

Water Right Number 1494.2

1. Considered 1-26, 19 71
2. Name of Applicant WESLEY EGGLESTON
3. Post Office Address WHITE RIVER
4. Amount of water claimed 1.3 AC FT
5. Source of water supply LOCAL RUNOFF
6. Water to be used for WILDLIFE  
Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in MELLETTE County  
about 1 1/2 Miles of WHITE RIVER
8. Proof of Publication Received 1-7-77  
Not received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

Map No. 1272-2 Water Division No. 2 WHITE RIVER District \_\_\_\_\_  
(Blanks to be filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

## To Appropriately Use Water within the State of South Dakota

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

1. Name of Applicant Wesley Eggleston  
 Post-office address White River State South Dakota  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work wildlife water facility
4. Amount of water claimed (cubic feet per second) 1.3 acre feet
5. Source of water supply Runoff
6. Location of point of diversion NW-SW-Section 30 T-42 R-27 110 rods north and 60 rods east of the SW corner of said section.  
 \_\_\_\_\_ County Mellette
7. Annual period or periods during which water is to be used Annual
8. Use to be made of water, (Irrigation industrial, municipal, commercial, recreation, etc.) wildlife
9. For irrigation use, \_\_\_\_\_ Total number of acres to be irrigated \_\_\_\_\_

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. |
|------------------|----------------|------------------|----------------|
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use \_\_\_\_\_ years.
11. Choice of newspaper for Notice of Intent to Appropriately Use Water publication Mellette County News
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.  
Excavate pond
- B. Works proposed to transport water to place of use.
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 300.00Attachments: Attach Form 2A if diversion from \_\_\_\_\_, dugout, or if storage of water, is proposed. Attach map.  
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA )

County of Mellette )I, Wesley E. Eggleston 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 constructionSigned Wesley E. EgglestonSubscribed and sworn to before me this 6 day of Dec. 1976Donald M. Thetmeyer  
Notary Public (or other qualified officer)

4-1-82

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1494-2  
WESLEY EGGLESTON WHITE RIVER  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57579 With the following modifications:  
 (State)

Date of first receipt of application DECEMBER 8 19 76  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_  
 Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_  
 Approved JANUARY 26 19 76, Recorded in Book 16 Page 345

WATER RIGHT PERMIT NO. 1494-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1494-2 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 DECEMBER 8 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26 19 77
3. The whole of said work is to be completed on or before JANUARY 26 19 78
4. The limit of time from receipt of beneficial use of water appropriated in accordance herewith is JANUARY 26 19 78
5. The water appropriated shall be used for the purpose of WILDLIFE
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 1.3 ACRES ANNUALLY ~~neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served and if the above described appropriation is not limited to such use then it shall be limited to the amount of water actually and beneficially used for such purposes~~  
USED FOR WILDLIFE PURPOSES  
 actually and beneficially utilized on or before JANUARY 26 19 78; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15<sup>th</sup> day of APRIL 19 77

WATER RIGHTS COMMISSION

By,

John Hatch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_ 19 \_\_\_\_

Water License Issued \_\_\_\_\_ 19 \_\_\_\_

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_
- (2) Casing, Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_  
(wood, concrete, steel, etc)
- (3) Perforated Screen, \_\_\_\_\_  
Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_
- (4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates.

- (1) Surface dimensions \_\_\_\_\_ 150' x 68', Depth \_\_\_\_\_ 12'

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Depth to top of water bearing material \_\_\_\_\_

Depth to bottom of water bearing material \_\_\_\_\_

Thickness of water bearing material \_\_\_\_\_

Depth to water (ground surface to water level) \_\_\_\_\_

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property \_\_\_\_\_ rds. On property owned by others \_\_\_\_\_ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Michael E. Johnston  
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

No. 1494-2

Publish first publication, on or before January 13, 1977

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 3, 1977

Notice is hereby given that Wesley Egleston  
whose post office address is White River, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
feet water annually  
1.3 acre ~~from the runoff of the~~ runoff through the  
Egleston Wildlife Area, the point of diversion of which is to be located in the \_\_\_\_\_

NW 1/4 SW 1/4

of Section 30, Twp. 42N, Range 27W. Said water to be used for the purpose  
of providing ~~for the irrigation of the~~  
wildlife and recreation area

This application No 1494-2 will be considered by the Water Rights Commission at their office at  
Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested  
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/hw

cc: Wesley Egleston, White, River, SD 57570

No. 14 94-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Mellott ss.

I, Lennette Dean hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Mellott County News

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the

town of Mission

County of Pedd and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

January 1, 1977  
January 13, 1977

Lennette Dean  
(Signature)

Bookkeeper  
(Title)

January 5, 1977  
(Date Signed)

Notice of Intent to  
appropriate water

Notice is hereby given that  
Wesley Eggleston, whose post  
office address is White River,  
South Dakota, has made an  
application in accordance with  
the provisions of the water laws  
of South Dakota for a permit to  
appropriate for beneficial use 1.3  
acre feet water annually from  
runoff through the Eggleston  
Wildlife Area, the point of  
diversion of which is to be  
located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of  
Section 30, Twp. 42N, Range 27W.  
Said water to be used for the  
purpose of providing wildlife and  
recreation area.

This application No. 1494-2 will  
be considered by the Water  
Rights Commission at their  
office at Pierre upon the 26th day  
of January, 1977, at 10:00 a.m. All  
interested persons may appear  
and be heard.

WATER RIGHTS  
COMMISSION

By: Burton F. Jones  
Water Rights  
Specialist

Publ.: Jan. 6 and 13.



Form 10.

No. 1474-2

NOTICE OF COMPLETION OF WORKS AND/OR  
APPLICATION OF WATER TO BENEFICIAL USE



Post Office White River

Date 4-25-77

TO: Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1474-2.

Water Right Permit No. 1474-2 states that the diversion system is to be constructed by Jan. 26, 19 73 and that the water is to be put to beneficial use by Jan. 26, 19 73.

The diversion system was completed on Dec. 29, 19 76.  
Applying the water to beneficial use was completed on March,  
19 77.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Wesley E. Egbert  
(Signature)

**Permit No. 1494-2**  
**White River - Water District**

Contact Person & Address: **Fred R Egleston**  
Related Permits: **HC 78 Box 45A, White River, SD**

**Report Of Examination Of Works**

On, 9/27/2000, I made a thorough examination of the water use system constructed by Wesley Egleston of White River, SD holder of Permit No. 1494-2, bearing the priority of December 8, 1976 authorizing the storage of 1.3 acre-feet of the waters of surface water (dry draw) for wildlife propagation purposes, in Mellette County.

The system is in the following condition good. The point of diversion is located from the SW corner of Section 30 T42N-R27W; 1125 ft east and 1730 ft north with a longitude of -100.28617 and a latitude of 43.58473. The works are capable of storing 1.3 acre-feet of water which is to be used for wildlife propagation. Water has been put to beneficial use and the license should be issued for 1.3 acre-feet.

**Review of Permit Qualifications And Regulations:**

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 4) Exceptions to compliance are: none

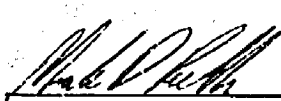
**Report On the Specifics of the System**

**Diversion Point Information:**

**DAM INFORMATION:**

- |                                             |                                             |
|---------------------------------------------|---------------------------------------------|
| 1) Height to crest <u>15</u> feet           | 2) Height to primary spillway <u>6</u> feet |
| 3) Height to secondary spillway # <u>ft</u> | 4) Crest width <u>15</u> feet               |
| 5) Crest length <u>150</u> feet             | 6) Spillway length <u>100</u> feet          |
| 7) Spillway width <u>40</u> feet            | 8) Approx. storage <u>1.3</u> ac-ft         |
| 9) Approx. storage to crest <u>9</u> ac-ft  | 10) Date constructed: <u>1977</u>           |
| 11) Outlet tubes:                           |                                             |
| a) diameter <u>30</u> inches                | b) type <u>cmp</u>                          |
| c) valved <u>yes</u>                        | d) valve type <u>bolted plate</u>           |
| e) location on structure <u>center</u>      |                                             |
| 12) Category of Dam <u>3</u>                | 13) Inspection Sheet Complete <u>no</u>     |

**Comments :** The property is now owned by Fred Egleston of HC 78 Box 45A, White River SD and the water right will need to be transferred to Mr. Egleston

  
Mark D. Rath  
Natural Resources Engineering Specialist  
DENR, Water Rights Program

10-26-01  
Date



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 31, 2001

1494-2

Fred Egleston  
HC 78 Box 45A  
White River SD 57579

Dear Mr. Egleston:

On September 27, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1494-2, was completed by Mark D Rath, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license.

You: licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program

enclosure

# NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3131



No. 1494-2

Date: 11-02-01

I/We request that Water Permit No. 1494-2

formerly owned by: Wesley Eggleston, White River SD 57379

be transferred to: (name & address) Fred R Eggleston HC 78 Box 45A  
White River SD 57579 Telephone No. (605) 452-3419

Title to the following described land(s)/property has been transferred as described above:

1.3 acre-foot storage dam located in the NW 1/4 SW 1/4 Section 30-T42N-R27W

I/We understand that the validity of Water Permit No. 1494-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA )

County of Mellette )

I/We Fred R Eggleston 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 that I know of my own personal knowledge that the information herein stated is true.

Fred R Eggleston  
(Signed)

Subscribed and sworn to before me this 2 day of Nov, 20 01.

[Signature]  
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, NOVEMBER 13

20 01

112 416968

RECEIVED OF Ired A. Baleston, HC 78 Box 45A, White River, SD 57579

the following amount in fee for services rendered as provided for by law: (Wesley Eggleston)

Fee for Application for Permit No.                      to Appropriate Water, to construct

and to put water to beneficial use                     

Fee for Application for Permit No.                      to Appropriate Water, for Future

Use                      after period of seven years.

Fee to retain Future Use Permit No.                     

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

License No. 149-2

Fee for Filing Transfer Form 1494-2

Fee for Filing Extension Request                     

Fee for                     

Total

52 50

(Any Other Work Provided by Law)

By

Darland Shale gm

**STATE OF SOUTH DAKOTA**

**WATER LICENSE NO. 1494-2**

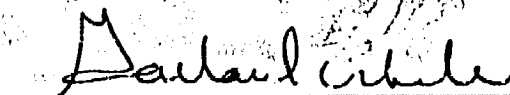
(1) Wesley Eggleston, White River SD made Application No. 1494-2, December 8, 1976 for a water permit to impound 1.3 acre-feet of water from runoff, Mellette County, South Dakota for fish & wildlife propagation and recreational purposes. Permit No. 1494-2, with a priority date of December 8, 1976 was approved January 26, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 26, 1978 and for the application to beneficial use of said water on or before January 26, 1978.

On November 13, 2001, Water Permit No. 1494-2 was transferred to Fred R Eggleston.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 1.3 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam (spillway) is 1,125 feet east and 1,730 feet north of the southwest corner of Section 30-T42N R27W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fred R Eggleston, PC 78 Box 45A, White River SD 57579 the holder and/or owner of Water Right No. 1494-2 is issued a license to appropriate water, the right to impound 1.3 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of December 8, 1976 from the location specified in (2) of this license for fish & wildlife propagation and recreation purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1494-2 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

DEC 07 2001

date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

DEC 07 2001

1494-2

Fred R. Egleston  
Hc 78 Box 45A  
White River, SD 57579

Dear Mr. Egleston:

Enclosed is Water License No. 1494-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416968 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and transfer of ownership.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

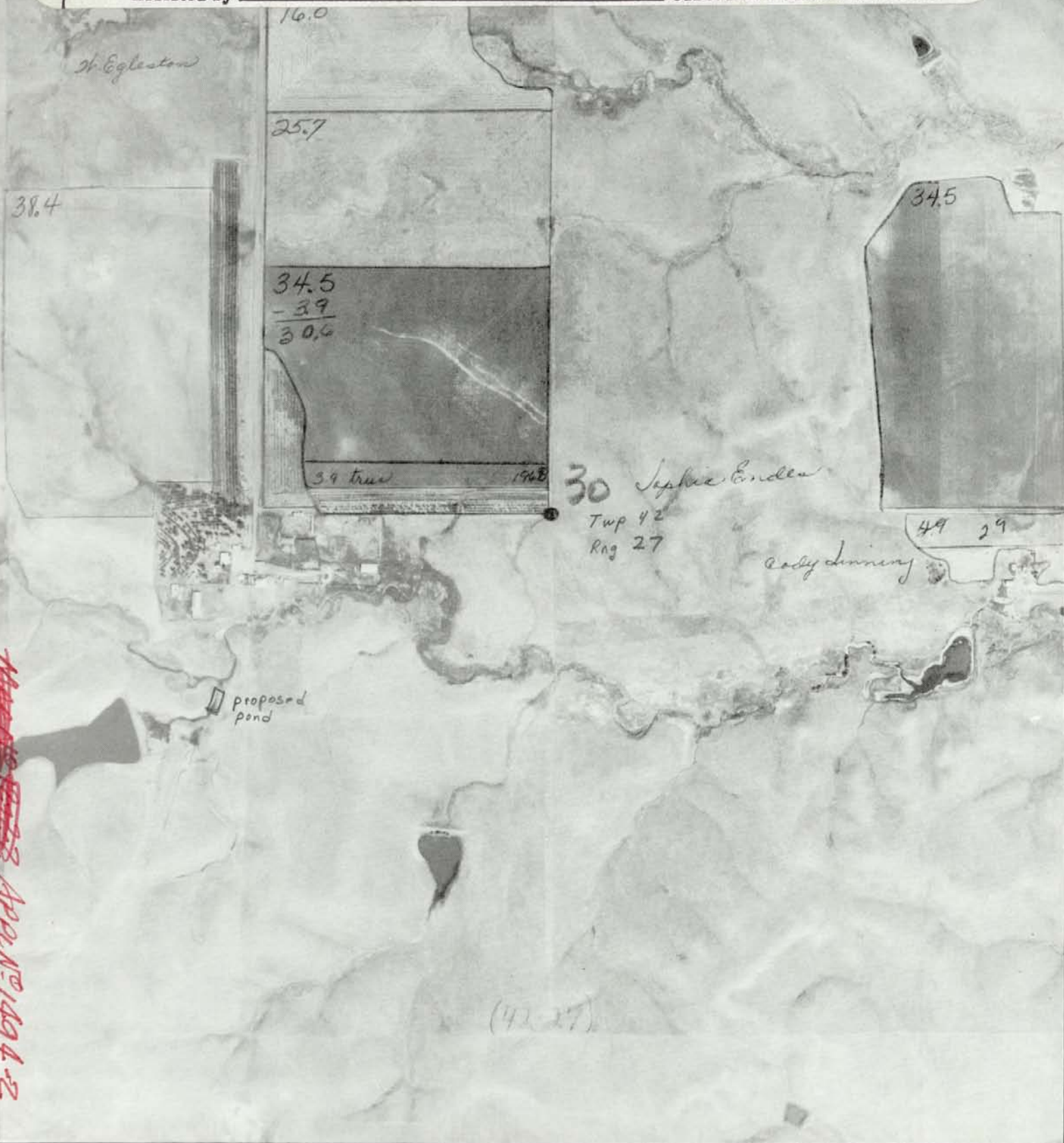
Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

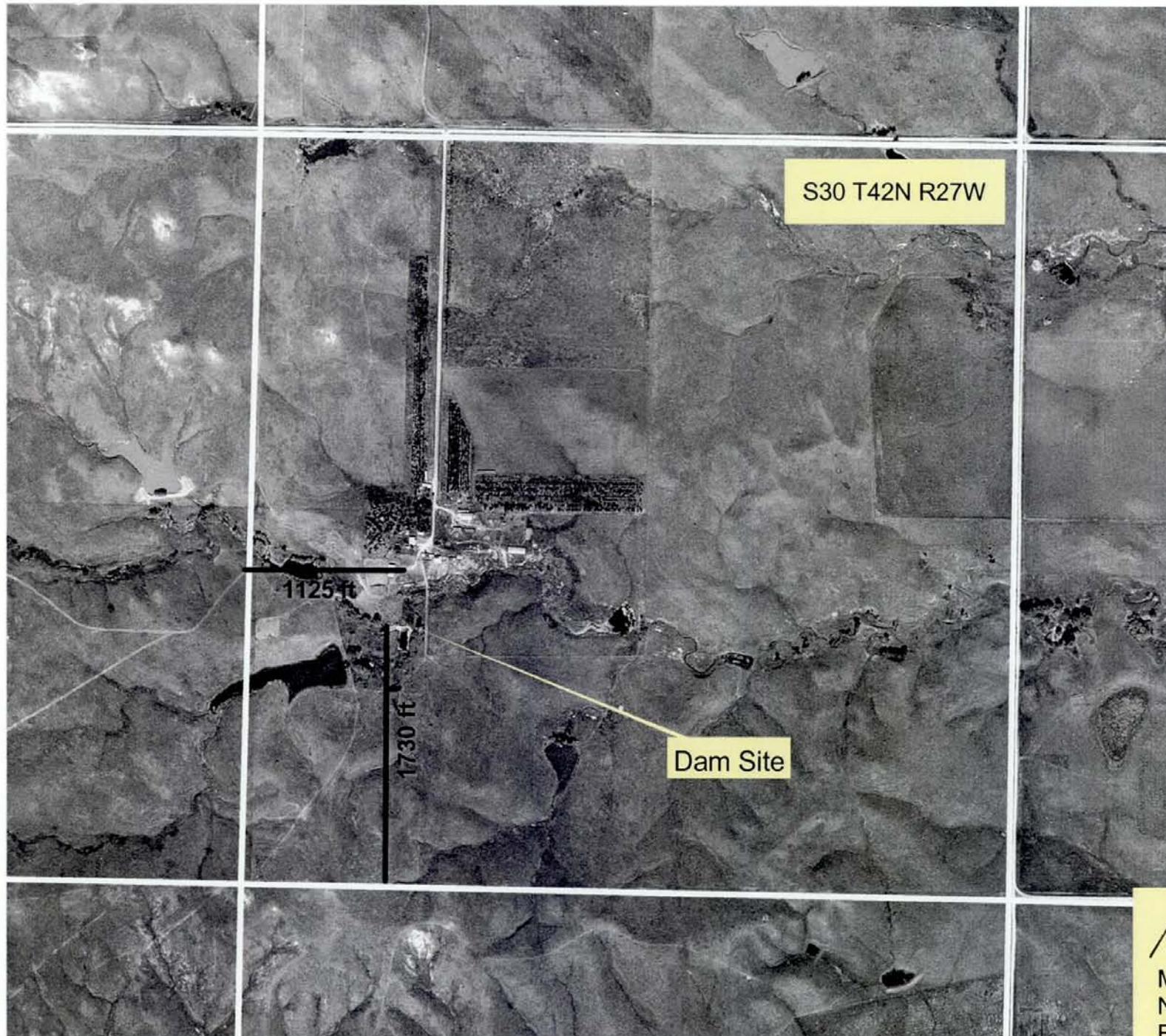
enclosures

### CONSERVATION PLAN MAP

Owner Wesley Egleston Operator                       
County Mellette State South Dakota Date 12-3-76  
Approximate acres                      Approximate scale 8" - mile  
Cooperating with Mellette County Conservation District                       
Plan identification AG 46 SCS 01261 Photo number                       
Assisted by David J. Steffen, D.C., USDA Soil Conservation Service



No. 1494-2



*South Dakota*



*Mark D. Rath* 10/26/01

Mark D. Rath  
Natural Resources  
Engineering Specialist  
SD DENR