

Map No. 583-1 Water Division No. 1 MOREAU RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

JUNE 17, 1963

8:30 a.m.

-----TRANSFER OF WATER RIGHT
APPLICATION FOR ~~PERMIT~~

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant LYLE A. McLELLAN
Postoffice address 204 N VAN BUREN, PIERRE, S. DAK.
If a corporation show date and place of incorporation: _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work McLELLAN WATERSPREADING SYSTEM
4. Amount of water claimed (cubic feet per second) 1.02
5. Source of water supply LITTLE BEAR CREEK
6. Location of point of diversion BETWEEN POINTS N 1320' AND E 1850' OF THE SW CORNER, SECTION 18, AND 463.6' DUE E OF THE SW CORNER, SECTION 29, BOTH IN T12N, R22E County ZIEBACH
7. Annual period or periods during which water is to be used WHEN WATER IS AVAILABLE
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use. Total number of acres to be irrigated 71.2

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SEC. 29, T12N, R22E NE ¹ SW ⁴	21.4		
NW ¹ SW ⁴	34.1		
SW ¹ SW ⁴	12.7		
SE ¹ SW ⁴	8.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication WEST RIVER PROGRESS
DUPREE, S. D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

DIVERSION DAM & DIKES

B. Works proposed to transport water to place of use.

SPREADER DIKES AND DITCHES

C. Works proposed to apply water to beneficial use.

*** THIS IS A TRANSFER OF A PORTION OF WATER RIGHT 698-1, WITH THIS PORTION REMAINING WITH THE LAND UPON TRANSFER OF THE LAND.**

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of ZIEBACH)

I, ARCHIE AOWEN McLELLAN the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed ARCHIE McLELLANSubscribed and sworn to before me this 14TH day of JUNE 1963

KEITH L. MARTENWEILER
Notary Public (as the qualified officer)



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 698-1A

LYLE A. McLELLAN
(Applicant)

204 N. VAN BUREN, PIERRE
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

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 LANTEN DAM, FOR DOMESTIC USES.
- 2- THAT NO WATER SHALL BE DIVERTED FOR IRRIGATION OR STORED FOR LATER IRRIGATION WHEN THE WATER LEVEL IN LANTEN 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.

Date of first receipt of application _____ JUNE 17 19 63

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved SEPTEMBER 5 19 63, Recorded in Book 8 Page 126-A

WATER RIGHT PERMIT NO. 698-1A

The Water Resources Commission hereby grants and issues this Water Right Permit No. 698-1A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 17 19 63
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 5 19 66
3. The whole of said work is to be completed on or before SEPTEMBER 5 19 68
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 5 19 72
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 1.02 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 19 72; said water to be used during the following described annual period: WHEN WATER IS AVAILABLE

Witness my hand this 16TH day of SEPTEMBER 19 63

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Office

Certificate of Construction Issued APRIL 28 19 71

Water License Issued APRIL 28 19 71

WATER LICENSE NO. 698-1A

(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 Ziebach, 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 on 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 Whereas on the 24th day of March, 1971, lands in the SW $\frac{1}{4}$, Section 29, were transferred to Lyle A. McLellan and the permit was split to reflect this change, and Permit 698-1A was issued to Lyle A. McLellan to cover the transfer.

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 1.02 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 Section 29, T12N, R22E

	Acres
NE$\frac{1}{4}$ SW$\frac{1}{4}$	21.4
NW$\frac{1}{4}$ SW$\frac{1}{4}$	34.1
SW$\frac{1}{4}$ SW$\frac{1}{4}$	12.7
SE$\frac{1}{4}$ SW$\frac{1}{4}$	3.0
Total	71.2 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 Lyle A. McLellan

_____ of Pierre, South Dakota
the holder _____ and owner _____ of said permit No. 698-1A a water right, dating from June 17, 1963
_____ to use of 1.02 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 hereinbelow mentioned, to be diverted at 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,
all in T12N, R22E

and conduct to and upon a portion of the SW 1/4, Section 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. 698-1A 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**

Permit No. 698-1AWater Diversion No. 1 MOREAU RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyle A. McLellan

_____ the holder _____ of
Permit No. 698-1A, issued upon Application No. 698-1A, bearing date of priority of June 17, 1963
_____ authorizing the diversion of 1.02 cu. ft. per second of the waters of _____
Little Bear Creek County of Ziebach, State of South Dakota at _____
between points located 1320' North and 1850' East of the SE Corner, Section 18,
and 458.6' due East of the SW Corner, Section 29, all in 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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date March 24, 1971

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

SW $\frac{1}{4}$, Section 29, T12N, R22E

formerly owned by Archie and Owen McLellan

has been transferred to Lyle A. McLellan

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 698-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Lyle A. 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, and I know of my own personal knowledge that the information herein stated is true.

Lyle A. McLellan
(Signed)

Suscribed and sworn to before me this 24th day of March, 19 71

Betty Westlund
(Notary Public)

Betty Westlund, Technical Assistant
Water Resources Commission