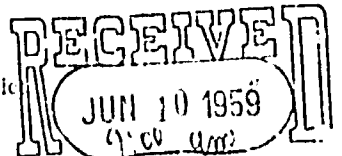


1. Considered March 10, 1959 Appl. No. 544-2
2. Name of Applicant U. S. L. Co. Russell Rd. Tower 2
3. Post Office Address Adopted with 10/1/59
4. Amount of water claimed 116 cfs
5. Source of water supply over 10000
6. Water to be used for irrigation
Acres to be irrigated 1000
7. Water to be diverted and used in Hamington County about
8 miles 1000 of 1000.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 244-2
 Water Division No. 2 Bad 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 F. L. McDonnell and Thomas S. McDonnell
 Postoffice address Wall, S.D., County Pennington, State South Dakota

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor):
By contract and direct labor

(b) Cash on hand, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work McDonnell Waterspreading Project No. 1
 3. Amount of water claimed 1.16 cubic feet per second and all unappropriated floodwater
 4. Source of water supply Dry draw
 5. Location of point of diversion See attachment
 on bank County.
 6. Annual period or periods during which water is to be used Throughout year when runoff occurs
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
 (a) Number of acres to be irrigated 81.4 acres.

(b) Legal subdivisions to be irrigated 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.) Stockwater developments (dugouts)
in Section 26 and 27, No. 2, Sec 29, T-2-N, Range 18-E

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

- (a) Nature of use Stockwater as listed in Item 7.1. (c) above
 Name any of the above uses claimed
 (b) Amount of power to be generated None 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. 244-2

8. Estimated cost of work:

(a) Head Gates, \$-----

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

(c) Fluming, \$-----

(d) Canal earth, \$-----

Rock, \$-----

(e) Other structures Dikes and ditches \$1800-----

Total, \$-----

9. Description of diversion works:

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

Earthen dikes (up to 8 feet high) and small ditches

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----
material used in construction-----

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

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

(c) Head gate: 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 two years.

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

12. Choice of newspaper for publication of notice of intention to appropriate
Pennington County Courant

STATE OF SOUTH DAKOTA

County of Pennington

ss.

I, F. L. McDonnell and Thomas S. McDonnell, 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.

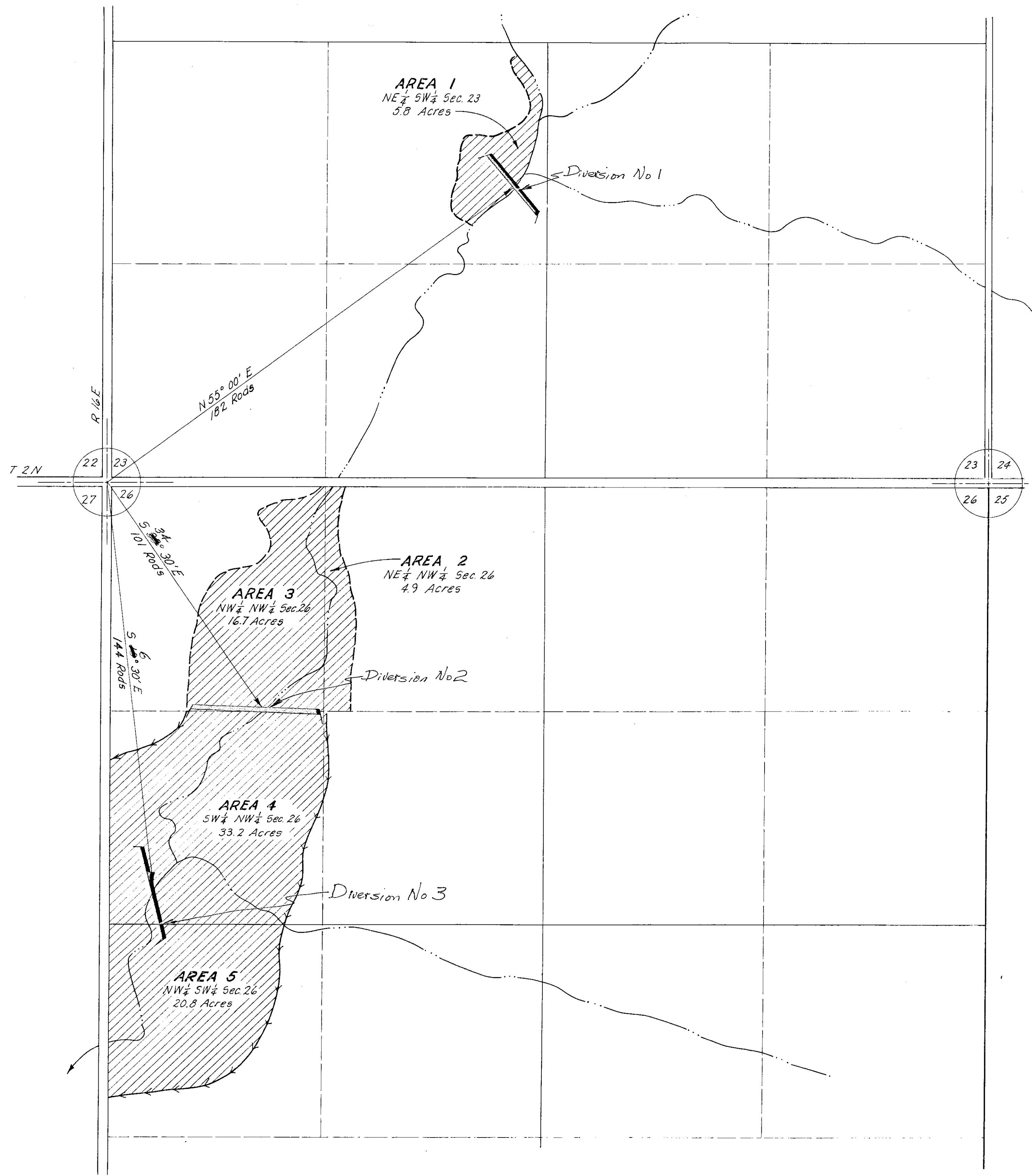
Signed

Subscribed and sworn to before me this

day of

1917

Notary Public (or other qualified officer.)



LEGEND

- → → Supply ditch
- Intermittent stream
- ▨ Irrigable area

All land described in Section 23 are owned by Thomas S. McDonnell

All lands described in Section 26 are owned by F.J. McDonnell

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE 1/4 SW 1/4	23	2N	16E	5.8
2	NE 1/4 NW 1/4	26	2N	16E	4.9
3	NW 1/4 NW 1/4	26	2N	16E	16.7
4	SW 1/4 NW 1/4	26	2N	16E	33.2
5	NW 1/4 SW 1/4	26	2N	16E	20.8
TOTAL ACRES					81.4

SURVEYOR'S CERTIFICATE

I, W. H. Christman DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE F. J. McDonnell Zone 51 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE E. Poon County SOIL CONSERVATION DISTRICT, 29

SIGNATURE: W. H. Christman
 TITLE: Ag. Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4 DAY OF July 1954

W. H. Christman
 NOTARY PUBLIC

MY COMMISSION EXPIRES Sept. 6, 1965

Scale: 1" = 400'

F. J. McDONNELL & Thomas S. McDonnell
IRRIGATION SYSTEM
NUMBER 1
 Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	4-2-52	Sheet No. 1 of 1

Map No. 525-2 (Appl. No. 544-2)

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, July 6, 1959

This is to certify that the foregoing application was received by the Commission at 1:22 o'clock
A.m. upon the 10 day of June, 1959

State Water Resources Commission

By: J. O. Brinner

Chief Engineer, Executive Officer

Number of permit 544-2

Date of first receipt of application June 10, 1959

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right June 10, 1959

Approved August 11, 1959 Recorded in Book 5 Page 1213

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 August 11, 1960

2nd. The whole of said work is to be completed on or before August 11, 1961

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 11, 1963

4th. The water appropriated shall be used for the purpose of Irrigation & stockwater

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 1.16 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 August 11, 1963, said water to be used during the following described annual period:

throughout year when run-off occurs

Witness my hand this 18 day of September, 1959

State Water Resources Commission

By: J. O. Brinner

Chief Engineer, Executive Officer

Certificate of Construction issued September 4, 1962

Water License issued September 4, 1962

F. L. McDonnell, Wall, South Dakota

Water Right Application

Attachment for Form 2

Item 5: Location of Points of Diversion:

Diversion No. 1: From the SW corner of Sec 23, T-2-N, R-16-E -- N 56°00' E 16.2 rods

Div. No. 2: From the NW corner of Sec. 26, T-2-N, R-16-E --- S 34°30' E 101 rods

Div. No. 3: From the NW corner of Sec. 26, T-2-N, R-16-E --- S 6°30' E 144 rods

Item 7. I (b) Legal subdivisions to be irrigated:

Area	Location	Section	Township	Range	Acres
1	NE-SW	23	2N	16E	6.8
2	NE-NW	26	2N	16E	4.9
3	NW-NW	26	2N	16E	18.7
4	SW-NW	26	2N	16E	33.2
5	NW-SW	26	2N	16E	20.8
Total Acres					81.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 544-2 ...

WHEREAS, On the 10th day of June A. D. 1959

F. L. and Thomas S. McDonnell

of Quinn County of Pennington and State of South Dakota duly made application (No. 544-2) to us for a permit to use 1.16 cubic feet per second of the waters of a dry draw County of Pennington, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 18th day of September A. D. 1959

Permit No. 544-2 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 11th day of August A. D. 1961 and for the application to beneficial use of said water on or before the 11th day of August A. D. 1963 and,

WHEREAS, On the 30th day of July A. D. 1962

the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.16 cubic feet per second of said waters, as evidenced by our Certificate No. 544-2 dated September 4, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.16 cubic feet per second of water, with date of priority of June 10, 1959 and,

WHEREAS, On the 30th day of July A. D. 1962

proof was duly made of the application to beneficial use of 1.16 cubic feet per second of said water; for irrigating 81.4 acres in Sections 23 and 26, T2N, R16E

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 E. L. and Thomas R. McDonnell
of Quinn the holder and owner of said permit No. 544-2
a water right, dating from June 10, 1959 to the use of 1.16
cubic feet per second of the waters of a dry draw
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 SW 1/4 Section 23,
and points in the NW 1/4 and SW 1/4 Section 26, all in T2N, R16E
and conducted to and upon portions of Sections 23 and 26, T2N, R16E, 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 4th day of September A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J. W. GRIMES

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 Book _____ of _____ Page _____

Permit No. 544-2Water Division No. 2 Bad River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That F. L. and Thomas S. McDonnell

of Gulon, County of Pennington, and State of South Dakota, the holder of Permit No. 544-2, issued upon Application No. 544-2, bearing date of priority of June 10, 1959, authorizing the diversion of 1.16 cu. ft. per second of the waters of a dry draw County of Pennington, State of South Dakota, at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23; and points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, All in T2N, R16E for irrigation

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 1.16 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:	<u>All in T2N, R16E</u>	<u>Section 23</u>	<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>5.8 acres</u>
		<u>Section 26</u>	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>4.9 "</u>
			<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>16.7 "</u>
			<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>33.2 "</u>
			<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>20.8 "</u>
			<u>Total...</u>	<u>81.4 "</u>

Witness my hand this 4th day of September A. D. 19 62

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Penn. } ss.

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the Penn. Co. Courier a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the CITY of Wall County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

July 16, 23, 30 & Aug 6, 1959

In each and every issue of the full number thereof, the first publication being made on the 16th day of July 1959 and the last publication on the 6th day of August 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was both the printer and publisher of the said newspaper.

No. 544-2
(First Publication before July 17, 1959)

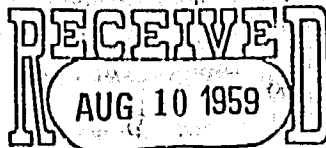
APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, South Dakota
July 6, 1959

Notice is hereby given that F. L. McDonnell and Thomas S. McDonnell whose post office address is Quinn, 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 1.10 cubic feet of water per second of time from a dry draw through the McDonnell Waterspreading Project No. 1, the point of diversion of which is to be located on both banks of said stream at a point in the NW 1/4 Sec. 23; at a point in the NW 1/4 NW 1/4 Sec. 26; and a point in the SW 1/4 of the NW 1/4 of Section 28 all in Twp. 2N Range 10 E. Said water to be used for the purpose of providing irrigation on parts of the following described land: NE 1/4 SW 1/4 Sec. 23; NW 1/4 SW 1/4 and NW 1/4 Sec. 26 all in T. 2 N. R. 10 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of August, 1959, at 8:00 P. M. All interested 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: Les Wyborny,
Water Rights Engineer
Pub. July 16, 23, 30, Aug. 6

Subscribed and sworn to before me this 18th day of August 1959



Notary Public Penn. County, S. D.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(First Publication before July 17, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 6, 1959

Notice is hereby given that F. L. McDonnell and Thomas S. McDonnell whose postoffice address is Wall 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 1.16

cubic feet of water per second of time from the ~~test~~ a dry draw----- through the

McDonnell Waterspreading

Project No. 1, the point of diversion of which is to be located on the both
at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23; at a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; and a
point
banks of said stream, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26 all in

Twp. 2 N Range 16 E Said water to be used for the purpose of providing irrigation on the fol-

lowing described land:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 26 all in T 2 N, R 16 E

[illegible]

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of August, 1959, at 2:30 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

135:

Chief Justice Warren

128 Wyborny, Water Rights Engineer

cc R. F. Lewis, Publisher
The Pennington County Courant
Wall, South Dakota

Permit No. 544-2Water Division No. 2 Bd Rice 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 _____ 19____, I have this day made a thorough examination of the diversion works constructed by FL. S. Thomas S. McDonnell, of Pennington County, South Dakota, holder of Permit No. 544-2, issued upon Application No. 544-2, bearing date of priority of June 10, 1957, authorizing the diversion of 1.16 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: Earth dikes 8' high & small ditches, approx 1/2 mile. Mostly scoop cuts.

and the system is in the following condition: Good

The point of diversion is located Sec. 23 & 26 T2N R16E

The works are capable of diverting and conveying to the place of use 1.16 cu. ft. per second of water, which is to be used for Irrigation & Stock water

The legal sub-divisions to be irrigated are:

<u>NE 1/4 Sec 23</u>	<u>T2N R16E</u>	<u>Ac. 5.8</u>
<u>NE 1/4 NW 1/4</u>	<u>" 26</u>	<u>" 4.9</u>
<u>NW 1/4 NW 1/4</u>	<u>" 26</u>	<u>" 16.7</u>
<u>SW 1/4 NW 1/4</u>	<u>" 26</u>	<u>" 33.2</u>
<u>NW 1/4 SW 1/4</u>	<u>" 26</u>	<u>" 20.8</u>
		comprising a total of <u>81.4</u> acres of land.

The domestic use intended comprises Stock water

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 30 day of July, A. D. 1968

—SEAL—

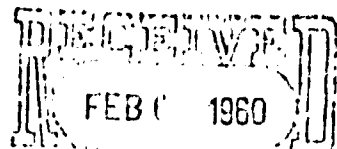
William A. Hauer
Examining Engineer.

Permit No. 544 - 2

Water Division No. 2

Bad River

Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 50 days before the time set for completion of works.

(P. O.) Quinn, So. Dak.

(Date) 5 January 1960

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

1.16 cu. ft. per second of the waters of the state from
through the McDonnell Waterspreading Project #1
for irrigation and stockwater developments purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is F. L. McDonnell and Thomas S. McDonnell

2. The postoffice address of such person or the place of business of such corporation is Quinn County of Pennington State of South Dakota

3. The number of such permit is 544 - 2 and the date set for the completion of such work is January 5, 1960

4. Said water to be used for irrigation and stockwater developments purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.16 cubic feet per second.

6. The amount of land for which said water is available is 81.4 acres, particularly described as follows: see attachment

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

F. L. McDonnell
Thomas S. McDonnell

F. L. McDonnell and Thomas S McDonnell, Quinn, South Dakota

WATER RIGHT No. 544 -2

Water Division No. 2 Bad River District

Attachment form No. 16 and 17

Location of Points of Diversion:

Diversion No. 1: From the SW corner of Sec 23, T-2-N, R-16-E -- N 55° 00' E 182 rods

Div. No. 2: From the NW corner of Sec. 23, T-2-N, R-16-E -- S 34° 30' E 101 rods

Div. No. 3: From the NW corner of Sec. 26, T-2-N, R-16-E -- S 6° 30' E 144 rods

Legal subdivisions to be irrigated:

Area	Location	Section	Township	Range	Acres
1	NE-SW	23	2N	16E	5.8
2	NE-NW	26	2N	16E	4.9
3	NW-NW	23	2N	16E	16.7
4	SW-NW	26	2N	16E	33.2
5	NW-SW	26	2N	16E	20.8
Total Acres					81.4