

Water Right Number 1129-1

1. Considered 3-23, 19 77
2. Name of Applicant CARL & ALICE DEANLEAU
3. Post Office Address SPENKES
4. Amount of Water claimed .10
5. Source of Water supply 255' WELL
6. Water to be used for TRAILER PARK
Acres to be irrigated _____
7. Water to be diverted and used in LAWRENCE County
about 14.2N miles _____ of SPENKES
8. Proof of Publication Received 1ST 4-1-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 94.0-1 Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be filled 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 Carl E. and Alice Deranleau
Postoffice address 225 Evans Lane, Spearfish, State South Dakota 57783
~~Address of applicant when date and place of incorporation~~
2. Method of accomplishing work (contract, employment of others, or by direct labor) System is presently ten yrs. old
3. ~~Name of diversion work~~ MOTHER HUBBARD #1
4. Amount of water claimed (cubic feet per second) .10
5. Source of water supply Two wells and 13,000 gallon cistern
6. Location of point of diversion See attached map
SE¹SE⁴ and SW¹SE⁴, SECTION 4, T6N, R2E
Lawrence County
7. Annual period or periods during which water is to be used Annually for domestic use
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Domestic*

~~Under 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 COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Queen City Mail, Spearfish, SD

~~12. Principal Features of the proposed water supply system~~
A. ~~Which proposed to divert water from its natural source.~~

*Water system used to provide water for domestic use to approximately 70 rental units at applicant's business known as Mother Hubbard's Mobile Court, Spearfish, South Dakota

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

C. ~~Which proposed to apply water to beneficial use.~~

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 Meade)

I, John H. Shepard attorney for 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 _____

Subscribed and sworn to before me this 15th day of September, 1975.

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1129-1
CARL & ALICE PERINLEAU 225 EVANS LANE, SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57783 With the following modifications:
 (State)

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

Date of first receipt of application SEPTEMBER 16 19 76
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application FEBRUARY 22 19 77
 Approved MARCH 23 19 77 Recorded in Book 17 Page 265
 WATER RIGHT PERMIT NO. 1129-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1129-1 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 FEBRUARY 22 19 77
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ —
3. The whole of said work is ~~to be completed on or before~~ —
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 - TRAILER PARK
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 .10 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 TRAILER COURT USE and if for the irrigation purpose said appropriation must be limited to not more than ~~three feet per acre per year and be limited to not more than one-tenth (1/10) of one cubic foot of water per second of time for each acre of land to which water is~~ actually and beneficially applied on or before THIS DATE said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15TH day of APRIL 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued March 3 19 82

Water License Issued March 3 19 82

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) D.H. Hole, Diameter 8 inches, Depth 255 feet
- (2) Casing, Type steel (wood, concrete, steel, etc), Diameter 6 inches Thickness 1/4 inch
- (3) Perforated Screen. Martinson Discharge
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness Unknown, Length of gravel pack _____

E. ~~Dugout Information or Estimates~~

- (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 Sand and gravel

Depth to top of water bearing material 185 feet

Depth to bottom of water bearing material 255 feet

Thickness of water bearing material 70 feet

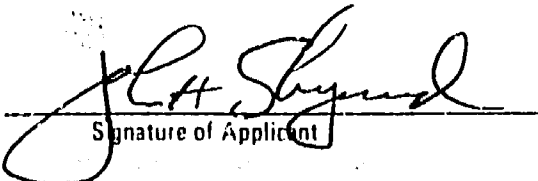
Depth to water (ground surface to water level) 30 feet

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

On same owner's property 3 rds. On property owned by others 12 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.


Signature of Applicant

John H. Shepard
Attorney for Applicant
1134 Main St., Box 29
Sturgis, South Dakota 57785

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1129-1

(1) WHEREAS, On the 16th day of September A. D. 19 76

Carl E and Alice Coranleau

made Water Right Application No. 1129-1 for a permit to use 0.10 cubic feet per second of the waters of groundwater (two wells)

County of Lawrence, State of South Dakota, for commercial (trailer court)

purposes; and

(2) WHEREAS, On the 23rd day of March A. D. 19 77

Permit No. 1129-1, with a date of priority of February 22, 1977

was issued to said applicant ~~on or before the~~ for the diversion of said water, and provided for the completion of construction of the water supply system therein described ~~on or before the~~ was ~~completed~~ day of Completed March 10 and for the application to beneficial use of said water ~~on or before the~~ was ~~completed~~ day of Completed March 10

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 0.10 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 is used for a commercial purposes for operation of a trailer court~~

(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 Carl E and Alice Deranleau

_____ of Spearfish, South Dakota
the holder ■ and owner ■ of said permit No. 1129-1 a water right, dating from February 22, 1977
_____ to use of 0.10 cubic feet per second of the waters
of groundwater (one well)

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 East well - 1330'S and 195'W of E 1/4 corner, Section
4, West well - 1320'S and 1270'W of the E 1/4 corner Section 4, T6N, R2E

and conducted ~~300000 GPM~~ through the trailer court's distribution system

for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1129-1 and subject to the laws of the State of South Dakota

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of March A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1129-1

Water Diversion No. 1 Belle Fourche River Water District

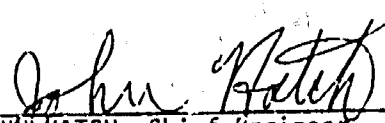
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Carl E. and Alice Deranlenu

_____ the holder _____ of
Permit No. 1129-1, issued upon Application No. 1129-1, bearing date of priority of February
22, 1977 authorizing the diversion of 0.10 cu. ft. per second of the waters of _____
groundwater (two wells) County of Lawrence, State of South Dakota at _____
east well - 1330'S and 195'W of E 1/4 corner Section 4, T6N, R2E
_____, for commercial (trailer court)

_____ purposes, has ve 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 0.17 cu. ft. per second of water.

Date March 3, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

No. 1129-1

Publish first publication, on or before March 10, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 4, 1977

Notice is hereby given that Carl & Alice Deranleau
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
.10 cubic feet of water per second of time from the ground water through the
Mother Hubbard Wells, the point of diversion of which ^{is} to be located in the NE

SE 1/4 SE 1/4 and SW 1/4 SE 1/4

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

supplies for a mobile home court

This application No. 1129-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 23 day of March, 1977, at 10:00 A.M. All interested
persons may appear and be heard

WATER RIGHTS COMMISSION

By:

BURTON JONES
Water Rights Specialist

BFJ/bw

cc: **Carl & Alice Deranleau, Spearfish SD 57763**

No. 1129-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Alice F. Humane hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Lawrence City Mail

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the Lawrence
City Mail of Spearfish
County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

March 9 & 16 - 1977

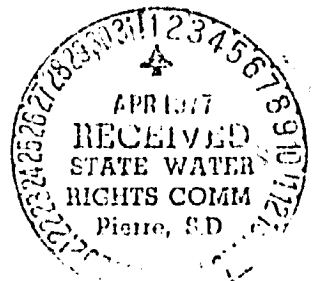
Alice F. Humane
(Signature)

Brookings
(Title)

March 24 - 1977
(Date Signed)

**NOTICE
INTENT TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
March 4, 1977
Notice is hereby given that
Carl & Alice Deranleau,
whose post office address is
Spearfish, South Dakota,
has made an application in
accordance with the provi-
sions of the water laws of
South Dakota for a permit to
appropriate for beneficial
use .10 cubic feet of water
per second of time from
ground water through the
Mother Hubbard Wells, the
points of diversion of which
are to be located in the
SE 1/4 SE 1/4 and SW 1/4 SE 1/4 of
Section 4, Twp. 6N, Range
2E. Said water to be used for
the purpose of providing
supplies for a mobile home
court.
This application No. 1129-
1 will be considered by the
Water Rights Commission at
the office at Pierre upon
the 23rd day of March, 1977,
at 10:00 A.M. All interested
persons may appear and be
heard.

**WATER RIGHTS
COMMISSION**
By: BURTON JONES
Water Rights Specialist
(10-2tc, 33 lines)



Permit No. 1129-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Carl E. & Alice Deranleau of 225 Evans Lane, Spearfish, S.D. 5783 holder of Permit No. 1129-1, bearing date of priority of February 22, 1977, authorizing the diversion of .10 cu. ft. per second of the waters of Two Wells for Trailer Court 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:

East Well - 1.0 HP Submersible Pump. pumping 30 gpmWest Well - 3.0 HP Submersible pump. pumping 45 gpm

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

Water distribution System to Trailer Houses

C. Works used to apply water to beneficial use.

Trailer HousesThe system is in the following condition. GoodThe point of diversion is located East Well = 1330' S and 195' W of E 1/4 Cor. Sec. 4.West Well = 1320' S and 1270' W of the E 1/4 Cor. Sec. 4, T6N R2EThe works are capable of diverting and conveying to the place of use .17 (75 gpm)cu. ft. per second of water which is to be used for Trailer Court Use

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Well Data:

East wellDepth - 198'Static - 15'Pump @ 80'Pumping 20 gpmWest wellDepth - 255 ftpump @ 100 ft.pumping 55 gpm

license for .10 cfs

Date July 7, 1981Leroy J. McLaughlin
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8676

PIERRE, January 27, 1982

RECEIVED OF Carl & Alice Deranleau, 225 Evans Lane, Spearfish, SD 57783

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1129-1		
Fee for inspecting Beneficial Use, and issuing Water License No. 1129-1	12	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

Water Rights Division
605 773-3352

March 26, 1982

No. 1129-1

Carl & Alice Dernaleau
Evans Lane
Spearfish SD 57783

Dear Mr. & Mrs. Dernaleau:

Enclosed please find you check #370 in the amount of \$12. In checking our records we find that you have already paid the \$12 fee for the Water License & Certificate of Construction on January 27, 1982. The Certificate & License were issued on March 3, 1982. You now have a perfected Water Right.

If you have any questions, please contact this office.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosure



1129-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

Rand & Gayla Williams
345 8th St
Spearfish, SD 57783

Dear Mr. & Mrs. Williams:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" you submitted for filing an ownership change on Water Right No. 1129-1. The form was completed properly, however can not be filed for record without a \$2.50 filing fee as required by SDCL 46-2-13.

Please remit the \$2.50 filing fee as soon as possible. Upon receipt of the fee, Water Right No. 1129-1 will be transferred to your names. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

Sorry about the overright

NOTICE OF TRANSFER OF OWNERSHIP

No. 1129-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I, We request that Water Permit/Right No. 1129-1

formerly owned by: Carl & Alice Deane

be transferred to: (name & address) Rand & Gayla Williams

345 8th Spearfish SD 57223 (telephone no.) 642-7210

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

Sec 4 Twp 6 N Range 2 E SE 1/4 SE 1/4 Lot 8 & NE 1/4 SE 1/4 Lot 1A

I/We understand that the validity of Water Permit/Right No. 1129-1 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 at the Division of Water Rights, 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 Lawrence)

I/We Rand Williams 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.

Rand Williams Gayla Williams
(Signed)

Subscribed and sworn to before me this 1 day of MARCH, 1994.

Joann Aaker
(Notary Public)

JOANN AAKER, Notary Public
My Commission Expires December 23, 1998

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 water 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre,

March 9, 1994

1129-1
414082

RECEIVED OF Rand & Gayla Williams, 345 8th St., 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 _____		
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 Water Right No. 1129-1	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Mitch
Chief Engineer



1129-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3131

March 10, 1994

No. 1129-1

Rand and Gayla Williams
345 8th St.
Spearfish, SD 57783

Dear Mr. and Mrs. Williams:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1129-1.

Our records now show you as the owner of Water Right No. 1129-1.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



May 6, 2004

1129-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lenore Haag
Ramsdell Ditch Co.
1421 5th Street
Spearfish, SD 57783

Rand Williams
742 State
Spearfish, SD 57783

Re: Ramsdell Ditch complaint

Dear Ms. Haag and Mr. Williams:

I have visited with the Attorney General's office concerning the rights of real property owners with respect to ditches crossing their property.

The Ramsdell ditch, which in this case is an enclosed buried box culvert, crosses the real property of Mr. Williams. The question arose whether Mr. Williams has the right to open the enclosed box culvert and create a reflective pool utilizing water from the ditch in a flow through design. The ditch company is the owner of the box culvert which serves as a conveyance system of water for irrigation by members of the ditch company, and as such is an integral component of the irrigation works.

SDCL 46-7-12 provides that no person may willfully damage, destroy or otherwise interfere with any works for application of water to beneficial use. Based on this statute, Mr. Williams requires the concurrence of the ditch company to continue his project.

Hopefully this resolves the matter.

Sincerely

Garland Erbele, Chief Engineer
Water Rights Program