. Location of point of diversion See attached sheet
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used whenever surface runoff occurs
7. To be used for: _____ during annual period.

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
(a) Number of acres to be irrigated 25.0 acres (Vested)
60.0 acres. (New Application)

(b) Legal subdivisions to be irrigated See attached sheet

(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.) _____

~~XXXXX STOCK WATERING, MINING, 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 454-1

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Earth Dam \$ Vested----- Total, \$-----

9. Description of diversion works:

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

Dam or reservoir floods vested area, then is drained back into channel.

On the new application, dams or diversions will be constructed to develop the areas shown.

II. Dimensions of works: (Vested)

(a) Dam: Height 15.0 feet; length at bottom 20.0 feet; length at top 660.0 feet; thickness at bottom 85.0 feet; thickness at top 10.0 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction Earth
 (b) Reservoir: Capacity when filled 68.0 acre feet. Surface area at highwater mark 23.0 acres.

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

(c) ~~Headgate~~ ~~Width~~ feet; height feet;

Material

(d) ~~Canal~~ ~~Total length~~ 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 5 years.

11. Time required for complete application of water to the proposed beneficial use 5+4+9 years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
BISON COURIER

STATE OF SOUTH DAKOTA

County of Butte

RS.

I, John F. Tescher, being 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

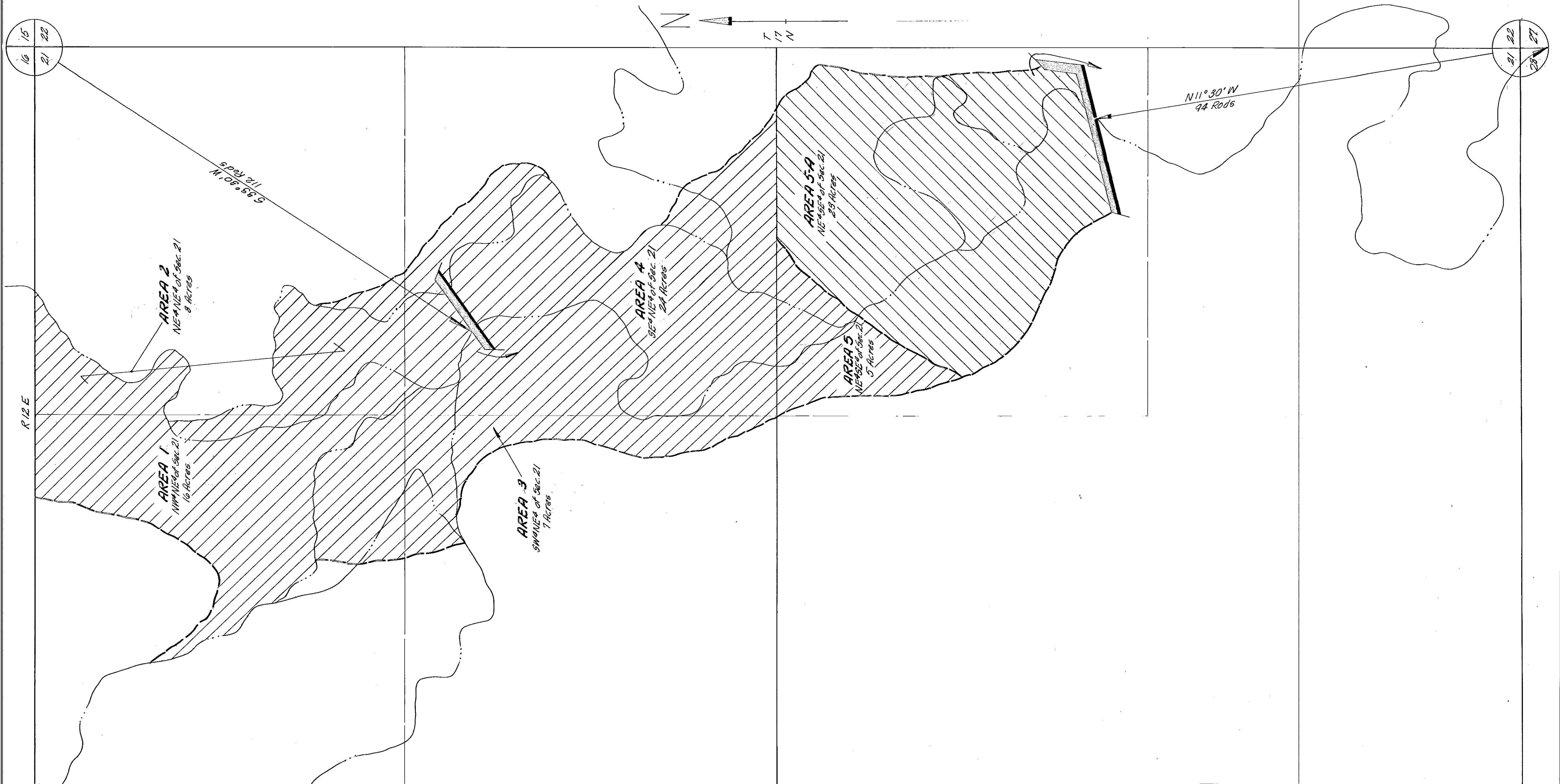
John F. Tescher

Subscribed and sworn to before me this 6 day of Feb 1961

J. B. K. K. K.
 Notary Public (or other qualified officer.)

Each diversion must have a headgate or measuring device.

My commission expires 6-22-67



LEGEND

-  Proposed irrigable area
-  Vested area
-  Irrigation dam
-  Natural draw or drainageway

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4	21	17N	12E	16
2	NE 1/4	21	17N	12E	8
3	SW 1/4	21	17N	12E	7
4	SE 1/4	21	17N	12E	24
5	NE 1/4	21	17N	12E	5
TOTAL					60

VESTED AREA				
5-A	NE 1/4	21	17N	12E
				23
TOTAL				23

SURVEYOR'S CERTIFICATE

I, Kenneth L. Huber DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE John E. Tescher Irrigation Project #1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Perkins County SOIL CONSERVATION DISTRICT.

SIGNATURE: Kenneth L. Huber

TITLE: Agricultural Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6 DAY OF Feb., 1961, A.D.

Robert M. Herring
NOTARY PUBLIC

MY COMMISSION EXPIRES June 22, 1967

Scale: 1"=200'

**JOHN E. TESCHER
IRRIGATION PROJECT
NUMBER 1**

Perkins County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Title _____	
Checked _____	Sheet No. <u>1</u> of <u>1</u>	Drawing No. _____

MAP NO 454-1 (APPL NO 537-1)

Remarks by State Water Resources Commission:

Partial vested right claimed

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,

March 16

1961

This is to certify that the foregoing application was received by the Commission at 8:48 o'clock

h.m. upon the 8TH day of February, 1961

State Water Resources Commission

By:

Quinton Jones
Chief Engineer, Executive Officer

Number of peralt

537-1

Date of first receipt of application

February 8

1961

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

1961

Date of receipt of corrected application

1961

Date from which applicant may claim right

33 cfs from 1951

86 cfs from

February 8, 1961

Approved

March 15

1961

Recorded in Book

6

Page 193

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

September 15, 1963

2nd. The whole of said work is to be completed on or before MARCH 15

1966

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

March 15, 1970

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 1.19 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 MARCH 15, 1970; said water to be used during the following described annual period:

when water is available during annual irrigation season

Witness my hand and this 16TH day of March, 1961

State Water Resources Commission

By:

Quinton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY 6

1971

Water License Issued

JULY 6

1971

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ⁴ NE ⁴	21	17N	12E	16
2	NE ⁴ NE ⁴	21	17N	12E	8
3	SW ⁴ NE ⁴	21	17N	12E	7
4	SE ⁴ NE ⁴	21	17N	12E	24
5	NE ⁴ SE ⁴	21	17N	12E	5
TOTAL					60

Point of Diversion:

112 Rods S 33° 30' W of NE Corner of
Sec. 21, T 17N, R 12E

VESTED AREA					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
5-A	NE ⁴ SE ⁴	21	17N	12E	23
TOTAL					23

Point of Diversion:

94 Rods N 11° 30' N of SE Corner of
Sec. 21, T 17N, R 12E

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 537-1

(1) WHEREAS, On the 8th day of February A. D. 19 61
John E. Tescher

made Water Right Application No. 537-1 for a permit to use 1.19 cubic feet per second of the waters
of local watershed
County of Perkins State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 16th day of March A. D. 19 61
Permit No. 537-1, with a date of priority of 1951 and February 8, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 15th day of March A. D. 19 66 and for the
application to beneficial use of said water on or before the 15th day of March A. D. 19 70

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.19 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 21, T.17N, R.12E

	Acres
<u>1/4 NE 1/4</u>	<u>16</u>
<u>SW 1/4 NE 1/4</u>	<u>7</u>
<u>NE 1/4 SE 1/4</u>	<u>28</u>
<u>N 1/4 NE 1/4</u>	<u>8</u>
<u>9/16 NE 1/4</u>	<u>24</u>
Total	<u>83</u>

(5) 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 John E. Tescher

_____ of Prairie City, S.D.
the holder _____ and owner _____ of said permit No. 537-1 a water right, dating from 1951 and February 8,
1961 to use of 1.19 cubic feet per second of the waters
of local watershed
in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at points North 11° 30' West, 94 rods from the SE
Corner, Section 21, and South 33° 30' West, 112 rods from the NE Corner,
Section 21, T17N, R12E

and conduct to and upon portions of Section 21, T17N, R12E, described on the face of
this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 537-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of July A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMS

Form 15.

537-1

Permit No. _____

1

MOPEAU RIVER

Water Diversion No. _____ Water District

CERTIFICATE OF CONSTRUCTION

John E. Teacher

This is to Certify, That _____

_____ the holder _____ of
Permit No. 537-1, issued upon Application No. 537-1, bearing date of priority of 1951 and
February 8, 1961 1.19
authorizing the diversion of _____ cu. ft. per second of the waters of _____
local watershed _____ County of Perkins, State of South Dakota at _____
points North 11°30' West, 94 rods from the SE Corner, Section 21, and South
33°30' West, 112 rods from the NE Corner, Section 21, T17N, R12E
_____ for irrigation

purposes, has _____ 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 up to 10 cu. ft. per second of water.

Date July 6, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 537-1Water Division 1 NOREAU RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by John E. TescherPrairie City

holder

of Permit No. 537-1 bearing date of priority of 1951 and February 8, 1961, XXXauthorizing the diversion of 0.33
0.86 cu. ft. per second of the waters of Local watershedfor irrigation purposes, in Perkins County.

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

The Water Use System consists of,

A. Works used to divert the water:
Two earth dams with culverts

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

Dikes

C. Works used to apply water to beneficial use.

Spreader and flood

Good

The system is in the following condition:

The point of diversion is located Vested-N. 11° 30' W. 94 rods from SE Corner, Sec. 21; N.W. S. 33° 36' W.
112 rods from NE Corner, Section 21, both in T17N, R12EThe works are capable of diverting and conveying to the place of use up to 10
cu. ft. per second of water which is to be used for flood and spreader irrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 21, T17N, R12E

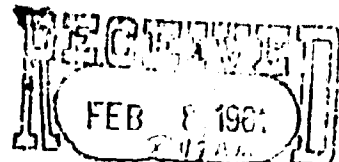
NW 1/4 NE 1/4	16 acres	NE 1/4 NE 1/4	8 acres
SW 1/4 NE 1/4	7 acres	SE 1/4 NE 1/4	24 acres
NE 1/4 SE 1/4	5 acres		
VESTED RIGHT part			
NE 1/4 SE 1/4	23 acres		
comprising a total of <u>83</u> acres of land.			

Date June 10, 1971

Donald Driscoll
(Signature) Chief Engineer, W.R.C.

Location No. _____

Water Division No. _____ Water District _____



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. John E. Tescher, Rancher, Prairie City, South Dakota

~~Ques. 2. If you are acting on behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.~~

Ans. _____

~~Ques. 3. State the date of posting and date of recording notice of appropriation~~

Ans. _____

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

Ans. Surface runoff from local watershed. 94 Rods N 11°30' W of SE Corner
of Sec. 21, T 17 N, R 12 E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Flood water from dam irrigates the area described below. The dam is
15 feet high and 660 feet long. Completed in 1951

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Spreader irrigation Area 5-A, NE 1/4 of SE 1/4 of Section 21, T 17 N,
R 12 E Total of 23.0 Acres

~~Ques. 7. If water is used for any purpose other than irrigation purpose, state how applied, amount of horse power generated, etc.~~

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.33 cubic feet per second or 69.0 Acre feet

~~Ques. 9. If the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.~~

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Flood water from the dam spread over irrigable area or vested area described above whenever ample surface runoff occurred.

(Sign)

John F. Tischer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Bison, County of Pickens

State of South Dakota, on this 6 day of Feb A. D. 1961

Witnesses.

Herbert L. Huffer

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

on or before **February 16,** 19**61**
 (First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., **February 10**, 19**61**

Notice is hereby given that **John E. Tescher** whose postoffice address is **Prairie City** 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 **1.21 (,33 vested right)** cubic feet of water per second of time from the **dry draws** through the **Teacher Irrigation Project #1** the point of diversion of which is to be located on the **both** bank of said stream in the **SE** $\frac{1}{4}$ of the **NE** $\frac{1}{4}$ of Section **21** Twp. **17N** Range **12E** Said water to be used for the purpose of providing irrigation on the following described land:
NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 21, T 17N, R 12E.

and for _____ purposes

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **15th** day of **March**, 19**61**, at **2:00 P.M.** All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after the time has elapsed for the consideration of any or all information presented.

CO: **Lloyd I. Sudlow-Publisher**
Bison Courier
Bison, South Dakota

State Water Resources Commission

By

Chief Engineer, Executive Officer
BURTON F. JONES
Water Rights Specialist