

Water Right Number 1118-1

1. Considered 11-17, 19 76
2. Name of Applicant KENNETH ELLINGSON
3. Post Office Address SPEARFISH
4. Amount of water claimed .67
5. Source of water supply 3.. 250' DEEP WELLS
6. Water to be used for COMMERCIAL
Acres to be irrigated _____
7. Water to be diverted and used in LAWRENCE County
about WEDGE OF Miles _____ of SPEARFISH
8. Proof of Publication
Received 1ST
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1118-1
KENNETH ELLINGSON 420-8TH ST. SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57783 With the following modifications:
 (State)

The ~~indicated~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~indicated~~ well owner, under this Permit, shall control his ~~indicated~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application OCTOBER 8 19 76
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved NOVEMBER 17 19 76, Recorded in Book 16 Page 284

WATER RIGHT PERMIT NO. 1118-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1118-1 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 OCTOBER 8 19 76
2. The equivalent of at least one-fifth of the work above specified is ~~completed~~ ---
3. The whole of said work is ~~to be~~ completed ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED ---
5. The water appropriated shall be used for the purpose of COMMERCIAL USE
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 .67 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 use~~ USED FOR COMMERCIAL PURPOSES --- ~~for the irrigation purposes and appropriation must be limited to not more than 10 cubic feet per acre per year and in no case to more than one acre of land for each 100 acres of land to which water is actually and beneficially applied for irrigation~~ on or before 7TH DATE --- said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 7TH day of FEBRUARY 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
 Chief Engineer, Executive Office

Certificate of Construction Issued DECEMBER 6 19 78

Water License Issued DECEMBER 6 19 78

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 8" (All three wells), Depth 250 feet (All three wells)

(2) Casing, Type Steel Diameter 6" ID Thickness Std.
(wood, concrete, steel, etc)

(3) Perforated Screen. None

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness None, Length of gravel pack _____

E. Dugout Information or Estimates. N/A

(1) Surface dimensions _____, Depth _____

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 Minnekota Formation

Log of Wells: 60 ft. gravel

141 ft. Spearfish

40 ft. Minnekota Lime

Depth to top of water bearing material 210 feet

Depth to bottom of water bearing material 250 feet

Thickness of water bearing material 40 feet

Depth to water (ground surface to water level) 35 feet

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

On same owner's property _____ rds. On property owned by others 20 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.

Kenneth Ellingson
Signature of Applicant

WATER LICENSE NO. 1118-1

(1) WHEREAS, On the 8th day of October A. D. 19 76
Kenneth Ellington

made Water Right Application No. 1118-1 for a permit to use .67 cubic feet per second of the waters
of groundwater (three wells)
County of Lawrence, State of South Dakota, for commercial - trailer park

purposes; and

(2) WHEREAS, On the 17th day of November A. D. 19 76
Permit No. 1118-1, with a date of priority of October 8, 1976

was issued to said applicant _____ for the diversion of said water, and recognizes the completion of construction of the water
supply system therein described ~~xxxxxxx~~ ~~xxxx~~ ~~xxxxxx~~ and for th
application to beneficial use of said water ~~on or before the~~ ~~xxxx~~ ~~xxxxxx~~

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 .49 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,

water to be used for the operation of a trailer park and lots

(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 Kenneth Ellingson

_____ of Bpearfish SD
the holder _____ and owner _____ of said permit No. 1118-1 a water right, dating from October 8, 1976
_____ to use of .40 cubic feet per second of the waters
of groundwater (three wells)

in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Well #1, South 8°21' West - 1852.6 ft;
Well #2, South 8°33' West - 2377.3 ft; Well #3, South 9°05' West -
2362.1 ft; all from NE corner of NW 1/4 SE 1/4, Section 4-T6N-R2E

and ~~crossed~~ conducted through the distribution system of the
trailer park.

for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1118-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of December A. D.
Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Form 15.

Permit No. 1118-1

Water Diversion No. 1 Belle Fourche Water District
River

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kenneth Ellingson

the holder _____ of
Permit No. 1118-1, issued upon Application No. 1118-1, bearing date of priority of October 8,
1967 authorizing the diversion of .49 cu. ft. per second of the waters of _____
groundwater (3 wells) County of Lawrence, State of South Dakota at Well #1,
South 8°31' West-1852.6 ft; Well #2, South 8°33' West-2377.3 ft; Well #3,
South 9°05' West-2362.4 ft; all from NE corner of NW¼ SE¼, Section 4-
T6N-R2E for commercial purposes

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 .46 cu. ft. per second of water.

Date December 6, 1978

By: WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

Form 6. - Notice of Intent to Appropriate Water

No. 1118-1

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 22, 1976

Notice is hereby given that Kenneth Ellingson

whose post office address is Spearfish, 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 .67 cubic feet of water per second of time from the ground water (Minnekahta) through the Ellingson Wells #1, #2, & #3, the point of diversion of which ^{ACE} is to be located in the SE 1/4 SW 1/4

of Section 4, Twp. 6N, Range 2E. Said water to be used for the purpose of providing irrigation on the following described land:

water for operation of a trailer court

This application No. 1118-1 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota, upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/dw Kenneth Ellingson, 420-8th Street, Spearfish, SD 57783

cc:

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE } SS.

Allen M. Hermann of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal weekly newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Allen M. Hermann, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I Allen M. Hermann, the undersigned, am the publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Intent

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive and consecutive weeks, the first publication being made on the 3 day of November, 1976, and the last publication on the 10 day of November, 1976 that the full amount of fees charged for publishing same, to-wit: The sum of \$ 10.53, inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Allen M. Hermann

Subscribed and sworn to before me this 10 day of November, 1976.

Alice S. Hermann
Notary Public, Lawrence County, South Dakota

My commission expires Sept 11, 1979

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 22, 1976

Notice is hereby given that Kenneth Ellingson, whose post office address is Spearfish, 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 .67 cubic feet of water per second of time from ground water (Minnekausa) through the Ellingson Wells #1, #2, & #3, the points of diversion of which are to be located in the SE 1/4 of Section 4, Twp. 6N, Range 2E. Said water is to be used for the purpose of providing irrigation on the following described land: water for operation of a trailer court.

This application No. 1118-1 will be considered by the Water Rights Commission at the Marvin Huggitt Hotel in Huron, South Dakota, upon the 17th day of November, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones
Water Rights Specialist
(44-21c, 39 lines)



1118-1 Kennell Elbingen

Well #1. Depth 250 ft. Submersible
cable. 24 ft to water.

Pumps 60 gpm. Pressure 100 gpm.

Submersible pump 3 hp. pump 160 ft.

Pump down to 100 ft at 60 gpm.

Ground water bearing pumps.

Well #2.

2 HP. - Pumping 30 gpm.

Well capacity. 100 gpm.

Depth etc. same as #1.

Bearing pumps.

6 ft. submersible
pump cable
24 ft. each well

Well #3 same as Well #2.

Bearing pump.

2 ft. in	Well #2 & #3	10 gpm
5 ft. in	" #1	4 100 gpm

Permit No. 1118-1Water Division 1 Belle Fourche 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 Kenneth Elingson of 470-8th St., Spearfish, S. Dak. 57783 holder of Permit No. 1118-1, bearing date of priority of October 8, 1976, authorizing the diversion of .67 cu. ft. per second of the waters of 3 wells for Commercial purposes, in Lawrence County.

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: Well #1, Deming Submersible Pump 3HP Pumping 100 gpm
Well #2 = Deming Submersible pump 2HP pumping 60 gpm
Well #3 = Deming Submersible pump 2HP Pumping 60 gpm
- B. Works used to transport water to place of use,
Water distribution system for Trailer Court.
- C. Works used to apply water to beneficial use.
Trailer houses and lots.

The system is in the following condition: Excellent

The point of diversion is located All well referenced to NE cor of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T6N R2E.
#1 - S 5 $^{\circ}$ 21' W - 1852.6 Ft., #2 - S 8 $^{\circ}$ 33' W - 2377.3 ft. #3 - S 9 $^{\circ}$ 5' W - 2362.4 ft

The works are capable of diverting and conveying to the place of use D. 49cu. ft. per second of water which is to be used for Commercial Purposes

Water has been put to beneficial use to the maximum extent

comprising a total of _____ acres of land.

All wells 250 ft deep.
24 ft to water
Capacity of each 100 gpm
pumps set at 160 ft.
100 ft draw down at 60 gpm.
Total pumping 7 gpm = .47 cfs.

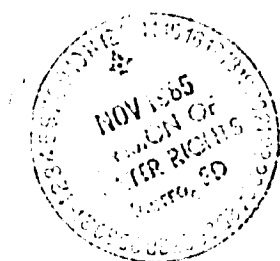
Date November 16, 1978John A. Hilt

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



Spearfish to Oak
Nov 8-85

Dear Sir

I received your letter of Nov 5-85 about well No 2. Being received, I did rease this well with a $4\frac{1}{2}$ inch plastic, & sealed 40 plastic casing. I also drilled ten feet deeper but did not get any more water, this well this well 260 ft deep, this well really did not need reasing I did it because I was getting a small amount of run at times & I thought it might be a little bit more sanitary.

Ken Ellingson

420 8th

Spearfish, S.D.

1118-1

Ken's Trailer Ct.

Jerry & Sharon Ellingson
4 DD Dr.
Spearfish, SD 57783
605-642-2418
fax 605-722-0185

RECEIVED
MAR 18 2008
WATER RIGHTS
PROGRAM

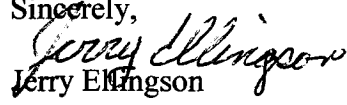
3/16/08

Genny McMath
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182

Dear Genny,

I have been informed by Judene Holan that the water rights for Ken's Trailer Court, need to be transferred from Ken Ellingson into my name. I am leaving town on March 17th and not returning until March 29. I will contact when I get back and take care of this.

Sincerely,


Jerry Ellingson
EPA ID # 0314



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 18, 2008

1118-1

Jerry Ellingson
Ken's Trailer Court
4 DD Dr
Spearfish SD 578783

Dear Mr. Ellingson:

Thank you for contacting us regarding the ownership change for the water right for Ken's Trailer Court. Your note indicated you were going to be gone through March 29th. I thought I would go ahead and mail you the necessary form for filing the ownership change so it would be at your home when you returned.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

APR - 1 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1118-1

Date: 3-29-08

I/We request that Water Right No. 1118-1

formerly owned by: Kenneth Ellingson

be transferred to: (name & address) Jerry Ellingson
4 Double D Drive Spearfish South Dakota 57783
Telephone No. 605 642 2418

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

3 wells located in the SE ¼ SW ¼ Section 4, T6N, R2E

I/We understand that the validity of Water Right No. 1118-1 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jerry Ellingson, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date 4/1, 20 08

RECEIVED OF Ken's Trailer Court J Ellingson 4 DD Dr Spearfish SD 57783

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1118-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03007

By

Harold Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 1, 2008

1118-1

Jerry Ellingson
Ken's Trailer Court
4 Double D Dr
Spearfish SD 578783

Dear Mr. Ellingson:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 1118-1. The transfer has been completed. The water right, formerly held by Kenneth Ellingson is now listed in your name.

Enclosed, for your records is Receipt No. 03607 in the amount of \$2.50 which you paid for filing the ownership change.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

NOV 05 2014

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1118-1

Date: November 1, 2014

I/We request that Water Right/Permit No. 1118-1 formerly owned by:
Jerry L. Ellingson d/b/a Ken's Trailer Court be transferred to:

New Owner Name: JH & P Investments, L.L.C.

Address: 1905 Stagebarn Circle

City, State, Zip Spearfish SD 57783 Telephone No. _____

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

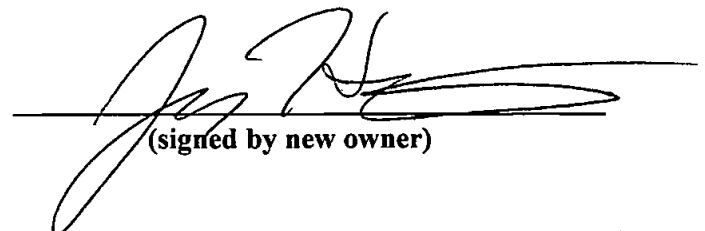
Lot 15 and Lot 16C, EXCEPT the East 50 feet of Lot 16C, all in the Subdivision of the W1/2SE1/4 of Section 4, Township 6 North, Range 2 East, B.H.M, Lawrence County, South Dakota, as shown on Plat Book 2, Page 4 and Plat Book 3, Page 46, Lawrence County Register of Deeds record, subject to all covenants, conditions, restrictions, reservations, agreements, easements and rights-of-way of record or expressly conveyed or reserved in prior grants or deeds by operation of federal or state law.

☒ I understand that the validity of Water Right/Permit No. 1118-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jesse Horstmann, Pres. JH & P Investments, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date 11/5, 20 14

RECEIVED OF Blank Hills Title & Abstract PO Box 459 Spearfish SD 57783

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1118-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06978**

By Jeanne Goodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



December 11, 2014

1118-1

Jesse Horstmann
JH & P Investments LLC
1905 Stagebarn Circle
Spearfish SD 57783

Dear Mr. Horstmann:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee submitted for changing ownership on Water Right No. 1118-1.

The ownership change has been completed. Water Right No. 1118-1 formerly held by Jerry J Ellingson dba Ken's Trailer Court is now listed in the name of JH & P Investments LLC.

The receipt for the filing fee is being forwarded by copy of this letter to Black Hills Title and Abstract in Spearfish SD. If I can answer any questions, please give me a call.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Black Hills Title & Abstract, PO Box 459, Spearfish SD 57783