

No. 244 - 1

Division No. 1

Belle Fourche River District

**PERMIT**

to appropriate water from .....

Ground Water Supply .....

Butte County, South Dakota.

Name of applicant .....

Mrs. Hazel M. McKay .....

Name of diversion works .....

McKay Well No. 2 .....

Date of first receipt at office of State

Engineer April 25 1952

Returned to applicant for Correction

May 1, 1952

Corrected application received .....

June 18, 1952

Date of water right .....

April 25, 1952

Recorded in Book 3 / Page 10 - Section 2 - Wells

One-fifth of work to be completed

March 4, 1953

Whole work to be completed .....

September 4, 1953

Final proof of use of water .....

September 4, 1953

Approved September 4, 1952

DEAN W. LOUCK, State Engineer.

NO. 224 - 1

10-14-11

Water Division No. 1

Belle Fourche River

District 1

(Blanks to be filled by the State Engineer.)

## APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Mrs. Hazel M. McKay  
 Postoffice address Belle Fourche, County Butte, 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 address 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) employment of others drill rig
  - (b) Cash on hand, \$ 7000.00
  - (c) Treasury stock, \$
  - (d) Bonds to be issued, \$
  - (e) Other resources, \$
2. Name of well McKay Well No. 2
3. Quantity of water claimed est. 250 gal. per min.
4. Source of water supply (estimated depth) 1200'
5. Location of well (subdivision) Sec. 36, T. 2N., R. 10E., B. 1N.
6. Annual periods during which water is to be used Year Round
7. To be used for:

## I. Irrigation or domestic use:

- (a) Number of acres to be irrigated \_\_\_\_\_ acres.
- (b) Legal subdivisions to be irrigated \_\_\_\_\_

(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) Systems as to domestic use (giving location, etc.) \_\_\_\_\_

## II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use Stockwatering tank at well and three dams as shown on map. Approx. 500 head of cattle.
- (b) Amount of power to be generated \_\_\_\_\_ horse power.
- (c) Location of plant \_\_\_\_\_
- (d) Method of developing power \_\_\_\_\_
- (e) Point where return water will be diverted to stream \_\_\_\_\_

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....  
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....  
 (e) Other structures Well and Tank.....\$7000.00 Total, \$7000.00

9. Description of works:

(a) Head gate: Width ..... feet; height ..... feet;  
 Material .....  
 (b) Log of well:

| TO | FEET FROM | LOG OF WELL |
|----|-----------|-------------|
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |
|    |           |             |

(c) Measuring device Weir  
 (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.)

(e) Was water tested for irrigation purpose?  
 Result. No

10. Time required for completion of work .....<sup>2</sup>..... years.  
 11. Time required for complete application of water to the proposed beneficial use .....<sup>2</sup>..... years.  
 12. Choice of newspaper for publication of notice of intention to appropriate .....  
Belle Fourche Bee

STATE OF SOUTH DAKOTA }  
 County of Lawrence } ss.

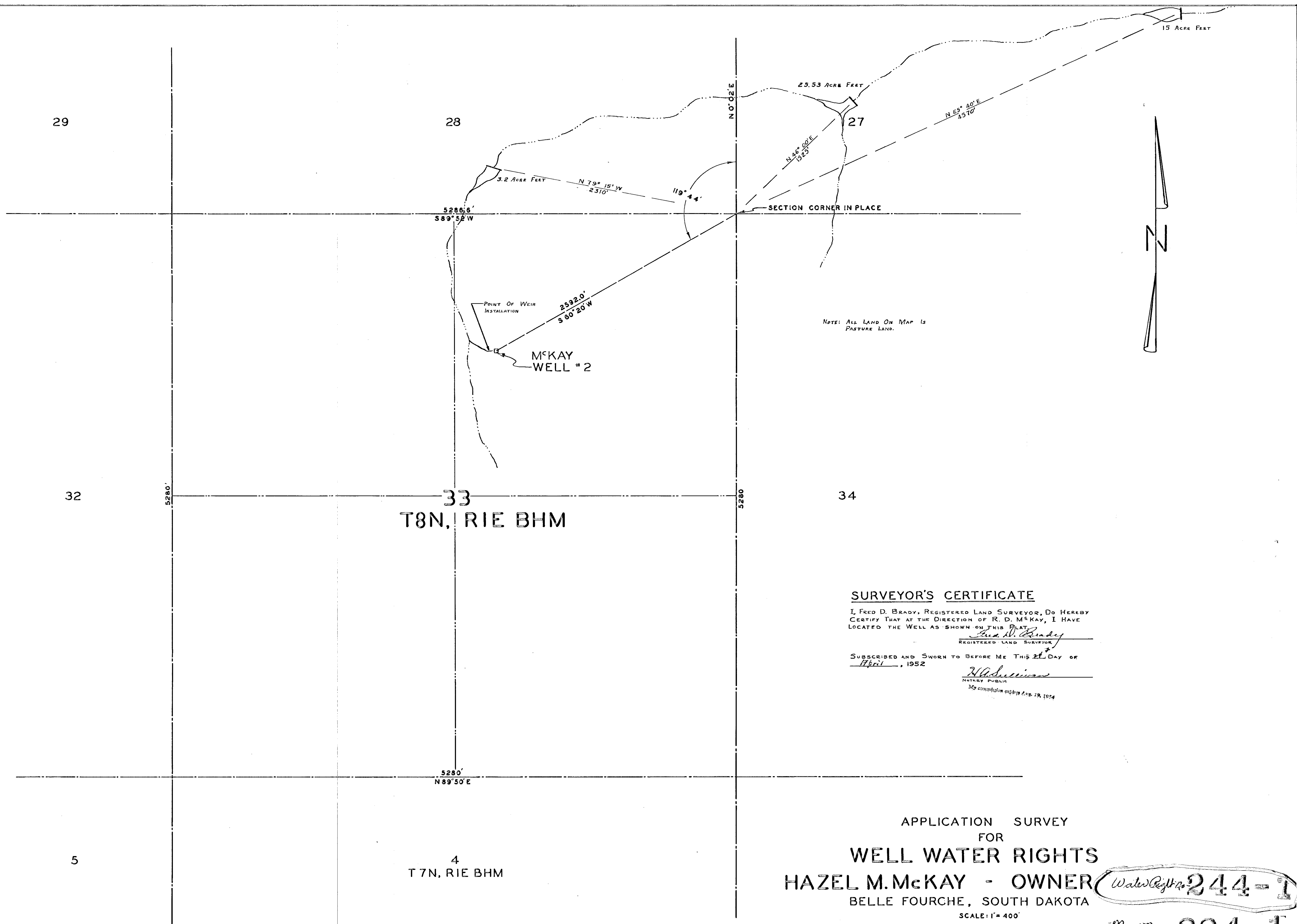
I, Hazel M. McKay, being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed Mr. Hazel M. McKay

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 1912

H. L. Sullivan  
 Notary Public (or other qualified officer)

My commission expires Aug. 19, 1914



**SURVEYOR'S CERTIFICATE**

I, FRED D. BRADY, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF R. D. McKAY, I HAVE LOCATED THE WELL AS SHOWN ON THIS PLAT.

*Fred D. Brady*  
REGISTERED LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF April, 1952

*W. A. Sullivan*  
NOTARY PUBLIC  
My commission expires Aug. 18, 1954

APPLICATION SURVEY  
FOR  
**WELL WATER RIGHTS**  
**HAZEL M. McKAY - OWNER**  
BELLE FOURCHE, SOUTH DAKOTA

Water Right No. **244-1**

SCALE: 1" = 400'

Map No. - **224-1**

BRADY ENGINEERING  
CONSULTING ENGR'S  
SPEARFISH, S. DAK.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, September 4, 1952

This is to certify that the foregoing application was received at this office at 10:00 o'clock  
A. m. upon the 25 day of April, 1952 and that after examination it  
was found in error and returned for correction along with the map. The corrected  
application was received June 18, 1952 and was found to comply with the South Dakota  
Water Laws, was published in accordance with provisions thereof and consideration given  
to any and all information presented.

No protests were received.

Number of permit 244 - 1

Dean W. Loucks  
DEAN W. LOUCKS,

State Engineer.

Date of first receipt of application April 25, 1952

Date of return to applicant for correction May 1, 1952

Date of receipt of corrected application June 18, 1952

Date from which applicant may claim right April 25, 1952

Approved September 4, 1952, Recorded in Book 3 Section 2 Page 10-Wells

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 March 4, 1953

2nd. The whole of said work is to be completed on or before September 4, 1953

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 4, 1953

4th. The water appropriated shall be used for the purpose of providing Stock Watering

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 75 gallons per minute; 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 September 4, 1952; said water to be used during the following described annual period:

annually

Witness my hand this 4 day of September, 1952

Dean W. Loucks  
DEAN W. LOUCKS,

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 244-1

WHEREAS, On the 25 day of April A. D. 1952

Mrs. Hazel M. McKay

of Belle Fourche County of Butte and State of

South Dakota duly made application (No. 244-1) to me for a permit to use 75

gal/min of the waters of the ground water supply

County of Butte, State of South Dakota, for stockwater

purposes; and

WHEREAS, On the 4th day of September A. D. 1952

Permit No. 244-1 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 4 day of

September A. D. 1953 and for the application to beneficial use of said

water on or before the 4 day of September A. D. 1953

and,

WHEREAS, On the 4 day of April A. D. 1953

the holder of said permit duly made proof of the completion of adequate works for the diversion of 75

gal/min of said waters, as evidenced by my Certificate No. 244-1

dated April 27, 1953 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 75 gal/min

priority of April 25, 1953 and,

WHEREAS, On the 2 day of May A. D. 1953

proof was duly made of the application to beneficial use of 75 gal/min of said water;

This permit does not presume to take jurisdiction over existing vested rights but is intended to provide a basis of allotment as required under Section 61.0407 of the SDC for 1939.

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota,

I hereby grant and confirm to Mrs. Hazel M. McKay  
of Belle Fourche the holder and owner of said permit No. 244-1  
a water right, dating from April 25, 1952 to the use of 75 gal/min.  
~~subject to the~~ of the waters of the ground water supply  
in the County of Butte and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted ~~from~~ in the NE 1/4 Sec. 33, T. 8N., R. 1E  
and conducted to and upon \_\_\_\_\_

for the purpose of providing stockwater

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 my office at Pierre, South Dakota.

this 6 day of May A. D. Nineteen  
Hundred and 53

DEAN W. LOUCKS, State Engineer.

State of South Dakota

Water License No. 244-1

To Mrs. Hazel M. McKay  
Bella Fourche, South Dakota

Source of Supply  
Ground Water  
Butte County

Am't 75 gal/min. 20000 gal

Point of Diversion  
NE $\frac{1}{4}$  Sec. 33, T. 8N., R. 1E

Place of Use

Purpose Stockwater

Date of Priority April 25, 1952

Recorded September 4, 1952

In Book 3 of 3 Page 10

Water Division No. \_\_\_\_\_ Water District \_\_\_\_\_

**CERTIFICATE OF APPLICATION  
OF WATER TO BENEFICIAL USE****DEPOSITION OF HOLDER**RECEIVED  
MAY 4 1954OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

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

Ans. Mrs. Hazel M. McKay, Belle Fourche, South DakotaRancher in Butte County

Ques. 2. If acting in 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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 244-1 Date of Priority & Date of Permit - April 25, 19

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

Ans. Ground water supply at a point 2592.0 ft. on a line bearing  
S 60 20° E from the southeast section corner of Sec. 22, T8N, R1E BHM

Ques. 5. Describe your works of diversion, 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.

Ans. Artesian well flowing at the rate of 20 gallons per minute  
supplying water for stockwatering purposes only. Concrete plug  
around casing( 7" O.D.). Gate valve on pipe to stock tank. Overflow  
pipe to stock dam.

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. Watering of approximately 500 head of livestock only.

Ques. 7. If for 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. 20 gallons per minute

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

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

Ans. Well drilled in 1952 and flowed at the rate of 20 gallons per minute. Twenty gallons per minute used continually since for stockwatering purposes.

(Sign.) Em. Hazel M. M<sup>c</sup>Kay

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 Beulah Fourch County of Butte

State of South Dakota, on this 2 day of May A.D., 1953

James C. Plummer  
Notary Public

Permit No. \_\_\_\_\_

Proof of Application of Water to  
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water \_\_\_\_\_ second feet

Source \_\_\_\_\_

County \_\_\_\_\_

Purpose \_\_\_\_\_

Place of Use \_\_\_\_\_

Date of priority \_\_\_\_\_

Received and filed \_\_\_\_\_

Water Division No. \_\_\_\_\_ Water District \_\_\_\_\_

# **CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE**

## **DEPOSITION OF HOLDER**

RECEIVED  
MAY 4 1952

OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

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

Ans. Mrs. Hazel M. McKay, Belle Fourche, South Dakota

Rancher in Butte County

Ques. 2. If acting in 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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 244-1 Date of Priority & Date of Permit - April 25, 1952

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

Ans. Ground water supply at a point 2592.0 ft. on a line bearing

S 60 20' E from the southeast section corner of Sec. 22, T4N, R1E BHM

Ques. 5. Describe your works of diversion, 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.

Ans. Artesian well flowing at the rate of 20 gallons per minute

supplying water for stockwatering purposes only. Concrete plug around casing (7" O.D.). Gate valve on pipe to stock tank. Overflow pipe to stock dam.

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. Watering of approximately 500 head of livestock only.

Ques. 7. If for 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. 20 gallons per minute

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

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

Ans. Well drilled in 1952 and flowed at the rate of 20 gallons per minute. Twenty gallons per minute used continually since for stockwatering purposes.

(Sign.) Mrs. Hazel M. McKay

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 Belle Fourche, County of Butte

State of South Dakota, on this 2 day of March, A.D., 1953

Jane Plummer  
Notary Public

Permit No. \_\_\_\_\_

Proof of Application of Water to  
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water \_\_\_\_\_ second feet

Source \_\_\_\_\_

County \_\_\_\_\_

Purpose \_\_\_\_\_

Place of Use \_\_\_\_\_

Date of priority \_\_\_\_\_

Received and filed \_\_\_\_\_

Permit No. 244-1Water Division No. 1 Belle Fourche Water District

## CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OFFICE OF STATE ENGINEER  
SIOUX FALLS, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated April 2,  
1953, I have this day made a thorough examination of the diversion works constructed by

Mrs. Hazel McKayof Belle Fourche inButteCounty, South Dakota, holder of Permit No. 244-1, issuedupon Application No. 244-175 Gallons/Minutebearing date of priority of April 25, 1953, authorizing thediversion of \_\_\_\_\_ second feet of the waters of Ground Water Supply for stockwatering

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

The diversion works comprise: Artesian well - 1427 ft. deep with 7" C.D. 20#  
casing with the following surface improvements: concrete capped,  
3" gate valve with 2" pipe to 10' dia. steel stockwater tank.  
2 1/2" overflow pipe from tank. New stock dam 350' northwest of well  
with 12" overflow pipe through dam.

and the system is in the following condition: excellent

The point of diversion is located 2592.0 ft. on a line bearing S60 20'W of the  
northeast corner of Section 33, T8N, R1E D1M  
75 Gallons/Minute

The works are capable of diverting and conveying to the place of use \_\_\_\_\_ second-feet of water,  
which is to be used for stockwatering only

The legal sub-divisions to be irrigated are: none

\_\_\_\_\_ comprising a total of \_\_\_\_\_ acres of land.

The domestic use intended comprises stockwatering of approximately 500 head of  
livestock.

The utilization for power, mining, or other beneficial uses comprises: none

Witness my hand, this 22<sup>nd</sup> day of April, A. D. 1953

Frank J. Brady  
Examining Engineer.

Permit expires Aug. 19, 1954

W. L. Sullivan Notary Public

DATE MICROFILMED

CARD NO.

Permit No. 244-1

Water Division No. 1 Bell Fourche River Water District

## Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Mrs. Hazel M. McKay

of Belle Fourche County of Butte and State of

South Dakota

the holder of Permit No. 244-1 issued upon Application

No. 244-1, bearing date of priority of April 25, 1952, authorizing the diversion of

75 gal/min.

of the waters of the ground water supply

County of Butte State of South Dakota, at a point 2592 ft. S. 60°  
20' W. of the N.E. corner of Section 33, T. 8N., R. 1E.

for stockwatering

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 adequate for divert-  
ing and conveying to the place of intended use 75 gal./min.~~second feet of water; and that the lands proposed to be irrigated by the use of said water are not in excess of the~~  
~~allowance.~~This permit is for 75 gal/min. of the ground water supply for watering approxi-  
mately 500 head of livestock.The permit does not presume to take jurisdiction over existing vested rights but  
is intended to provide a basis of allotment as required under Section 61.0407 of the  
SDC of 1939.

Witness my hand this 4th day of May A. D. 1953

DEAN W. LOUCKS, State Engineer of South Dakota.

DELINCS: jmh  
cc: Brady

(First Publication \_\_\_\_\_, 19 \_\_\_\_)

## APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., June 25, 19 52

Notice is hereby given that Mrs. Eazel M. McKay whose postoffice address is Belle Fourche, So. 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 140 & 75 gallons minute of water per second of time from the ground water supply through the

Wells No. 1 & 2, the point of diversion of Well No. 1 which is to be located on the

SE 1/4 of the NW 1/4 of Section 22 and Well No. 2 is to be located in the NE 1/4 Sec. 33, Twp. 6N, Range 1E Twp. 8N Range 1E; Said water to be used for the purpose of providing irrigation on the following described land:

providing stock watering

and Domestic uses.

and for purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 6 day of August, 19 52, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate  
Appropriation action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LUCKS  
State Engineer

cc: Fred Brady

COPY