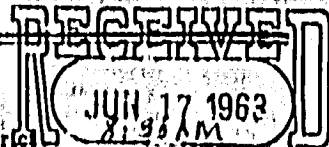


1. Considered 7-17, 1963 678-1
2. Name of Applicant ARCHIE B OWEN McLELLAN
3. Post Office Address: LANTRY
4. Amount of water claimed 5.4
5. Source of water supply LITTLE BEAR CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigate 374
7. Water to be diverted and used in ZIEBACH County
about 13 1/2 miles of FAITH
8. Proof of Publication Received FIRST ONLY
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 698-1Water Division No. 1

(Name to be filled by the Engineer for the W. R. C.)

MOREAU RIVERSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Arthur A. and Owen McLellanPostoffice address Leary, County Ziebach, State South DakotaI. If a corporation none

(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 labor)

contract(b) Cash on hand, \$ sufficient

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ GOVERNMENT cost share2. Name of diversion work Diversion dams and dikes (PARTIAL TRANSFERRED)3. Amount of water claimed 4.3 SEE MAX. 1. COMABLE (SEE 698-1A)
5th cubic feet per second4. Source of water supply Little Bear Creek5. Location of point of diversion see attached sheet Between Point in the SW 1/4 Sec 7, T. 2N, R. 2E
in the SW 1/4 Sec 20, T. 2N, R. 2Eon bank County.6. Annual period or periods during which water is to be used when water is available

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? waterpressing(a) Number of acres to be irrigated 373.7 acres.(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.)

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

(a) Nature of use none
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 583-1

Archie and Owen McLellan
 Waterspreading System #1
 Michoud County, South Dakota

FORM 2
 Item II, 5

POINTS OF DIVERSION

F.D. No.	Location
1	1260.6 ft. Due East of SE Cor. Sec. 12 T 12N R 21E
2	1069.2 ft. S 48° 45' E of SE Cor. Sec. 12 T 12N R 21E
3	1194.6 ft. Due S of SE Cor. Sec. 12 T 12N R 21E
4	1848.0 ft. Due East of SE Cor. Sec. 13 T 12N R 21E
5	3154.8 ft. S 32° 30' E of SE Cor. Sec. 13 T 12N R 22E
6	2811.6 ft. Due East of SE Cor. Sec. 19 T 12N R 22E
7	1795.2 ft. Due S of SE Cor. Sec. 19 T 12N R 22E
8	2188.4 ft. Due N of SE Cor. Sec. 30 T 12N R 22E
9	2369.4 ft. N 43° 55' E of SE Cor. Sec. 30 T 12N R 22E
10	2973.0 ft. N 65° 35' E of SE Cor. Sec. 30 T 12N R 22E
11	468.6 ft. Due East of SE Cor. Sec. 30 T 12N R 22E

FORM 2
 Item II, 7, 1b.

AREA TO BE WATERED

Plot No.	Description	Acres
1	NE 1/4 NW 1/4 Sec. 18 T 12N R 22 E	16.8
2	NE 1/4 NW 1/4 Sec. 18 T 12N R 22E	25.0
3	NW 1/4 NE 1/4 Sec. 18 T 12N R 22E	3.0
4	SW 1/4 NW 1/4 Sec. 18 T 12N R 22E	8.5
5	SE 1/4 NW 1/4 Sec. 18 T 12N R 22E	18.3
6	SW 1/4 NE 1/4 Sec. 18 T 12N R 22E	12.0
7	NW 1/4 SW 1/4 Sec. 18 T 12N R 22E	21.9
8	NE 1/4 SW 1/4 Sec. 18 T 12N R 22E	32.2
9	NW 1/4 SE 1/4 Sec. 18 T 12N R 22E	1.5
10	SW 1/4 SW 1/4 Sec. 18 T 12N R 22 E	10.8
11	SE 1/4 SW 1/4 Sec. 18 T 12N R 22E	40.0
12	SW 1/4 SE 1/4 Sec. 18 T 12N R 22E	21.6
13	NW 1/4 SW 1/4 Sec. 20 T 12N R 22E	6.7
14	NE 1/4 SW 1/4 Sec. 20 T 12N R 22E	31.6
15	NW 1/4 SE 1/4 Sec. 20 T 12N R 22E	0.9
16	SE 1/4 SW 1/4 Sec. 20 T 12N R 22E	32.2
17	SW 1/4 SE 1/4 Sec. 20 T 12N R 22E	8.4
18	SW 1/4 NW 1/4 Sec. 29 T 12N R 22E	11.1
19	NW 1/4 SW 1/4 Sec. 29 T 12N R 22E	34.1
20	NE 1/4 SW 1/4 Sec. 29 T 12N R 22E	21.4
21	SW 1/4 SW 1/4 Sec. 29 T 12N R 22E	12.7
22	SE 1/4 SW 1/4 Sec. 29 T 12N R 22E	3.0
TOTAL		373.7 Acres

TRANSFERRED
 TO 698-1A

8. Estimated cost of work:

(a) Head Gates, \$3750.00

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

(c) Plumbing, \$-----

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

Rock, \$-----

(e) Other structures ----- \$10,000.00

Total, \$-----

9. Description of diversion works:

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

Diversion dams and dikes

II. Dimensions of works.

(a) Dam: Height 10 feet; length at bottom 40 feet; length at top 100 feet; thickness at bottom 60 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction earth

(b) Reservoir: Capacity when filled none acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ALRE-Feet CAPACITY

(c)* Head gate: Width 12" and 30" diameter; feet/height ----- feet; Material cast iron

(d) Canal: Total length none 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 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate West River Progress

STATE OF SOUTH DAKOTA

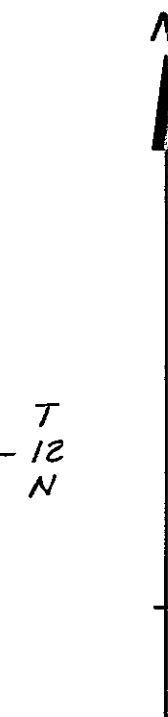
County of Ziebach } ss.

I, Archie and Omer McLellan, 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 Archie McLellan

Subscribed and sworn to before me this 14th day of June 1963

Notary Public (or other qualified officer.)



LOCATION OF LAND TO BE IRRIGATED					
PLOT NO.	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW ⁴ NW ⁴	18	12N	22E	16.8
2	NE ⁴ NW ⁴	18	12N	22E	25.0
3	NY ⁴ NE ⁴	18	12N	22E	3.0
4	SW ⁴ NW ⁴	18	12N	22E	8.5
5	SE ⁴ NW ⁴	18	12N	22E	13.3
6	SW ⁴ NE ⁴	18	12N	22E	12.0
7	NW ⁴ SW ⁴	18	12N	22E	21.9
8	NE ⁴ SW ⁴	18	12N	22E	32.2
9	NW ⁴ SE ⁴	18	12N	22E	1.5
10	SW ⁴ SW ⁴	18	12N	22E	10.8
11	SE ⁴ SW ⁴	18	12N	22E	40.0
12	SW ⁴ SE ⁴	18	12N	22E	21.6
13	NW ⁴ SW ⁴	20	12N	22E	6.7
14	NE ⁴ SW ⁴	20	12N	22E	31.6
15	NW ⁴ SE ⁴	20	12N	22E	0.9
16	SE ⁴ SW ⁴	20	12N	22E	32.2
17	SW ⁴ SE ⁴	20	12N	22E	8.4
18	SW ⁴ NW ⁴	29	12N	22E	11.1
19	NW ⁴ SW ⁴	29	12N	22E	34.1
20	NE ⁴ SW ⁴	29	12N	22E	21.4
21	SW ⁴ SW ⁴	29	12N	22E	12.7
22	SE ⁴ SW ⁴	29	12N	22E	3.0
				TOTAL	373.7

I, RL Bartholic DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE ARCHIE AND OWEN McLELLAN WATERSPREADING SYSTEM NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE ZIEBACH COUNTY SOIL AND WATER CONSERVATION DISTRICT.

TITLE: Agri. Eng.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF June, 1963, A.D.

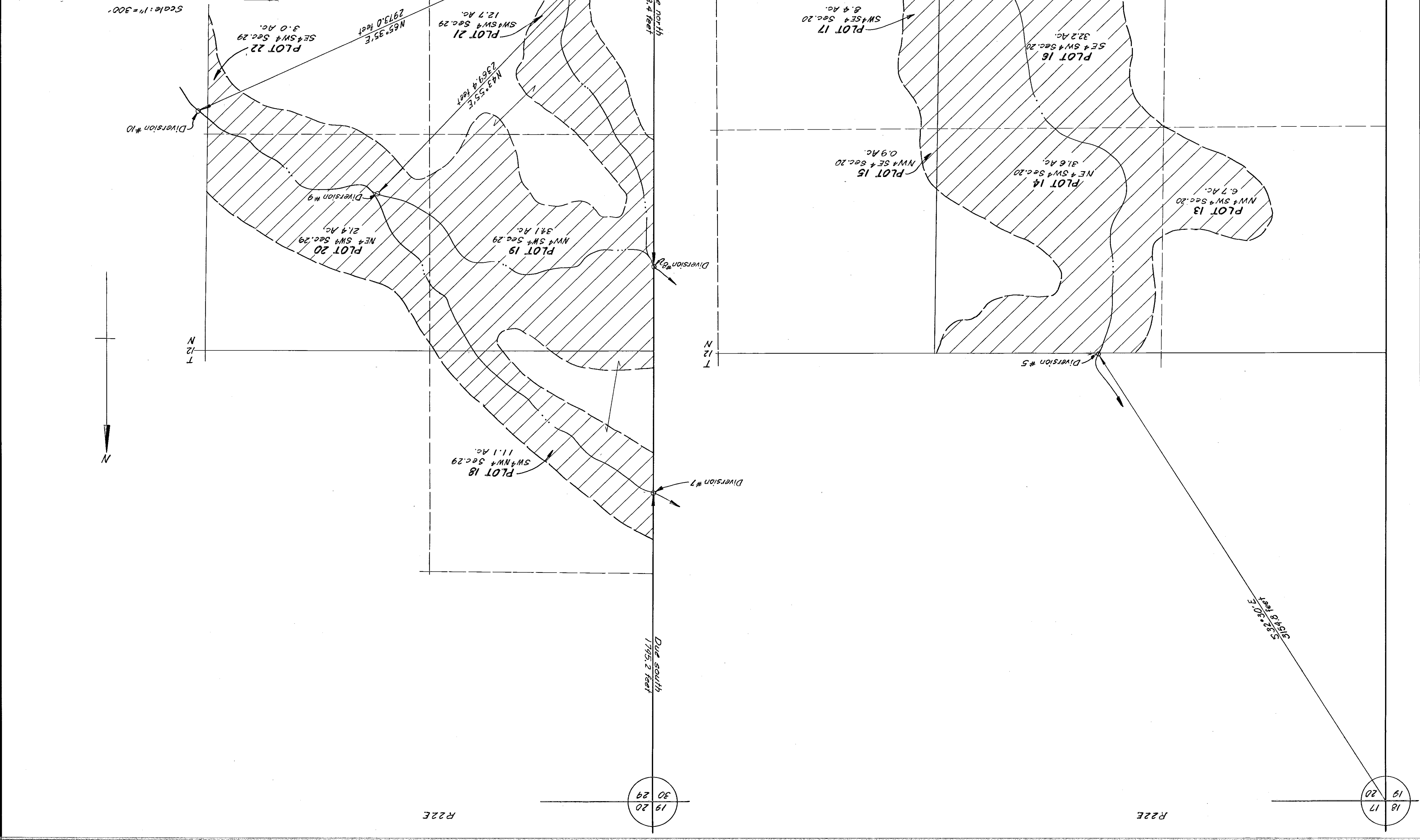
MY COMMISSION EXPIRES

18	17
19	20

Designed.....	Date	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....	Sheet No. 1 of 2	Drawing No.

MAPN-583-1 (SHT1) (APPL N° 69B-1)

Checked		563
Sheet		No. 2
Drawing No.		
Title		
Drawn		
Title		
Approved by		
Date		
U. S. DEPARTMENT OF AGRICULTURE		
Ziebach County, South Dakota		
NUMBER 1		
ARCHIE AND OWEN MCLELLAN		
WATERSPREADING SYSTEM		
Scale: 1" = 300'		



Remarks by State Water Resources Commission:

THIS PERMIT IS APPROVED CONTINGENT UPON THE FOLLOWING QUALIFICATIONS:

- 1- THAT NO WATER SHALL BE DIVERTED FOR IRRIGATION OR STORED FOR LATER IRRIGATION, WHEN WATER IS NEEDED DOWNSTREAM AS FAR AS LANTRY DAM, FOR DOMESTIC USES.
- 2- THAT NO WATER SHALL BE DIVERTED FOR IRRIGATION, OR STORED FOR LATER IRRIGATION, WHEN THE WATER LEVEL IN LANTRY DAM IS MORE THAN 2 1/2 FEET BELOW THE ELEVATION OF THE PRESENT SPILLWAY CREST.
- 3- ALL GATED STRUCTURES IN THE SYSTEM SHALL BE IN AN OPEN POSITION EXCEPT WHEN WATER IS BEING DIVERTED FOR IRRIGATION.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 16, 1963

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 17TH day of JUNE, 1963

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 698-1

Date of first receipt of application JUNE 17, 1963

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 17, 1963

Approved SEPTEMBER 5, 1963, Recorded in Book 8 Page 126

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 MARCH 5, 1966

2nd. The whole of said work is to be completed on or before SEPTEMBER 5, 1968

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 5, 1972

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 5.32 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 SEPTEMBER 5, 1972; said water to be used during the following described annual period:

When water is AVAILABLE

Witness my hand this 16TH day of SEPTEMBER, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 28, 1971

Water License Issued APRIL 28, 1971

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 698-1

(1) WHEREAS, On the 17th day of June A. D. 19 63
Archie and Owen McLellan

made Water Right Application No. 698-1 for a permit to use 5.32 cubic feet per second of the waters
of Little Bear Creek

County of Sioux, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 16th day of September A. D. 19 63

Permit No. 698-1, with a date of priority of June 17, 1963

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 5th day of September A. D. 19 68 and for the
application to beneficial use of said water on or before the 5th day of September A. D. 19 72

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 2.61 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 T12N, R22E

Acres

Section 18	SW$\frac{1}{4}$ SW$\frac{1}{4}$	10.8
	SE$\frac{1}{4}$ SW$\frac{1}{4}$	40.0
	SW$\frac{1}{4}$ SE$\frac{1}{4}$	21.6
Section 20	SW$\frac{1}{4}$	70.5
	W$\frac{1}{2}$ SE$\frac{1}{4}$	9.3
Section 29	SW$\frac{1}{4}$ NW$\frac{1}{4}$	11.1
	SW$\frac{1}{4}$ SE$\frac{1}{4}$	20.0
Total		183.3 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 Archia and Owen McLellan

_____ of Lantry, South Dakota

the holder _____ and owner _____ of said permit No. 698-1 a water right, dating from June 17, 1963

_____ to use of 2.61 cubic feet per second of the waters

of Little Bear Creek

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

purposes hereinafter mentioned, to be diverted ~~to~~ between points located 1320' North and 1850' East

of the SW Corner, Section 18, and 468.6' due East of the SW Corner, Section 29,

T12N, R22E

and conduct to and upon portions of sections 18, 20, and 29, T12N, R22E, described on
the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 698-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 28th day of April A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 698-1

Water Diversion No. 1 MOINEAU RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to certify, That Archie and Owen McLellan

_____ the holder _____ of
Permit No. 698-1, issued upon Application No. 698-1, bearing date of priority of June 17, 1963
_____ authorizing the diversion of 5.32 cu. ft. per second of the waters of _____
_____ County of Ziebach, State of South Dakota ~~XX~~
between points located 1320' North and 1850' East of the SW Corner, Section 18,
and 468.6' due East of the SW Corner, Section 29, T12N, R22E
_____, 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 15 cu. ft. per second of water.

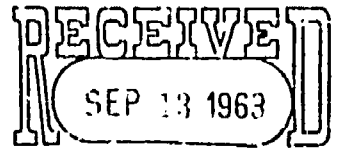
Date April 28, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTASTATE OF SOUTH DAKOTA }
County Ziebach } ss.Harry L. Fairbanks being duly sworn, deposes and says the annexed printed copy of Noticeof Intention to appropriate Water was taken from the Great River Progress 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 Sioux Falls County of Ziebach and State of South Dakota; that the said notice was published in said newspaper on the following dates:6-20-27
7-4-11in each and every issue of the full number thereof, the first publication being made on the 20 day of June 1965 and the last publication on the 11 day of July 1965, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.Harry L. FairbanksSubscribed and sworn to before me this 12th day of September A. D. 1965Notary Public W. J. [Signature] County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 17, 1963

Notice is hereby given that Archie and Owen McLellan whose postoffice address is Lantry, 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 5.4 cubic feet of water per second of time from Little Bear Creek through McLellan Diversion, the point of diversion of which is to be located on both banks of said stream between a point in the SW 1/4 SW 1/4, Section 7, and a point in the SW 1/4 of the SW 1/4 of Section 29 Twp. 12N Range 22E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, W 1/2 NE 1/4, SW 1/4 & W 1/2 SE 1/4, Section 13; SW 1/4 & W 1/2 SE 1/4, Section 20; SW 1/4 NW 1/4 & SW 1/4, Section 29, T12N R22E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, at 2:00 PM. 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

By:
BURTON F JONES
Water Right Specialist
Pub. 6-20-27-7-4-11

on or before June 20, 1963
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 17, 1963

Notice is hereby given that Archie and Owen McLellan whose postoffice address is Lantry 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 5.4

cubic feet of water per second of time from ~~the~~ Little Bear Creek through the McLellan Diversion, the point of diversion of which is to be located on ~~the~~ both between a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, and a point bank of said stream/in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29 portions of

Twp. 12N Range 22E. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18; SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20; SW $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$, Section 29, T12N, R22E

~~XXXXXX~~ ~~XXXXXX~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, at 2 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

By:
BURTON F. JONES
Water Right Specialist

CC: Publisher
West River Progress
Dupree, South Dakota

Report on Water Right Application No. 698-1

On July 17, 1963 the State Water Resources Commission at a public hearing held in Pierre, So. Dak., considered Water Right Application 698-1 of Archie and Owen McLellan to divert 5.4 cubic feet of water from Little Bear Creek to irrigate 373.7 acres of land by construction of diversion dams and dikes.

Maps submitted with Water Right Application No. 698-1 show that the 373.7 acres proposed for irrigation are contained in three parcels located two to four miles upstream and southwest of the existing Lantry Dam.

Mr. Glen Holloway and Mr. Pious Jochim appeared at the public hearing to express their concern that approval of Water Right Application No. 698-1 could be detrimental in some aspects.

Mr. Jochim owns land immediately downstream from the major unit in this proposed project. His concern is that the proposed irrigation might cut off low flows which would otherwise reach his land and which fill washout holes in the creek bed thus depriving him of his supply of water for livestock. Maps submitted by the Applicant, and verified in the application show one diversion point on the south boundary of the Jochim land.

Mr. Holloway was concerned as to the damaging effect the proposed irrigation might have on existing Lantry Dam. He submitted a petition to the State Water Resources Commission containing twenty-five signatures and which stated in part: "it is our considered opinion that the granting of this permit will materially damage the existing lake behind Lantry Dam."

The State Water Resources Commission deferred taking action on Water Right Application 698-1 pending further study and report by the Commission staff.

Personnel from the Faith and Dupree Soil Conservation Service offices at Faith and Dupree have been contacted. The general area of the proposed irrigation has been inspected. The attached sketch has been prepared to aid in discussing this Water Right Application No. 698-1.

The following information and estimates were received from Soil Conservation Service Personnel:

1. The map submitted by the Applicant, which was prepared by the Soil Conservation Service is intended to outline the proposed irrigation project. The actual locations and sizes of the diversion dams

and dikes are not determined until the construction equipment arrives at the site.

2. This proposed irrigation project would consist of diversion dams on Little Bear Creek and its tributaries plus dikes running across the flat valley land to hold the diverted water on the land.
3. Each dam and dike constructed would contain a gated control tube to release the stored water after a short period of time.
4. The stored water would be retained 72 hours or less during the summer months and only slightly longer during spring and fall months, as longer detention would damage the vegetation.
5. In estimating runoff for the area in question, the S.C.S. used a factor of .28. In other words it is estimated that each acre would produce an average annual runoff of .28 acre-inches.
6. That use of water back of the diversion dams and dikes would be quite variable and would not exceed 2 inches in depth per application.

The Commission staff, using county maps prepared by the S. D. Department of Highways estimates that the drainage area of Little Bear Creek above the proposed irrigation project is 20 sections, (see dashed line on sketch) and above Lantry Dam, 3 additional sections (see heavier dashed line on sketch.)

Records of the S. D. Department of Game, Fish and Parks show that Lantry Dam has a surface area of 70 acres.

Conclusions of the Commission Staff.

1. In the opinion of the Commission staff, a two foot layer of water should be ample to provide for the annual net evaporation and other water losses on Lantry Dam. As this lake has a surface of 70 acres, this results in a figure of 140 acre-feet.

Applying the .28 inch runoff factor to the 23 sections of land results in a calculated average annual runoff of 344 acre feet.

The Commission staff does not have enough information to estimate what the average annual amount of water

used by the proposed irrigation project would be, but the staff is quite certain this average annual use would not exceed 6 inches. For 373.7 acres, this six inch figure would result in 182 acre-feet. Subtracting this 182 acre-feet from the calculated average annual runoff of 344 acre-feet into Lantry Dam results in 162 acre-feet, compared to the 140 acre-feet previously calculated as being needed.

Therefore the conclusion of the Commission staff is that there is unappropriated water available for appropriation as requested in Water Right Application No. 698-1.

2. In the opinion of the Commission staff, the operation of this proposed irrigation system as outlined by the Soil Conservation Service, would normally result in lower flows being available for longer periods of time to provide for water needed for domestic purposes between the downstream terminal of the proposed system and Lantry Dam. However, if the system were to be constructed as proposed, it would be possible to operate this system during periods of low flow, so water which would have otherwise been available, would not be available downstream for domestic purposes.

Therefore the conclusion of the Commission staff is that Water Right Application 698-1, if approved should provide that low flows as needed for downstream domestic use shall be by-passed.

3. As a matter of information, the S. D. Department of Game, Fish and Parks on August 16, 1960 filed Water Right Application No. 488-1 to record a vested right on Lantry Dam. On April 14, 1961 the Department requested the Water Resources Commission to withhold processing of this request. as Lantry Lake was not a public lake at that time. However, there is little question but that the Water Resources Commission has some responsibility to protect the supply of water for Lantry Dam.

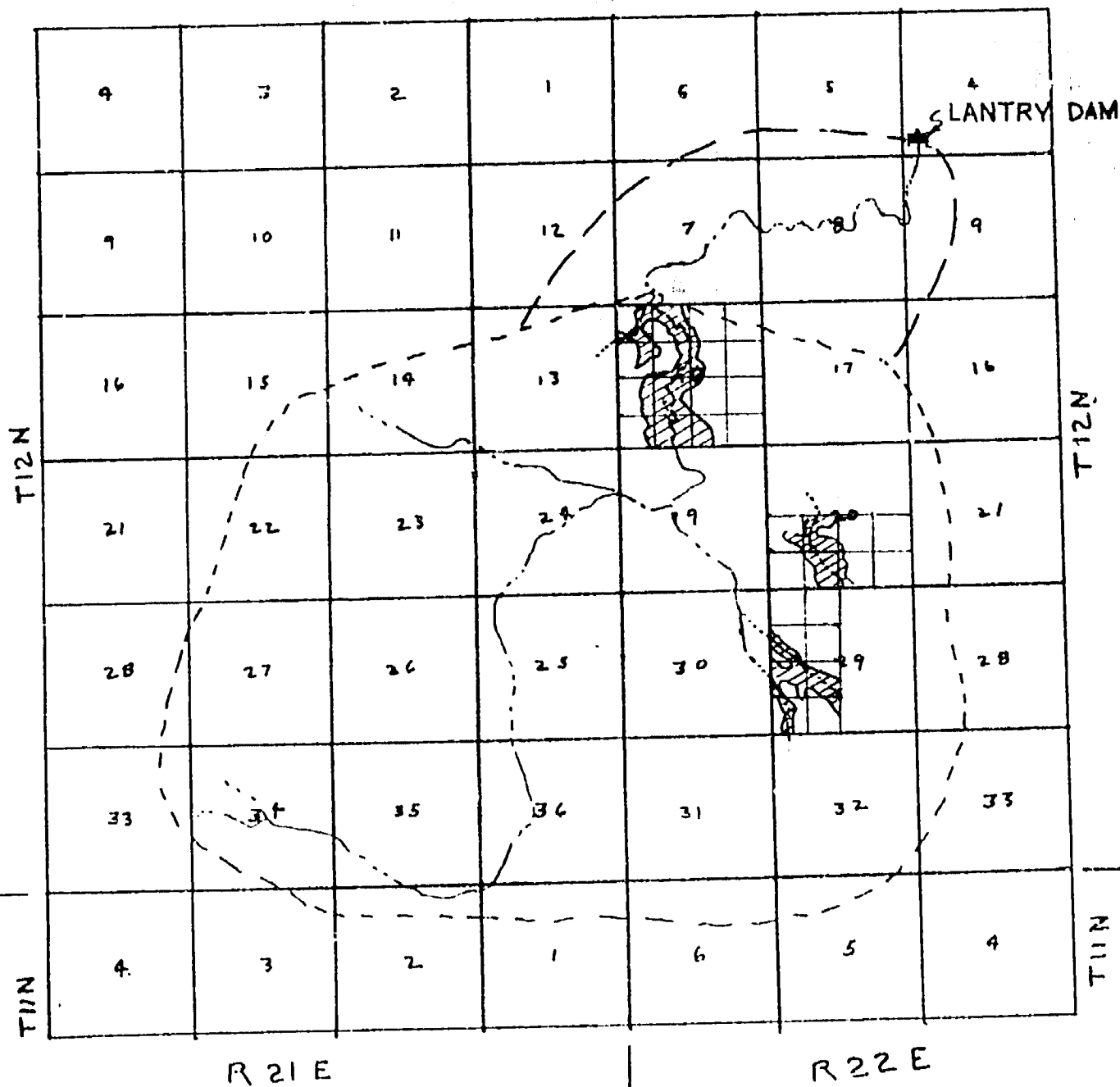
Recommendation of the Commission Staff

It is recommended that Water Right Application No. 698-1 be approved, contingent upon the following qualifications:

1. That no water shall be diverted for irrigation or stored for later irrigation, when water is needed downstream, as far as Lantry Dam, for domestic uses;
2. That no water shall be diverted for irrigation or stored for later irrigation, when the water level in Lantry Dam is more than $2\frac{1}{2}$ feet below the elevation of the present spillway crest.
3. All gated structures in the system shall be in an open position except when water is being diverted for irrigation.

R 21 E

R 22 E



INDICATES LANDS PROPOSED FOR IRRIGATION
IN WATER RIGHT APPLICATION NO. 608-1

P E T I T I O N

TO: The State Water Resources Commission, Pierre, South Dakota

We, the undersigned respectfully petition the Water Resources Commission to deny the application of Archie and Owen McLellan for a permit to appropriate 5.4 Cubic feet of water per second of time from Little Bear Creek through McLellan Diversion, which application will be heard at the office of the State Water Resources Commission on July 17, 1963 at 2:00 P. M. It is our considered opinion that the granting of this permit will materially damage the existing lake behind Lantry Dam.

NAME	ADDRESS	DATE
Harmon B. Reed	Lantry	7-15-63
Ernest S. Wagon	Dupree	7-15-63
Roland Thompson	Dupree	7-15-63
Joe Wagon	Dupree	7-15-63
Wm. Wagon	Dupree	7-15-63
Edward Wagon	Dupree	7-15-63
Royce Wagon	Dupree	7-15-63
Elmer R. Petersen	Dupree, S. D.	7-15-63
Dorothy Fairbanks	Dupree, S. D.	7-15-63
Leon K. Starr	Dupree, S. D.	7-15-63
Harry Fairbanks	Dupree, S. D.	7-15-63
Bruce Anderson	Dupree, S. D.	7-15-63
Joe P. Wald	Eagle Butte S. D.	7-15-63
Eugene C. Henderson	Eagle Butte S. D.	7-15-63
Eugene Henderson	Dupree S. D.	7-15-63
Clarence D. Henderson	Dupree S. D.	7-15-63
Willie M. Thomas	Dupree S. D.	7-15-63
Jerry Till	Dupree S. D.	7-15-63
Hubert Thomas	Dupree S. D.	7-15-63
W. M. Thomas	Dupree S. D.	7-15-63
Donald Lewis	Dupree S. D.	7-15-63
Harry Jones Jr.	Eagle Butte S. D.	7-15-63
Otha Jones	Eagle Butte S. D.	7-15-63
Herbald Maier	Eagle Butte S. D.	7-15-63

STATE OF SOUTH DAKOTA)
 SS
COUNTY OF DEWEY)

I, Glen Holloway, being first duly sworn, on my oath state, that I am a resident and qualified elector of the County of Dewey, State of South Dakota. That I am acquainted with all the persons whose name, are affixed to the above and foregoing petition and know that each one of said persons signed said petition personally and added thereto his place of residence and date of signing. That each and all of said persons are residents and qualified electors of the County of Dewey or Ziebach, State of South Dakota. That each of said persons signed said petition with full knowledge of its contents. That I have received no compensation whatever or promise of compensation for my services in circulating said petition.

Glen Holloway
Glen Holloway

Subscribed and sworn to before me this 16th day of July, 1963

Robert E. Busse
Notary Public, State of S. Dak. ROBERT E. BUSSE

My Commission Expires May 25-1967.

Permit No. 698-1Water Division 1 MOREAU 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 Archie and Owen McLellan of Lantry, South Dakota holder s of Permit No. 698-1, bearing date of priority of June 17, 1963 authorizing the diversion of 5.32 cu. ft. per second of the waters of Little Bear Creek for Irrigation purposes, in Ziebach and Dewey Counties

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 dams and tubes

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

Dikes and ditches

C. Works used to apply water to beneficial use.

Dikes and water spreading

The system is in the following condition: Very good
The point of diversion is located between points located N.1320' and E.1850' of the SW Corner of Sec.18 and 468.6 due east of the SW Corner of Sec.29, both in T12N, R22E

The works are capable of diverting and conveying to the place of use all flows up to 15 c.f.s.
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: All in T12N, R22E

In Section 18		In Section 20		In Section 29	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.8 acres	SW $\frac{1}{4}$	70.5 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.4 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres	W $\frac{1}{2}$ SE $\frac{1}{4}$	9.3 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34.1 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.6 acres			SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.7 acres
				SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 acres
				SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.1 acres
				SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 acres
comprising a total of <u>254.5</u> acres of land.					
<u>183.3</u>					

Send letter of notification to Owen McLellan with footnote:
This covers 183.3 acres irrigated in Sections 18, 20 and 29, T12N, R22E. In addition Water License No. 698-1A for 71.2 acres in the SW $\frac{1}{4}$ of Section 29, T12N, R22E, will be issued to Lyle McLellan.

Date March 23, 1971

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE