

OFFICE OF STATE ENGINEER
 PIERRE, SOUTH DAKOTA
 RECORD OF PROCEEDINGS

Application No. 62

Water Div. No. 2 Rapid 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 December 17, 1908

Copy of Newspaper Rec'd. January 9, 1909

Notice of Correction

Proof of Pub. Rec'd. December 27, 1908

Hearing January 9, 1909

Approved February 9, 1909

Recorded and Filed February 15, 1909

REMARKS

Notice of fees sent February 10, 1909, and fees received February 15, 1909.

No. 62-2

OFFICE OF STATE ENGINEER
 DOCUMENT FILE

Thos. Mc Mahon, Hermann, Minn.

Division No. 2 Rapid Creek Water

Name of Applicant

Mary Mc Mahon

Name of Division Works

Mary Mc Mahon Irrigation Ditch

Date of First Receipt

December 10th 1908

Location of point of diversion

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 17, T. 1, S. R. 8, E. B. H. M.

810 ft N 7° E from SW cor Sec 17

Beneficial Use Irrigation

Approved

Recorded in Book 1 page 113

Remarks

This application is for the right to appropriate for irrigation, stock watering etc two and a half second feet of the unappropriated waters of Spring Creek in Pierre River County.

No. 32

Water Division No. 2 Rapid 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 Mary McMahon
 Postoffice address Rapid Creek, 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 the work. (Whether by contract, employment of others, or by direct labor) Work was completed in June 1903.
 (b) ~~Cash on hand, \$~~ (c) ~~Treasury stock, \$~~
 (d) ~~Bonds to be issued, \$~~ (e) ~~Other resources, \$~~
 2. Name of diversion works Mary McMahon Irrigation Ditch
 3. Quantity of water claimed 2.5 cubic feet per second
 4. Source of water supply Spring Creek
 5. Location of point of diversion SW 1/4 Sec. 20, T. 1 S., R. 3 E., E. 1/4 Sec. 17
N. 7° E., from SW corner Sec. 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 171 acres.
 (b) Legal subdivisions to be irrigated SW 1/4, NE 1/4, Sec. 20, T. 1 S., R. 3 E., E. 1/4 Sec. 17

(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.) Stock-watering, etc., on applicant's ranch.

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 using power.~~
 (e) ~~Point where water will be returned to stream.~~

8. Estimated cost of works:

(a) Head gates, \$ 10.00

(b) Pumping plant, \$

(c) ~~Fluming~~

(d) Canal earth, \$ 250.00

rock, \$

(e) Other structures

Dam

\$ 300.00

Total, \$ 500.00

9. Description of diversion works:

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

Diverting dam, no reservoir, ditches direct to land irrigated.

II. Dimensions of works:

(a) Dam: Height five feet; length at bottom 50 feet; length at

top 25 feet; thickness at bottom 35 feet; thickness at

top 4 feet; slope of front (water) face irregular; slope of

back face About 1:2 material used in construction Brush, rock, earth, built together in "beaver-dam" construction.

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

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

(c) Head gate: Width 6'6" height 1'6" feet

Material: Timber: posts and plank

and: Total length 3.5 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
Starts 6' mile	x18" and	gradually	narrows to	3'x13'
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 three years.

12. 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

(owner, manager or engineer)

, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know by my own personal knowledge that the matters therein stated and shown are true.

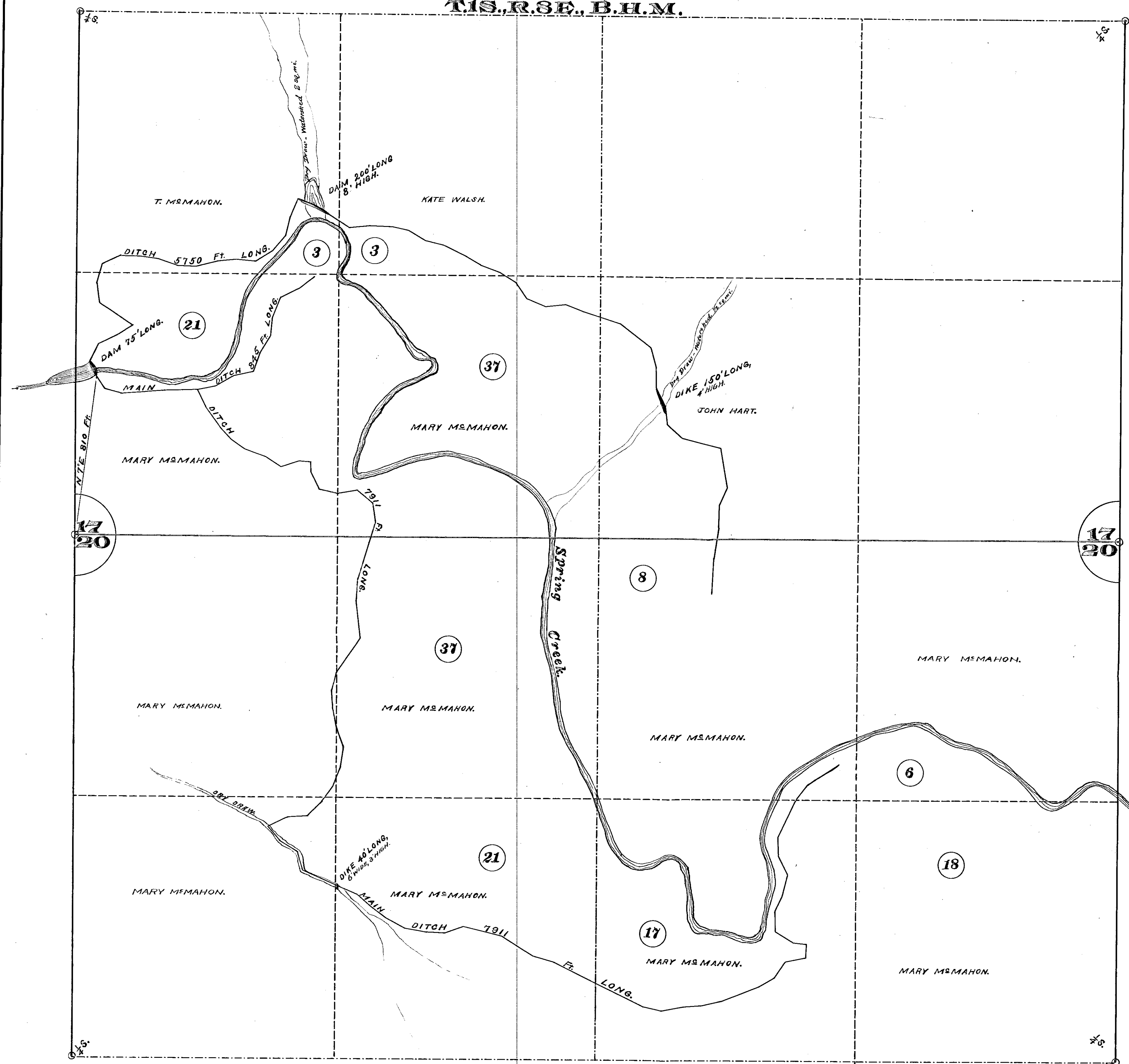
Signed Ivan E. Goodner

Subscribed and sworn to before me this ninth day of December 1908

Benj. D. Winterer

Notary Public (or other qualified officer)

T1S.R.8E., B.H.M.



MCMAHON IRRIGATION SYSTEM.

AFFIDAVIT

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

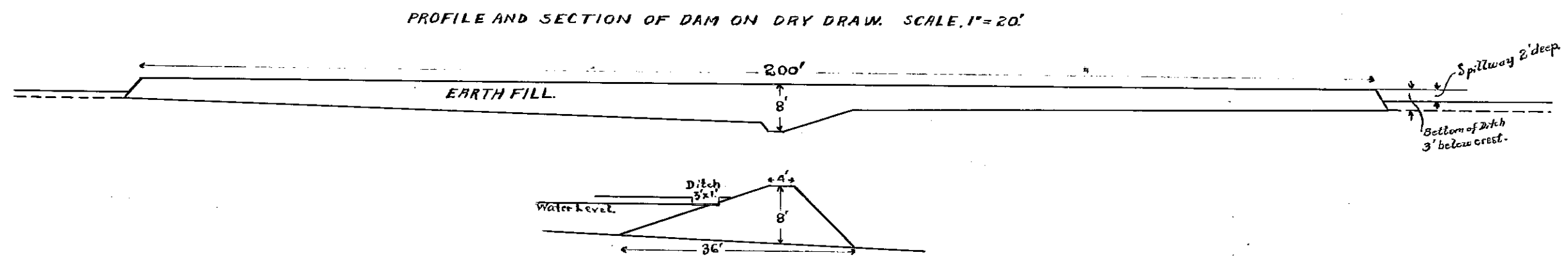
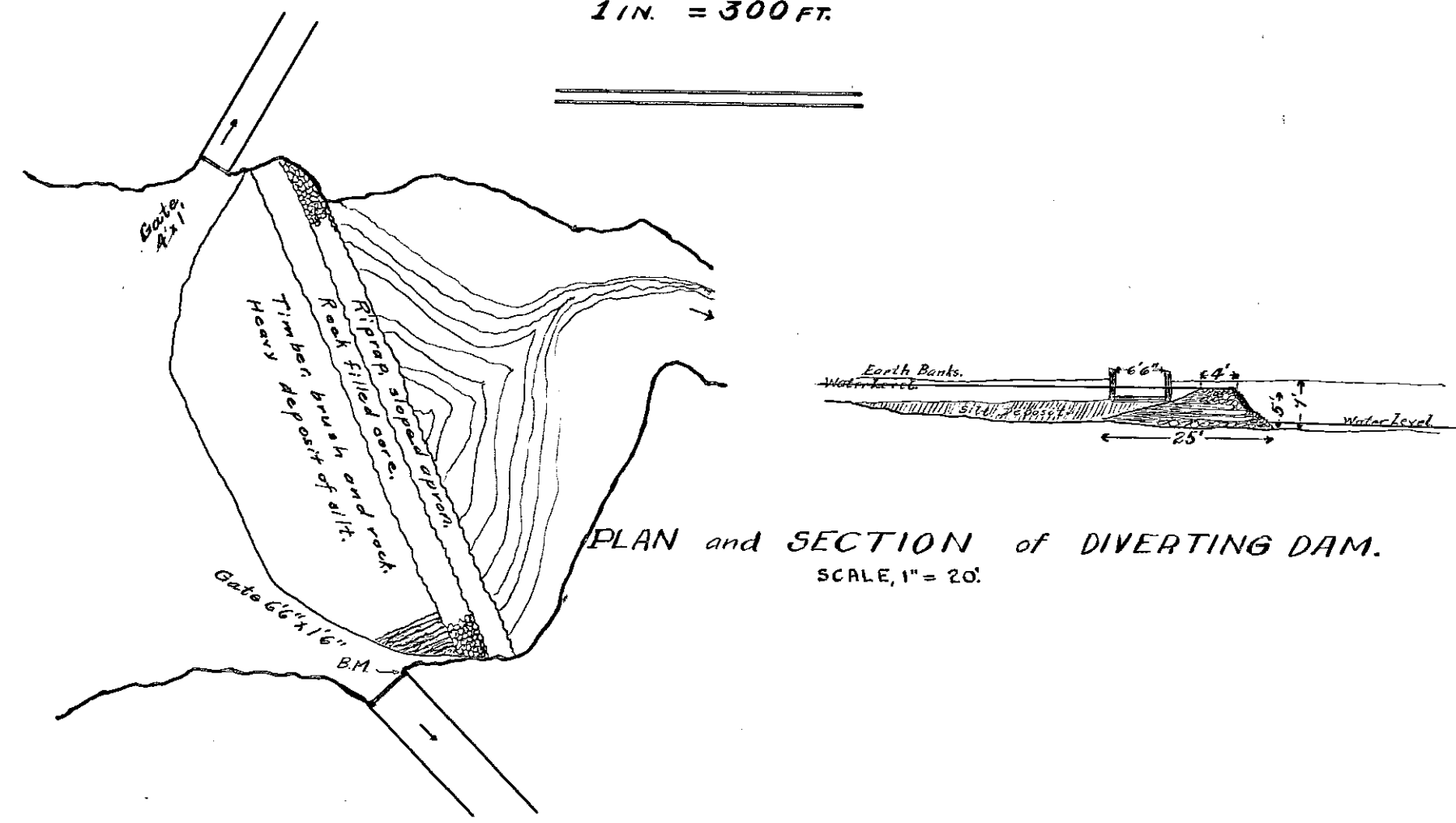
I, IVAN E. GOODNER, BEING DULY SWORN, UPON MY OATH SAY, THAT I AM THE ENGINEER OF THE MCMAHON IRRIGATION SYSTEM; THAT THE SURVEY AND MAP THEREOF WERE MADE UNDER MY DIRECTION, AND THAT I HAVE READ THE ACCOMPANYING STATEMENT AND KNOW OF MY OWN KNOWLEDGE THAT THE STATEMENTS THEREIN MADE ARE TRUE.

Ivan E. Goodner, ENGINEER,
SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH
DAY OF DEC. 1908.

George Williams, NOTARY PUBLIC.

ACRES IRRIGATED IN EACH TRACT SHOWN THUS (40)

SCALE
1 IN. = 300 FT.



RECEIVED
DEC 10 1908
OFFICE OF STATE ENGINEER,
PIERCE, S. DAK.

MAP 72-2 (W/2 62-2)

Remarks by State Engineer:

This application is for the right to appropriate for irrigation, stock watering, etc. two and a half second feet of the unappropriated waters of Spring Creek in Pennington County.

STATE OF SOUTH DAKOTA)
County of HUGHES) ss

Pierre, South Dakota, February 15, 1909

This is to certify that the foregoing application was received at this office at three o'clock P. M. upon the 10th 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 on February 9, 1909.

Samuel H. Lea
State Engineer

By *B. B. Lea* Deputy

Number of Permit 63

Date of first receipt of application December 10, 1908

~~Date of return to applicant for correction~~ 1908

~~Date of receipt of corrected application~~ 1908

Date from which application may claim right December 10 1908

Approved February 9, 1909, Recorded in Book -1- Page 113

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 February 9, 1910

2d. The whole of said work is to be completed on or before February 9, 1911

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 9, 1912

4th. The water appropriated shall be used for the purpose of irrigation, stock watering, etc., on applicant's ranch

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 3.5 cubic feet 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 sevenieth (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 on or before February 9, 1912; said water to be used during the following described annual period:

continuously

Witness my hand this 15th day of February 1909

Samuel H. Lea
State Engineer

By *B. B. Lea* Deputy

COPY

STATE OF SOUTH DAKOTA }
COUNTY OF HUGHES. }

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 18 day of February 1909

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

No. 62
Division No. 2 Rapid Creek District

PERMIT

to appropriate water from
Spring Creek
Pennington County, South Dakota

Name of applicant
Mary McMahon

Name of diversion works
Mary McMahon Irrigation Ditch

Date of first receipt at office of State Engineer
December 10 1908

Returned to applicant for correction
-100-

Corrected application received
-100-

Date of water right
December 10, 1908

Recorded in Book -1- Page 113

One-fifth of work to be completed
February 9, 1910

Whole work to be completed
February 9, 1911

Final proof of use of water
February 9, 1912

Approved February 9, 1909
Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 62

WHEREAS, On the 10th day of December A. D. 1908.

Mary Mallahan

of Rapid City County of Pennington and State of South Dakota duly made application (No. 02) to me for a permit to use 2.5 cubic feet per second of the waters of Spring Creek County of Pennington State of South Dakota, for stock watering and irrigation purposes; and

WHEREAS, On the 0th day of February A. D. 1909.

Permit No. 02 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 0th day of February A. D. 1911. and for the application to beneficial use of said water on or before the 0th day of February A. D. 1912. and,

WHEREAS, On the 17th day of June A. D. 1912.

the holder of said permit duly made proof of the completion of adequate works for the diversion of cubic feet per second of said waters, as evidenced by my Certificate No. dated confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use cubic feet per second of water, with date of priority of and,

WHEREAS, On the day of A. D. 19

proof was duly made of the application to beneficial use of cubic feet per second of said water.

information was furnished this office by P. A. Ballard, the engineer, duly authorized to make examination of the works, that said diversion works had been completed several years before the application was made and that they are now in good condition and full operation.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....Mary McMahon..... of.....Rapid City..... the holder... and owner... of said permit No. 92 a water right, dating from.....December 10, 1908..... to the use of.....2.5..... cubic feet per second of the waters of.....Spring Creek..... in the County of.....Pennington..... and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at.. a point 810 feet N. 70° 0' East from the S.W. corner of Section 17, Twp 1 S., Rge. 8 E., B.H.M. and conducted to and upon the West 1/4 and the N.E. 1/4 of Sec. 20, also W. 1/4 of S.W. 1/4 of Sec. 17, all in Twp. 1 S., Rge. 8 E., B.H.M. for the purpose... of Irrigation and watering stock on applicant's ranch.....

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, and regulations which have been or may be adopted from time to time by a majority of the users from a... on 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 the seal of my office at Pierre, South Dakota, this.....28th..... day of.....June..... A. D. Nineteen Hundred and Twenty.....

Samuel Huber
State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 92

To Mary McMahon

Rapid City

So. Dakota

Source of Supply Spring Creek

Pennington County

Am't 2.5 Sec. Feet

Point of Diversion 810 feet N. 70° 0' E. from SW corner of Sec. 17, Twp. 1 S., Rge. 8 E., B.H.M.

Place of Use W. 1/4 and N.E. 1/4 of Sec. 20, W. 1/4 SW 1/4 of Sec. 17, all in Twp. 1 S., Rge. 8 E., B.H.M.

Purpose Irrigation and water-
ing stock

Dat. Priority Dec. 10, 1908

Record Page 113

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

Dec. 11, 1909

Mary McMahon,Rapid City, S.D.Madam:

You are hereby notified that your original application No. 22 for a permit to appropriate water from Spring Creek through the Mary McMahon 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 publish a notice of your intentions in relation to this proposed appropriation 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, S.D. South Dakota, in compliance with the law, you making the necessary arrangements with the publisher as indicated in the letter to him, also enclosed.

The proof of publication, also sent herewith, accompanied by a filing fee of \$1. must be filed in this office on or before February 9, 1909, this date being sixty days from the date of these instructions. In case of failure to file satisfactory proof within the time stated, your application will thereafter be treated as an original application filed on the date of the receipt of proof of publication 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.

(First Publication.....190.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., Dec. 11, 1908

Notice is hereby given that Mary McMahon
 whose postoffice address is Rapid City,
Pennington 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 3.5 cubic
 feet of water per second of time from Spring Creek
 through the Mary McMahon 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 SW of section 17 township 1 S range 2 E said water
 to be used for the purpose of irrigation and Stock-Watering, etc.
 upon the W $\frac{1}{2}$ and NE $\frac{1}{4}$ Sec. 20,
W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 17, T. 1 S., R. 3 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 1909, 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

(First Publication Dec. 18)
 Office of the State Engineer, Pierre
 S. D., December 11, 1908.
 Notice is hereby given that Mary McMahon, whose postoffice address is Rapid City, Pennington County, S. D., has made an application in accordance with the provisions of the irrigation laws of the State of South Dakota for a permit to appropriate for beneficial use 3.5 cubic feet of water per second of time from Spring Creek through the Mary McMahon 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 section 17 township 1 S range 2 E said water to be used for the purpose of irrigation and stock-watering, etc. upon the W $\frac{1}{2}$ and NE $\frac{1}{4}$ Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 17, T. 1 S., R. 3 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 1909 at 9 a. m. at which time all persons who believe that the prior rights would be injuriously affected, 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 affidavit or in person for the purpose of presenting any relative testimony.
 I, SAMUEL CHILMAN,
 Applicant's Engineer.

P. A. BALLARD
COUNTY AND DEPUTY STATE SURVEYOR
IRRIGATION AND DRAINAGE WORK A SPECIALTY

OFFICE
ROOM 8 SWEENEY BUILDING

Rapid City, South Dakota, June 14, 1912. 191

Hon. Samuel H. Lea,
State Engineer,

Pierre, So. Dak.,

Dear Sir:- In making my survey of the Mary McMahon Irrigation Ditch Permit No 62 Water Division No. 2, Rapid Creek Water District. I found that the applicant's work is real old work and that it fulfills all the requirements called for in the Permit, except the north ditch, which is to be abandoned on account of not being enough of water to supply their south ditch.

For the past three years there has been no running water through Spring Creek below the John Hart's ranch, owing to the light rain fall and the geological conditions of the bed of the stream.

The work is properly described in the permit and was completed several years before the permit was issued. It being the first water ditch built on the creek. Dating back to 1881.

I also observed that the dam and ditches are in good condition and that the applicant intends to keep up the works so that the most good can be thereby obtained.

Trusting this will explain matters to give them their final receipt I remain,

Yours truly,

P. A. Ballard

ANSWERED
JUN 17 1912

RECEIVED
JUN 15 1912
OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

June
17th,
1912.

Mr. P. A. Ballard,
Deputy State Surveyor,
Rapid City, S. D.

Dear Sir:-

Referring to your letter of the 14th instant, I note that you have made a survey of the Mary McMahon Irrigation Ditch, Permit No. 63. I note further that the diversion works have been completed for some time, also that same comply with the requirements called for in the permit. I note further that the work was completed several years before the permit was issued, also that same has been in operation for many years. This being the case, it will not be necessary to file in this office any additional proofs of completion of works or of application of water to beneficial use. The application as filed in this office did not state that these works had been completed and were in operation. A date was set for completing the works and for making water available to beneficial use; this date was designated as February, 1912. Under the conditions as explained by you, the applicant is entitled to a water license and same will be issued upon receipt of the regular fee of \$1.00 as required by law.

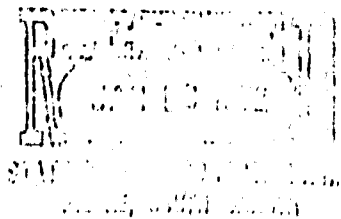
Yours very truly,

State Engineer.

Hermosa, S.D.

Jan 11, 1972

Water Resources Committee
Pierre, S.D.



Dear Sirs

Don Driscoll was here at the ranch
last week concerning our water rights.
Father was quite ill that day so he did
not get to see him. My brother Robert and
I were also gone but would like more
information as to what is taking place. Have
been unable to contact Mr Driscoll again
through local county office.

Please get the necessary information to
us, preferably through some one or by writing.

Yours truly

John McHale

January 12, 1972

Mr. John McMahon
Hermosa
South Dakota 57744

Dear Mr. McMahon:

Reference is made to your letter of January 11, 1972, concerning my visit to your father's ranch on January 5, 1972.

There are hundreds of old water rights and water right records involving the Black Hills area. The Water Resources Commission, to the degree possible, is attempting to learn of the present status of such water rights and water right records.

Water License No. 62-2 was issued, by the State Engineer, to Mary McMahon on June 28th, 1912. It authorized the diversion of up to 2.5 cubic feet per second of water from Spring Creek to irrigate about 170 acres of land, primarily in Sections 17 and 20, Township 1S, Range 8E.

I stopped to learn what I could of the present status of this Water License No. 62-2.

Learning of these old water rights is a very slow process, and it is not an urgent matter. However, I will stop and visit with you on one of my next trips into the Black Hills area.

If you have any further questions, please let me know.

Sincerely,

Donald Driscoll
Deputy Chief Engineer
Water Resources Commission

DD/sjb

Mrs Thomas McMahon
was visited in spring of 1972.
she is the wife of 99 year
old Tom McMahon (temporarily ill)
and she said the Shaviden Lake
construction had reduced the flow
in Spring Creek, but they were
working to get more water and she
was positive water license No
62-2 had value to them.

A short time later a son John
was visited and he reported they
still do divert water from Spring
Creek for irrigation during some
periods when water is available