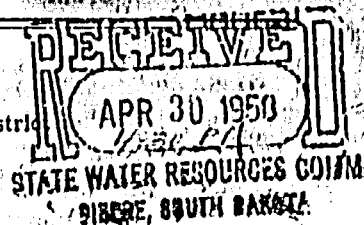


No. 484-2

Water Division No. 2 White River District
(Blanks to be filled in by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Wallace DeVries
Postoffice address Belvidere, County Jackson, State S. Dak.

- 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 work: (Whether by contract, employment of others, or by direct labor)
Employment of others
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work W. DeVries #1

(3) Amount of water claimed 2.85 cubic feet per second

4. Source of water supply dry draw

5. Location of point of diversion 112 rods east, 65 rods south of nw corner of Sec 13
38-23E on bank County.

6. Annual period or periods during which water is to be used during flood stage of draw

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? flood irrigation

(a) Number of acres to be irrigated 200 acres.

(NOTE—A list of

II. Sec

Area to be irrigated:

Lot 4)	15.00 acres
" 5) - all in	21.00 "
" 6) Sec. 18, T 3 S, R 24 E	29.00 "
" 7) 13	25.00 "
Lot 2)	20.00 acres
" 3)	30.00 "
" 4) - all in	17.45 "
" 5) Sec. 18, T 3 S, R 24 E	24.00 "
" 6)	11.20 "
Total	203.15 acres

Sec 18

8. Estimated cost of work:

(a) Head Gates, \$ none

(c) Fluming, \$ none

(e) Other structures

(d) Canal-earth, \$ 2300

Dike

\$ 900

(b) Pumping plant, \$

Rock, \$

Total, \$

9. Description of diversion works:

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

Base grade, diversion dike, dam and ditch

II. Dimensions of works:

(a) Dam: Height 16 feet; length at bottom 216 feet; length at top 216 feet; thickness at bottom 117 feet; thickness at top

feet; slope at front water face 1 to 1; slope at back face 3 to 1

material used in construction earth

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width none feet; height none feet;

Material none

(d) Canal: Total length .15 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work one years.

11. Time required for complete application of water to the proposed beneficial use 1 years.

12. Choice of newspaper for publication of notice of intention to appropriate Kadoka Press

STATE OF SOUTH DAKOTA

County of Tachman ss.

I, Wallace D. Mies, 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 Wallace D. Mies

Subscribed and sworn to before me this 30th day of April 1958

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

SS.

Pierre, South Dakota,

June 6, 1958

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock

P. m. upon the 30 day of April, 1958

State Water Resources Commission

By:

Jeffrey

Chief Engineer, Executive Officer

Vested Right
Number of permit 484-2

Date of first receipt of application

April 30, 1958

Date of return to applicant for correction, amendments or changes required as follows:

Date of receipt of corrected application:

Date from which applicant may claim right

1940

Approved

April 30, 1958

Recorded in Book

4

Page

239

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

Completed, 1958

2nd. The whole of said work is to be completed on or before

Completed, 1958

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

Completed, 1958

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 2.85 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 Completed, 1958; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

5

day of

June, 1958

State Water Resources Commission

By:

Jeffrey

Chief Engineer, Executive Officer

Certificate of Construction Issued

June 5, 1958

Water License Issued

June 5, 1958

Permit No. 484-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Wallace DeVriesof Belvidere, County of Jackson, and State of South Dakota, the holder of Vested Right Permit No. 484-2, issued upon ApplicationNo. 484-2, bearing date of priority of 1940, authorizing the diversion of2.85 cu. ft. per second of the waters of a dry drawCounty of Jackson, State of South Dakota, at 112 rods east and 65 rods south of the NW Cor1, of Sec. 13, T 3 S, R 23 Efor irrigation

purposes, has fully 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 Vested Right Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.85 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: <u>Lot 4)</u>	<u>15.00 acres</u>
<u>Lot 5) all in</u>	<u>21.00 acres</u>
<u>Lot 6) Sec. 13, T 3 S, R 23 E</u>	<u>39.00 acres</u>
<u>Lot 7)</u>	<u>25.50 acres</u>
<u>Lot 2)</u>	<u>20.00 acres</u>
<u>Lot 3) all in</u>	<u>30.00 acres</u>
<u>Lot 4) Sec. 18, T 3 S, R 24 E</u>	<u>17.45 acres</u>
<u>Lot 5)</u>	<u>24.00 acres</u>
<u>Lot 6)</u>	<u>11.20 acres</u>
<u>Total</u>	<u>203.15 acres</u>

Witness my hand this 5th day of June A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 484-2

WHEREAS, On the 30th day of April A. D. 1958
Wallace DeVries

of Belvidere County of Jackson and State of
South Dakota duly made application (No. 484-2) to us for Vested Right
 permit to use 2.85
 cubic feet per second of the waters of a dry draw
 County of Jackson, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 5th day of June A. D. 1958
Vested Right Permit No. 484-2 was issued to said applicant for the diversion of said water, and recognizing
 completion of the works of diversion therein described XXXXXX
in 1940 XXXXXX and XXXXXX the application to beneficial use of said
 water XXXXXX XXXXXX in 1940 XXXXXX
 and,

WHEREAS, On the 30th day of April A. D. 1958
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.85
 cubic feet per second of said waters, as evidenced by our Certificate No. 484-2
 dated June 5, 1958 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.85 cubic feet per second of water, with date of
 priority of 1940 XXX and,

WHEREAS, On the 30th day of April A. D. 1958
 proof was duly made of the application to beneficial use of 2.85 cubic feet per second of said water;
 on 203.15 acres located in Lots 4, 5, 6 and 7. Sec. 13, T 3 S, R 23 E and
Lots 2, 3, 4, 5 and 6 Sec. 18, T 3 S, R 24 E more specifically described
 in Certificate of Completion of Works No. 484-2

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 Wallace DeVries Vested Right
of Belvidere, South Dakota the holder and owner of said permit No. 484-2

a water right, dating from 1940 to the use of 2.85
cubic feet per second of the waters of a dry draw

in the County of Jackson and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at 112 rods east and 65 rods
south of the NW Cor. of Sec. 13, T 3 S, R 23 E

and conducted to and upon Lots 4, 5, 6 and 7, Sec. 13, T 3 S, R 23 E and Lots
2, 3, 4, 5 and 6, Sec. 18, T 3 S, R 24 E more specifically described in
Certificate of Completion of Works No. 484-2

for the purpose of irrigation

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, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common 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 seal of our office at Pierre, South Dakota,
this 5th day of June A. D. Nineteen
Hundred and fifty-eight

State Water Resources Commission
By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Location No _____

Water Division No.

Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Wallace, Belvidere, Sec. 13, T. 3, R. 3, Occupation is farmer-rancher
Belvidere, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (If a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. owned by myself

Ques. 3. State date of posting and date of recording notice of appropriation.

Date of posting, April 1950--date of recording June 16th 1950

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Dry draw from nw corner sec 13 2s-23 E 1 2 rods east and 6 2 rods south.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. ~~Diversion dam, 16 ft. high to direct water through diversion--~~
ditch 13 ft, deep-- 725 feet long capable of carrying 300 cu. ft. per second

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each sub-division in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water spreading on approximately 200 acres of ground
On lots 1, 4, 5, 6, and 7 of Sec 13, #33-23E and lots 2, 3, 4, 5, and 6 of Sec
11
18 3S-24E, all lands in Jackson County.

Quest. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. -----None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 90 acre feet annually.

Ques. D. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Since 1940 used all the water that the ditch would carry.
Estimate that the ditch would carry 100 cubic feet per second.

(Sign) William DeCris

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PIERRE, County of Hughes

State of South Dakota, on this 30th day of April A. D. 1958

Witnesses, Alvin H. Allen

My Commission Expires 2-20-59

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

Location No. 484-2Water Division No. 2White
River

Water District

Rec'd 30, 1958
April 30

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Wallace DeVries Sec 13 3S 23E Occupation: former rancher
Belvidere S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (If a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. owned by myself

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Date of posting April 1950 date recorded April June 16th 1950

Ques. 4. State source of water supply and give exact location of point of diversion. Dry draw - { from NW 1/4 Sec 13 3S 23E - 112 miles south of 6 miles

Ans. Diversion dam 16 ft high to direct water through diversionditch 13 ft deep--725 ft long--capable of carrying 300ft per sec

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. _____

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water spreading on approximately 200 acres on lots 1, 5, 6, and 7of sec 13 range 3 S 23 E and lots 2, 3, 4, 5, and 6 of Sec 18 of T-21All lands in Jackson county

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. none

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 90 acre feet annually

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. ... Since 1940 I have used all the water the ditch would carry.
Estimate the ditch would carry 100 cu ft. per second

(Sign)

Wallace DeVries

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

PIERRE

County of

Hughes

State of South Dakota, on this

30TH

day of

April

A. D. 1958

Witnesses.

Alvin H. Allen

My Commission Expires 2-20-59

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No.

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water c. f. s.

Source

County

Purpose

Place of Use

Date of recording

Received and filed

168-2
309-2
484-2

INVESTIGATION OF WATER RIGHTS 168-2, 309-2, & 484-2

On July 26, 1967, Mr. Wallace DeVries was contacted concerning these three water rights. He stated that the irrigation system proposed under permit 168-2 was built but was not in use when he purchased the land and that he has never irrigated under it. He is agreeable to having this permit cancelled.

As for permit #309-2, the system proposed was never completed and Mr. DeVries has never diverted water from the White River. At present he does not own any pumping equipment. He is agreeable to having this permit cancelled.

As for water license 484-2, the water authorized has been used whenever available. This is a spreader system and is still in good repair.

Conclusions: It is recommended that permits 168-2, & 309-2 be cancelled.

August 3, 1967

RICHARD SCHMOYER
Water Right Specialist

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

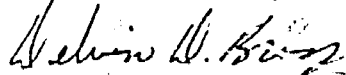
Wallace DeVries
Belvidere SD 57521

Dear Mr. DeVries:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 484-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Water Rights Division - DVNR
Conversation or File Documentation

File No. 484-2

NAME OF PERSON OR FILE: Wallace DeVries
ADDRESS: Revidere SD COUNTY Jackson
DATE: April 25, 1989 TELEPHONE 344-2539
RE: Validation of Vested Right No 484-2
COMMENTS:

On April 25, 1989, I made an investigation of
Vested Right No. 484-2. Mr. DeVries showed
me the system and it appears to be the same
as described in the original application and on the
license.

Sec. 13, T35, R23E Lot 4 - 15 Ac.

5 - 21 Ac.

6 - 39 Ac.

7 - 25.5 Ac.

Sec. 18, T35, R24E Lot 2 - 20 Ac.

3 - 30 Ac.

4 - 17.95 Ac.

5 - 24 Ac.

6 - 11.2 Ac.

Total 203.15 Acres

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Terri Shaul

VESTED WATER RIGHT NO. 484-2 FOR IRRIGATION

Date of Validation May 6, 1992.

1. Vested Water Right No. 484-2 appropriates 2.85 cubic feet per second of water from a dry draw to irrigate 203.2 acres. The point of diversion is located in the NE1/4 NW1/4 Sec 13 T3S, R23E. The irrigated lands are located in Lots 4, 5, 6 & 7 Sec 13, T3S, R23E and in Lots 2, 3, 4, 5 & 6 Sec 18, T3S, R24E.

- ### QUALIFICATION

WATER MANAGEMENT BOARD

By:

Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Wallace DeVries
Belvidere SD 57521

Dear Mr. DeVries:

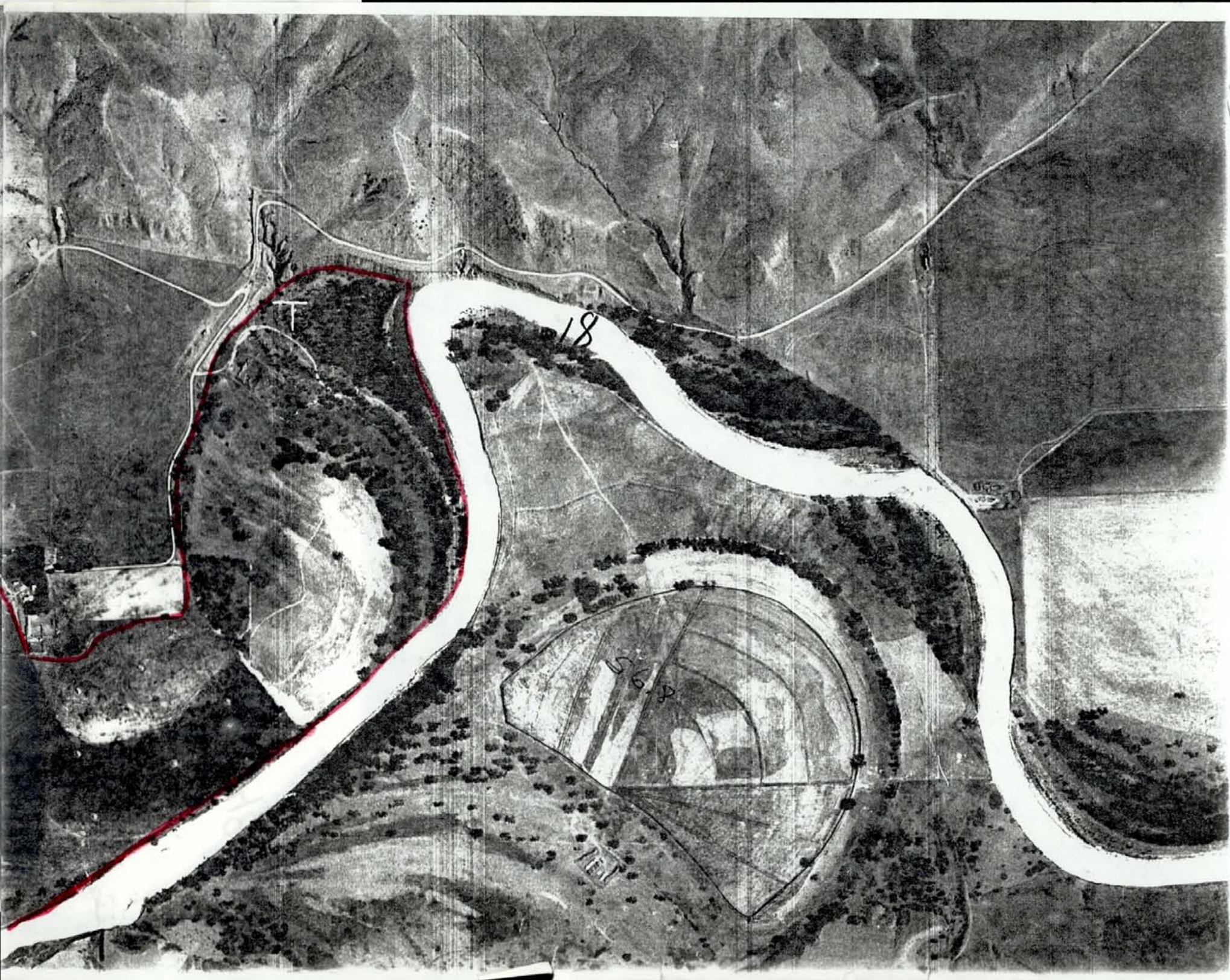
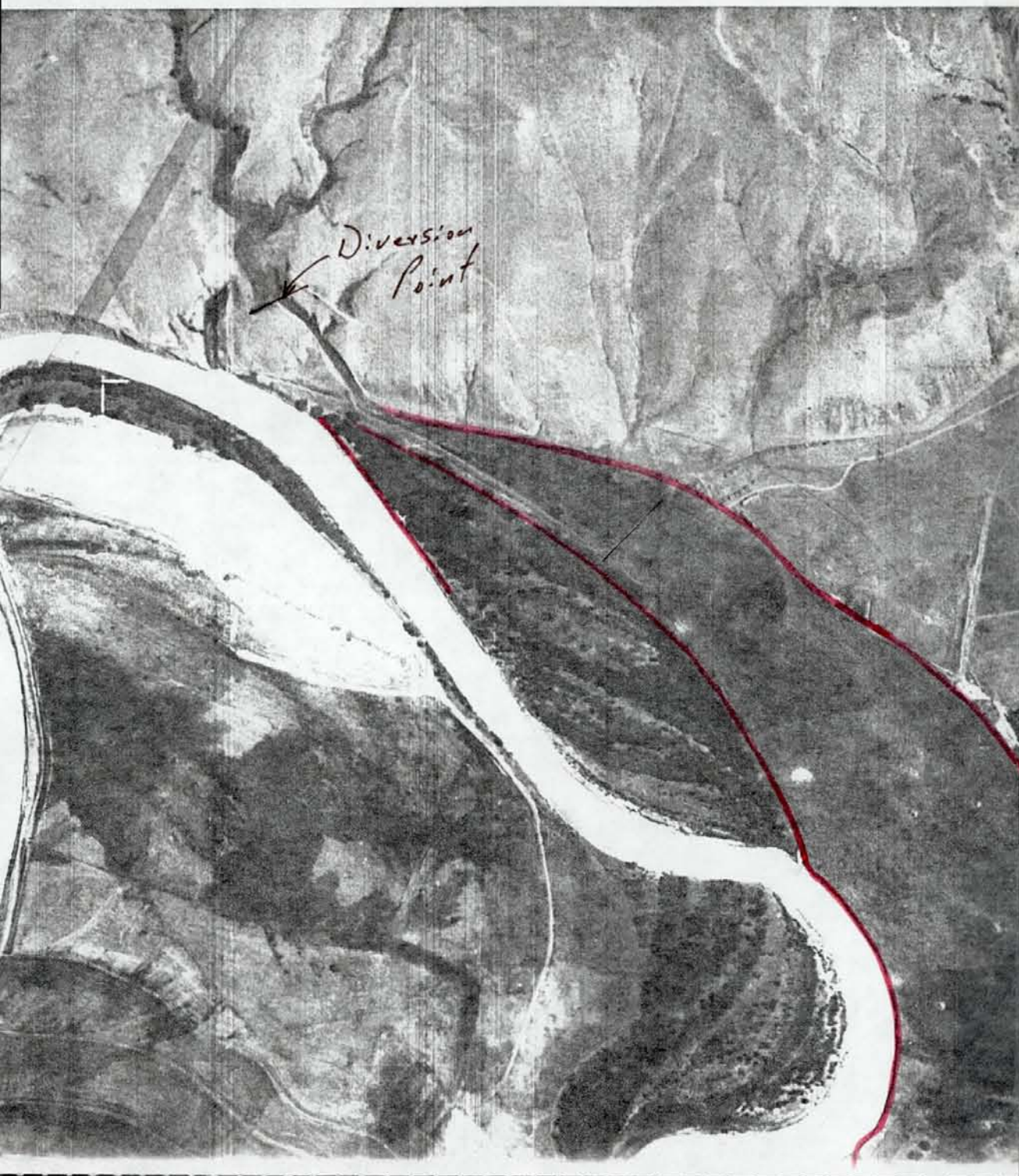
The Water Management Board has validated the enclosed Vested Water Right No. 484-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

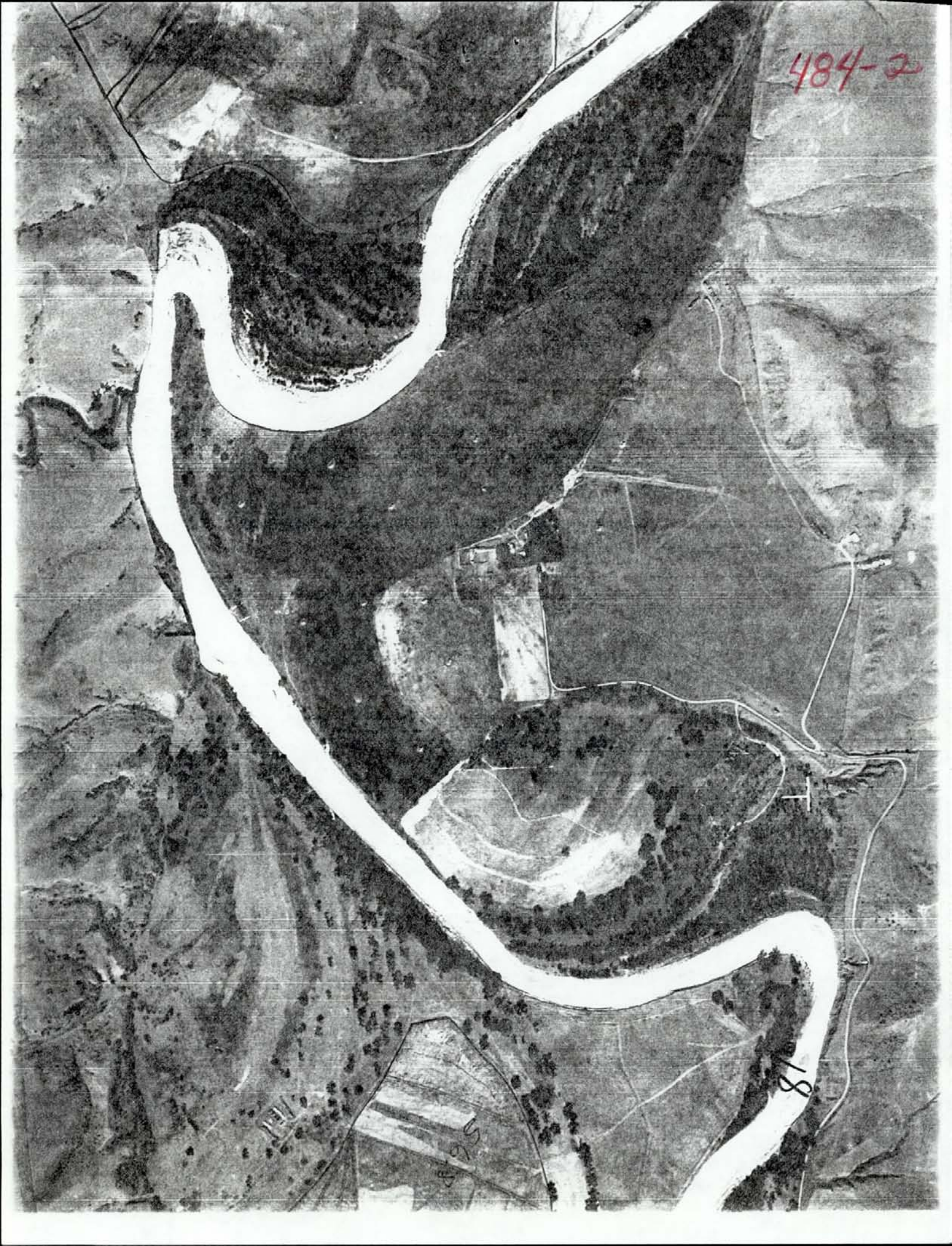


484-2

18

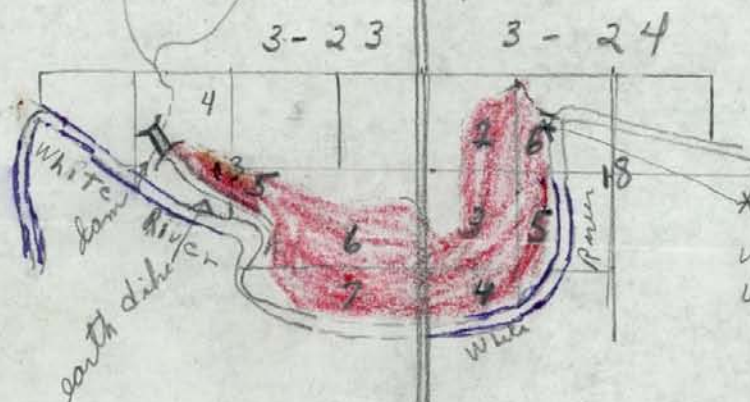
565

111





DeVries Diversed #1



* Point where excess water will be released to the White River

area to be irrigated

# Lots	Acres	Acres
4	15	40.80
5	21	27.90
6	39	49.80
7	25.50	33.50

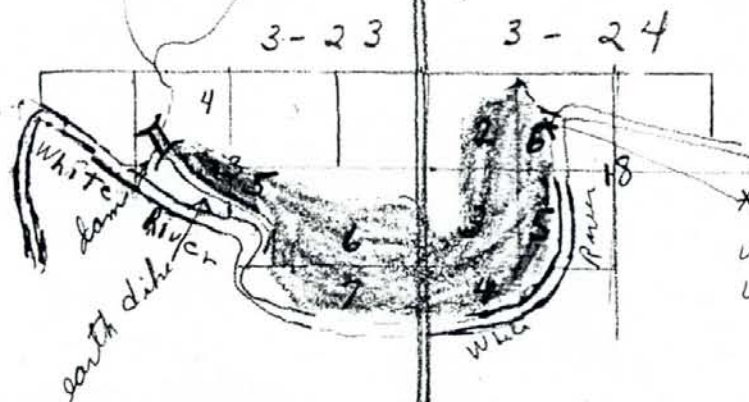
LOTS	Acres
2 20	38.49
3 30	38.75
4 17.45	17.45
5 24	26.00
6 11.20	11.20

TOT 203.15 acres to be flood irrigated

Map # None

(Appl. # 484-2
DeVries)

DeVries Diverse #1



* Point where excess water will be released to the White River

area to be irrigated

# Lots	Acres	Acres
4	15	40.80
5	21	27.90
6	39	49.80
7	25.50	33.50

LOTS	Acres
2 20	38.49
3 30	38.75
4 17.45	17.45
5 24	— 26.00
6 11.20	11.20

TOT 203.15 acres to be flood irrigated

Map # None (Appl. # 484-2
13 Diverse)