

No. 61

OFFICE OF STATE ENGINEER
DOCUMENT FILE

Division No. 2 Battle Creek Dist.
Name of Applicant
John H. O'Neill
Name of diversion works
O'Neill Diversion Ditch
Date of first Receipt
December 10th 1908
Location of point of diversion
S. 1/4 NE 4 Sec. 11, T. 35.00 N., E. R. H. Co.
1670 ft. S. 27 E. from N 1/2 cor 17
Beneficial Use
Irrigation
Approved Feb 9th 1909
Recorded in Book 1 page 115
Remarks

This Application
is for the right to appropriate
for irrigation purposes one
cubic foot per second of the
unappropriated water
of Spring Creek in Custer
County.

STATE PUB. CO., PIERRE, S. D.

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA
RECORD OF PROCEEDINGS

Application No. 61

Water Div. No. 2 Battle Creek Water Dist.

Application Received December 10, 1908
Maps Received December 10, 1908
Acknowledgment December 10, 1908
Notice for Pub. Mailed December 11, 1908
Receipt from Newspaper
Copy of Newspaper Rec'd.
Notice of Correction
Proof of Pub. Rec'd. December 17, 1908
Fearing February 9, 1909
Approved February 9, 1909
Recorded and Filed February 18, 1909

REMARKS

Notice of fees sent February 10,
1909, and fees received February 18,
1909.

No. 61

Water Division No. 2 Battle Creek Water District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

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

1. Name of applicant ~~John H. O'Neill~~ Gene Peterson, 1104 Paisley
Sturgis
Postoffice address ~~Polina~~, County Custer, 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 the work. (Whether by contract, employment of others, or by direct labor) Direct Labor
(b) ~~Cash on hand, \$~~ (c) ~~Treasury stock, \$~~
(d) ~~Bonds to be issued, \$~~ (e) ~~Other resources, \$~~

2. Name of diversion works O'Neill Irrigation Ditch
3. Quantity of water claimed one cubic feet per second.
4. Source of water supply Spring Creek
5. Location of point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Tp. 3 S., R. 11 E. B.E.M.,
1670 ft. S. 37° E., from N. $\frac{1}{4}$ corner 17 on right bank
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used continuously

7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 73.5 acres.
(b) Legal subdivisions to be irrigated SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16; Tp. 3 S., R. 11 E., B.E.M.

(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.)

watering stock

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

- (a) ~~Nature of use~~
(b) ~~Amount of power to be generated~~ horse power
(c) ~~Location of plant~~
(d) ~~Method of developing power~~
(e) ~~Point where water will be returned to stream~~

By

J. D. B. Lea

Deputy.

Map No. 23-2

8. Estimated cost of works:

(a) Head gates, \$ 25.00 (b) Pumping plant \$
 (c) Fluming, \$ 50.00 (d) Canal-earth, \$ 275.00 rock \$
 (e) Other structures \$ Total, \$ 350.00

9. Description of diversion works:

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

Diversion dam, ditch and trestle-flume across creek.

II. Dimensions of works:

(a) Dam: Height ten feet; length at bottom fifteen feet; length at top twenty-three feet; thickness at bottom thirty feet; thickness at top twenty feet; slope of front (water) face irregular; slope of back face gilt filled, horizontal; material used in construction Beaver dam of logs, brush, rock, earth.
 (b) Reservoir; Capacity when filled no reservoir acre feet. Surface area at highwater mark acres.

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

(c) Head gate: Width six feet feet; height two feet
 Material wood

(d) Canal: Total length 7250 feet miles 6'x2', gradually narrows to 3'x1'

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work three years.

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

13. Choice of newspaper for publication of notice of intention to appropriate Black Hills Weekly Journal, Rapid City, S.D.

STATE OF SOUTH DAKOTA
 County of Pennington ss

I, Ivan E. Goodner, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Engineer, 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 therein stated and shown are true.

Signed Ivan E. Goodner

Subscribed and sworn to before me this 10th day of November 1908

George Williams

T.3S.,R.11E.,B.H.M.

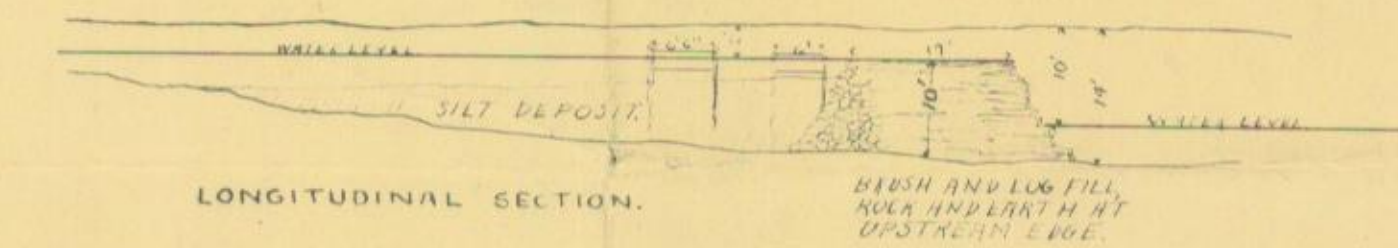
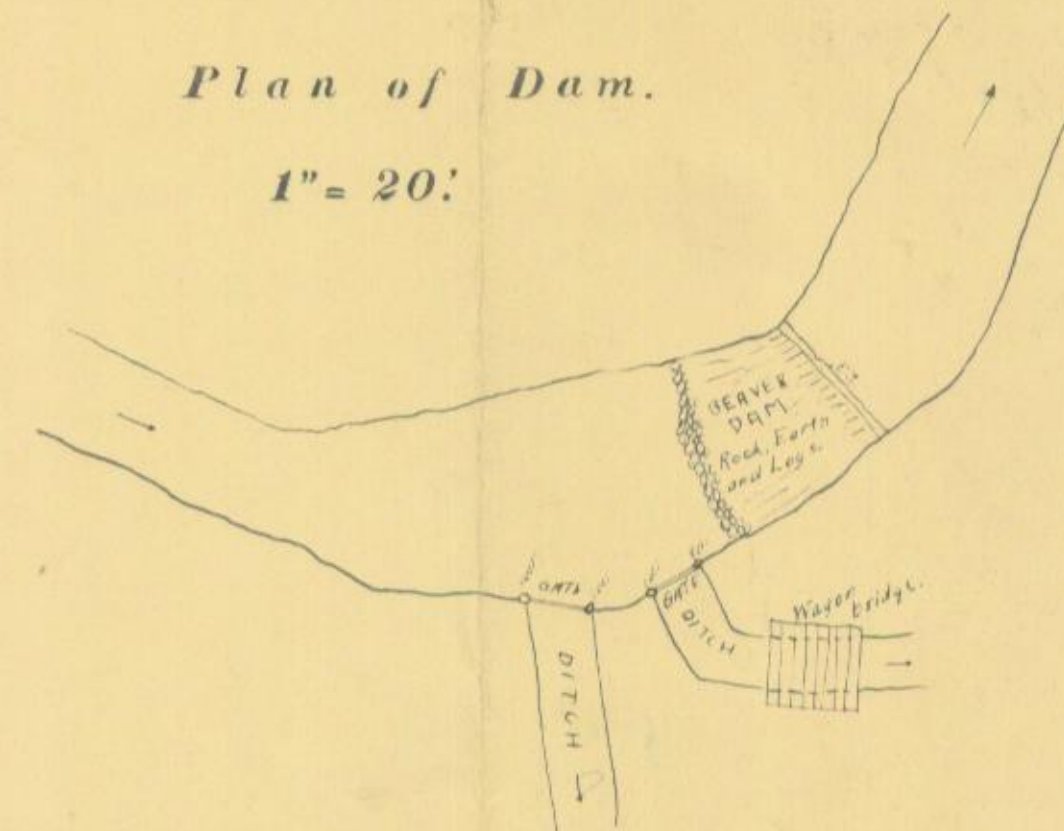
1716

O'NEILL

WATER RIGHT.

Plan of Dam.

1" = 20'



AFFIDAVIT.

STATE of SOUTH DAKOTA
COUNTY of PENNINGTON ss.

I, IVAN E. GOODNER, BEING DULY SWORN, UPON MY OATH SAY, THAT I AM THE ENGINEER OF THE O'NEILL WATER RIGHT; THAT THE SURVEY AND MAP THEREOF WERE MADE UNDER MY DIRECTION, AND THAT I HAVE READ THE ACCOMPANYING STATEMENT AND KNOW OF MY OWN KNOWLEDGE THAT THE STATEMENTS THEREIN MADE ARE TRUE.

Ivan E. Goodner, ENGINEER.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF NOVEMBER, 1908.

George Williams, NOTARY PUBLIC.

ACRES IRRIGATED IN EACH TRACT SHOWN THUS 40

SCALE
1 IN. = 200 FT.

Map No. 73-2
Appl. No. 61-2

Remarks by State Engineer:

This application is for the right to appropriate for irrigation purposes one cubic foot per second of the unappropriated waters of Spring Creek in Custer County.

STATE OF SOUTH DAKOTA }
County of Hughes }

Pierre, South Dakota, February 18, 1909

This is to certify that the foregoing application was received at this office at four o'clock p. m. upon the tenth day of December 1908 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed and a hearing was held in this office February 9, 1909.

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

Number of permit 61

Date of first receipt of application December 10, 1908

Date of return to applicant for correction - - - - - 190

Date of receipt of corrected application - - - - - 190

Date from which application may claim right December 10, 1908

Approved February 9, 1909, Recorded in Book 1- Page 115

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

August 9, 1910

2d. The whole of said work is to be completed on or before February 9, 1912

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 9, 1913

4th. The water appropriated shall be used for the purpose of Irrigation and 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 one cubic foot of water per second of time; 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 it is actually and beneficially applied on or before February 9, 1913, said water to be used during the following described annual periods.

Continuously

Witness my hand this 18th day of February 1909
Water License & Certif. of Const.
Issued December 23, 1908

Samuel H. Lea
State Engineer.

By B. B. Lea Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 61-2.

(1) WHEREAS, On the 10th day of December A. D. 19 08
John H. O'Neill

made Water Right Application No. 61-2 for a permit to use 1.0 cubic feet per second of the waters of Spring Creek

County of Custer, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 9th day of February A. D. 19 09
 Permit No. 61-2, with a date of priority of December 10, 1908

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 9th day of February A. D. 19 12 and for the application to beneficial use of said water on or before the 9th day of February A. D. 19 13

and WHEREAS on the 16th day of December 1980 this Water Permit was transferred to Gene Peterson of Sturgis, South Dakota,

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 .51 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,
 to irrigate portions of the following lands all in

Section 17, T3S, R11E

	Acres
<u>SW 1/4</u>	<u>7.2</u>
<u>SE 1/4</u>	<u>22.0</u>
<u>NE 1/4</u>	<u>6.3</u>

TOTAL 35.5 acres

(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 Cano Paterson

of Sturgis, South Dakota

the holder and owner of said permit No. 61-2 a water right, dating from December 1st, 1908

to us of .51 cubic feet per second of the waters

of Spring Creek

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 1675 feet south 27° East from NE corner

of Section 17, T3S, R11E

and conducted to and upon portions of Section 17, T3S, R11E more fully described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 61-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of December A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 67-2

Water Diversion No. 2 Battle Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Gene Patersch

_____ the holder _____ of
Permit No. 61-2, issued upon Application No. 61-2, bearing date of priority of December 10,
1908 authorizing the diversion of 1.0 cu. ft. per second of the waters of
Spring Creek _____ County of Custer, State of South Dakota at
a point 1670 feet south 27° east from the NW corner of Section 17, T3S, R11E
_____ for irrigation

_____ purposes, has 5 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 4.22 cu. ft. per second of water.

Date December 23, 1980

John Hatch
JOHN HATCH, Chief Engineer,
Water Rights Division

(First Publication 190)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., Dec. 11, 190 8

Notice is hereby given that John H. O'Neill
 whose postoffice address is Folsom

Custer County, S. D., has made an application in
 accordance with the provisions of the irrigation laws of South Da-
 kota for a permit to appropriate for beneficial use one cubic
 foot of water per second of time from Spring Creek

through the O'Neill Irrigation Ditch, the point of diversion of which
 is to be located upon the right bank of said stream in the SW
 $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 17 township 3 S range 11 E, B. H. M.
 to be used for the purpose of watering stock and irrigation

upon the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Dec. 17, Twp. 3 S., R. 11 E., B. H. M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Dec. 16 Twp 3 S., R. 11 E., B. H. M.

This application will be taken up by the state engineer at his
 office at Pierre for consideration and appropriate action upon the
9th day of February 190 9, at 9 a. m., at which time all
 persons who believe that the prior rights would be injuriously af-
 fected, or that the allowance of the permit would be detrimental
 to the public welfare, and also parties making the application, and
 to be benefited, are notified to be present either by sworn affi-
 davit or in person for the purpose of presenting any relative tes-
 timony.

State Engineer

STATE OF SOUTH DAKOTA,
office ofState Engineer,
Pierre, S. D.

Dec. 11, 1908

John H. O'Neill,Folsom, So. Dak.Dear Sir:

You are hereby notified that your original application
No. 61 for a permit to appropriate water from Spring Creek
through the O'Neill Irrigation Ditch

has been examined and found to comply with the irrigation law of South
Dakota and the regulations thereunder. You are now instructed to pub-
lish a notice of your intentions in relation to this proposed appropri-
ation once a week for four consecutive weeks in some paper of general
circulation in the stream system in which the works are to be located,
in accordance with section 31 of the Irrigation Code.

A notice is enclosed herewith which you are directed to publish in
the Black Hills Weekly Journal printed at Rapid City, So. Dak.
South Dakota, in compliance with the law, you making the necessary ar-
rangements with the publisher as indicated in the letter to him, also
enclosed.

The proof of publication, also sent herewith, accompanied by a fil-
ing fee of \$1. must be filed in this office on or before February
8, 1909, this date being sixty days from the date of
these instructions. In case of failure to file satisfactory proof with-
in the time stated, your application will thereafter be treated as an
original application filed on the date of the receipt of proof of pub-
lication in proper form. It is to your interest, therefore, to see that
the proof is promptly returned to this office as directed.

Very respectfully,

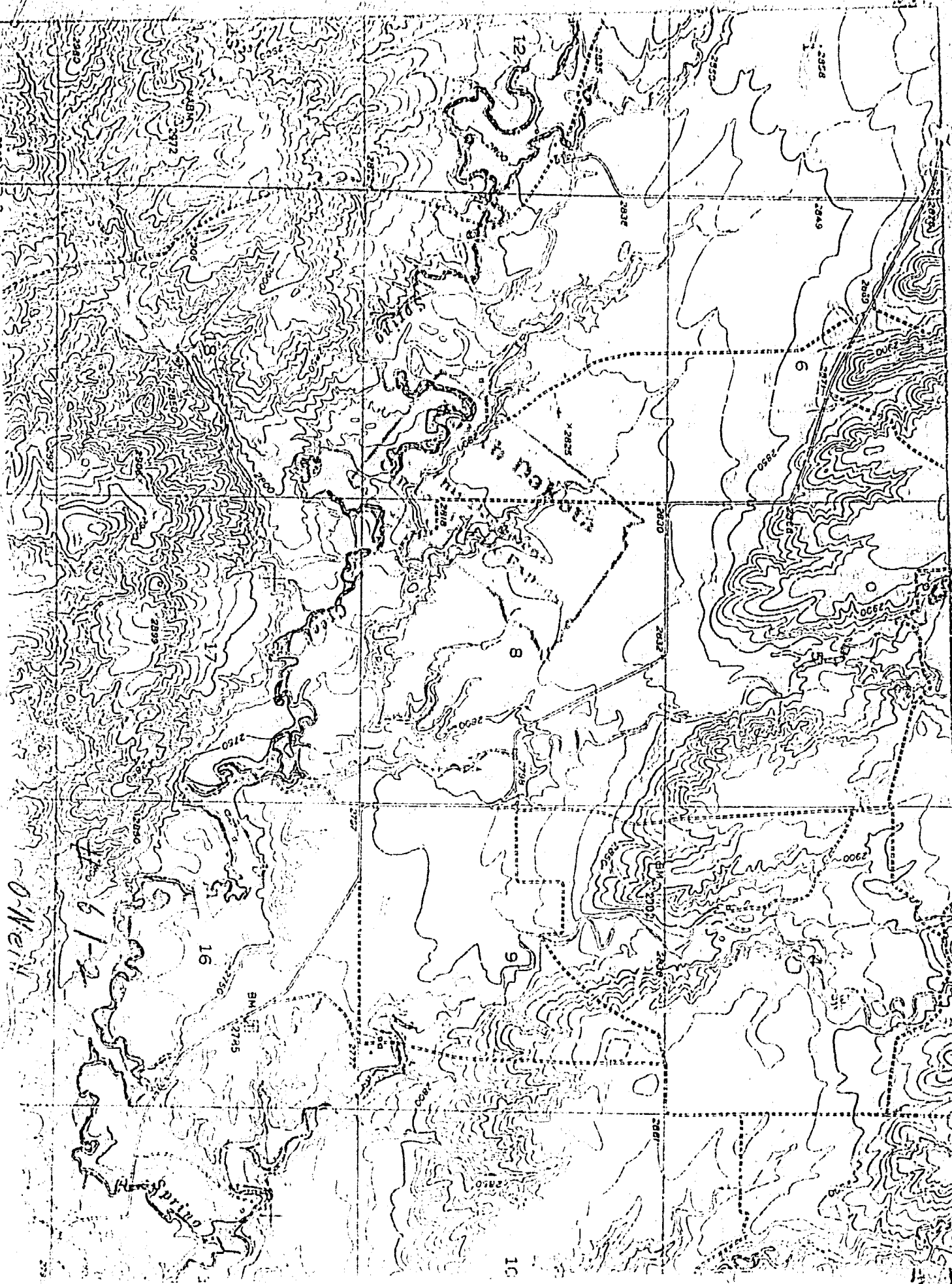
State Engineer.Deputy.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



0.1614

6-1-2

10

Permit No. 61-2Water Division 2 Battle Creek Water DistrictREPORT 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 Doris May Peterson of 1104 Paisley St. Sturgis 57785 holder of Permit No. 61-2, bearing date of priority of December 10, 1908 authorizing the diversion of 1.0 cu. ft. per second of the waters of Spring Creek for Irrigation purposes, in Custer 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: Diversion Dam and Headgate
Also: American Pump Co. size 5, shop 9723
Belt Driven, pumps 300 gpm.
2 ea. 3" Fairbanks Morse, Belt Driven pumps 300 gpm each

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

Ditches

C. Works used to apply water to beneficial use.

Ditches & DikesThe system is in the following condition: Fair

The point of diversion is located 1670 ft S 27° E from N 1/4 corner
of Section 17, T35 R11E

The works are capable of diverting and conveying to the place of use 4.22
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: 1" in Sec 17, T35, R11E
SW 1/4 NE 1/4 - 7.2 Ac, SE 1/4 NE 1/4 - 2.2 Ac, NE 1/4 SE 1/4 - 6.3 Ac.

comprising a total of 35.5 acres of land.

12-10-80

Mr. Peterson called and indicated that Doris May Peterson (mother) did no longer own this but that he had rights to it at this time. He is sending in a corrected transfer form.

Genny

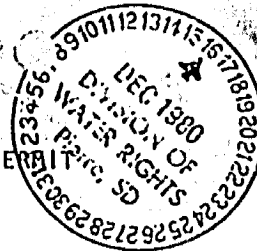
$35.5 \div 70 = .51 \text{ cfs}$
 license for .51 cfs.

Date

June 12, 1980

LeRoy J. McLaughlin
 (Signature)

NOTICE OF TRANSFER OF WATER PERMIT



NO. 61-2

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 10, 1980

This is to notify you that the title to the lands described as follows:

S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T3S, R11E

formerly owned by John H O'Neill

has been transferred to Gene Peterson, 1104 Paisley, Sturgis, South Dakota 57785
~~Doris May Peterson, 3349 Cypress St., Rapid City, SD 57701~~

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 61-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Meade) ss.

I, Gene Peterson being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Gene Peterson
(Signed)

Subscribed and sworn to before me this 10th Day of December, 1980.

C. L. Knight
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7826

PIERRE, December 16, 1980

RECEIVED OF Doris May Peterson for GENE PETERSON, 1104 Paisley, Sturgis, SD 57785
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing 1/ transfer of WR# 61-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7825

PIERRE, December 16, 1980

RECEIVED OF Doris May Peterson, 3319 Cypress St., Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 61-2	12.	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 61-2		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12.	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH