

Water Right Number 1138-1

1. Considered 7-27, 1977
2. Name of Applicant DAVID C. OR ELANOR O. PEARSON
3. Post Office Address SPEARFISH
4. Amount of water claimed .04
5. Source of water supply 460' WELL (MINNELUSA)
6. Water to be used for SUBURBAN HOUSING

Acres to be irrigated _____

7. Water to be diverted and used in LAWRENCE County
about 2N, 10E Miles _____ of SPEARFISH

8. Proof of Publication Received 6-28-77

Not received _____

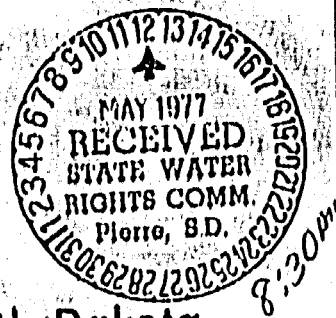
9. Application Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

Map No. 949-1 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 David C. Pearson & Eleanor D. Pearson
 Postoffice address 262 Upper Valley, Spearfish, State S. Dak
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) direct Contract well
3. Name of diversion work Prosser Subdivision well
4. Amount of water claimed (cubic feet per second) Average flow of 23400 gal. per day (0.0362 cfs)
5. Source of water supply ground water
6. Location of point of diversion N 21° 57' E 1776 feet from the quarter corner common to Sections 4 & 9, T6N, R2E, B1E.M.
 County Lawrence County
7. Annual period or periods during which water is to be used 365 days per year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) domestic supply for Prosser Subdivision
9. For irrigation use, _____
 Total number of acres to be irrigated none

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 2 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pierre City Mail-Spearfish
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. Well.

B. Works proposed to transport water to place of use. Pump, supply tank and 3 inch sand mains

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 9000.00

Attachment: 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 Lawrence

I, David C. Pearson 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 David C. PearsonSubscribed and sworn to before me this 11th day of May 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1138-1
DAVID C. OR ELANOR O. PEARSON 262 UPPER VALLEY, SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57783 With the following modifications:
 (State)

The ~~irrigation~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ 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 MAY 12 19 77
 Date of return to applicant for correction, amendments or changes required MAY 12 19 77
 Date of receipt of corrected application MAY 24 19 77
 Approved JULY 28 19 77 Recorded in Book 18 Page 342

WATER RIGHT PERMIT NO. 1138-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1138-1 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 MAY 12 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28 19 78
3. The whole of said work is to be completed on or before JULY 28 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28 19 79
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING

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 .04 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 served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per season and be limited to not more than one-twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water is~~
USED FOR SUBURBAN HOUSING.
 actually and beneficially applied for irrigation on or before JULY 28 19 79; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 5TH day of AUGUST 19 77

WATER RESOURCES COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 6 19 78

Water License Issued DECEMBER 6 19 78

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) Drill Hole, Diameter 6", Depth 460
(2) Casing, Type Steel, Diameter 4 1/2" ID, Thickness 350 Wall 1/4 in
(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 _____, 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 material: Minneapolis Sand

Depth to top of water bearing material 440 430

Depth to bottom of water bearing material 460

Thickness of water bearing material 45

Depth to water (ground surface to water level) 12

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

On same owner's property _____ rds. On property owned by others 300 ft. w.

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.

David L. Pearson
Signature of Applicant

WATER LICENSE NO. 1138-1

(1) WHEREAS, On the 12th day of May A. D. 19 77
David C. or Eleanor O. Pearson

made Water Right Application No. 1138-1 for a permit to use .04 cubic feet per second of the waters of groundwater (one well)

County of Laudence State of South Dakota, for suburban housing

purposes; and

(2) WHEREAS, On the 28th day of July A. D. 19 77

Permit No. 1138-1 with a date of priority of May 12, 1977

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 28th day of July A. D. 19 79 and for the application to beneficial use of said water on or before the 28th day of July A. D. 19 79

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 .04 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 Suburban housing purposes

(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 David C. or Eleanor Pearson

_____ of Spearfish SD
the holder S and owner S of said permit No. 1138-1 a water right, dating from May 12, 1977
_____ to use of .04 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 North 21st 57th East, 1770 feet from
quarter corner common to Sections 4 and 9, T9N, R2E

and conduct to and from ~~XXXXXXXXXX~~ conducted through the distribution system of the
Suburban housing project

for the purpose of Suburban Housing

Subject to any limitations listed in Water Right Permit No. 1138-1 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. 1138-1

Water Diversion No. 1 Belle Fourche Water District
River

CERTIFICATE OF CONSTRUCTION

This is to Certify, That David C. or Eleanor O. Pearson

the holder of
Permit No. 1138-1, issued upon Application No. 1138-1, bearing date of priority of May 12, 1977
authorizing the diversion of .04 cu. ft. per second of the waters of groundwater (one well) County of Lawrence, State of South Dakota at North 21°57' East, 1776 ft. from quarter corner common to Sections 4 and 9, T6N, R2E
for suburban housing

purposes, has so 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 .07 cu. ft. per second of water.

Date December 6 1978

By: John Hatch
JOHN HATCH, Chief Engineer

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No 1138-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Laurens) ss.

I, Oliver F. Hermann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Queen 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 Queen

City Mail of Spearfish

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

June 15 & June 22 - 1977

Oliver F. Hermann
(Signature)

Broadsheet
(Title)

June 24-1977
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO AP-
PROPRIATE WATER

Pierre, South Dakota 57501
June 7, 1977

Notice is hereby given that
David C. or Eleanor O.
Pearson, whose post office
address is Spearfish, South
Dakota, has made an applica-
tion in accordance with the
provisions of SDCL 46-1-1
thru 46-1-8; 46-2-1 thru
46-2-11, 46-2-13; 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22,
46-5-41, Ground Water 46-6-
3, 46-6-5, 46-6-8, 1, 46-6-10,
46-6-14 and Commission
Rules 52:01:01:01
thru 52:01:01:12, for a
permit to appropriate for
beneficial use 0.04 cubic feet
of water per second of time
from ground water through
the Pearson Subdivision
Well, the point of diversion
of which is to be located in
the NW 1/4 SE 1/4 of Section 4,
Twp. 6N, Range 4E, BHM.
Said water to be used for
Suburban Housing purposes.

This Application No. 1188-
1 will be considered by the
Water Rights Commission at
the Staurclite Inn, Brook-
ings, S.D., at upon the 27th
day of July, 1977, at 10 A.M.
The Commission is author-
ized to make a determination
on this application at the
hearing. All interested per-
sons may appear and be
heard. Any person who may
be affected by a Commission
decision who desires to
present evidence or cross-
examine witnesses according
to SDCL 1-26 may notify the
Commission in writing prior
to the hearing or orally at the
hearing.

WATER RIGHTS
COMMISSION
JAMES WINTERTON
Water Rights Specialist
(24-2tc, 65 lines)



No. 1138-1
KXKXKX

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

June 7, 1977

post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, Future Use 46-5-38, ~~XXXXXX XXXX XXXX XXXX XXXX~~ Ground Water 46-6-3, 46-6-5, 46-6-5.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21, ~~XXXXXX XXXX XXXX XXXX XXXX~~

to be located in the NW 1 SE 1

Suburban Housing purposes.

David C. Pearson, 262 Upper Valley, Spearfish, S.D. 57783

1138-1

David C. ^{McEwen} Pearson

9-22-77

Motor Flyers Catalog No. H11002

Ac # 67 71076

Gen. Elec. Motor 1.0 HP.

Well 450 ft. into Pliocene

with concrete shaft and pump

flange. Jet pump not efficient

3 7500 Gal. day.

Booster pump for system 5 HP. GE

Motor Flyers Catalog No. H11003

Ac # 67 71077

Permit No. 1138-1Water 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 David Cor Eldon O. Pearson of 262 Upper Valley, Spearfish, S.D. 57783 holder of Permit No. 1138-1, bearing date of priority of May 12, 1977 authorizing the diversion of .04 cu. ft. per second of the waters of one well for suburban housing 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:
Motor: GE. 110 H.P. Ser # 6131016 Jet pump set at 60ft; Meyers Pump
Booster Pump: Motor = 5 H.P. GE. Pump Meyers, Ser # 105677
Pumping 33 gpm.
- B. Works used to transport water to place of use,
Water System for suburban housing.
- C. Works used to apply water to beneficial use.
Houses & Lots in subdivision

The system is in the following condition: Good.

The point of diversion is located N 21° 57' E 1776 ft from the quarter corner
common to Sections 4 & 9, T6N R2E (Note: change from T6N R4E)
change from T6N R4E

The works are capable of diverting and conveying to the place of use .07
 cu. ft. per second of water which is to be used for suburban housing.

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

comprising a total of _____ acres of land.

Well depth 460 ft. in Minnelusa
water rises to 8 ft from surface
jet pump set at 60 ft.
pumping 33 gpm = .07 cfs

Date

December 15, 1978
Leroy J. Wernick
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N2 4 6586

PIERRE, December 5, 1978

RECEIVED OF Lyle Pearson, Box 262 Upper Valley, Spearfish SD

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

Fee for Application for Permit to Appropriate Water No. <u>1138-1</u> (exp cination, processing, recording and filing) -----	50	00
Fee for Inspecting Construction, and issuing Cert. of Construction No. <u>1138-1</u> -----		
Fee for Inspecting Beneficial Use, and issuing Water License No. <u>1138-1</u> -----		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN LATCH

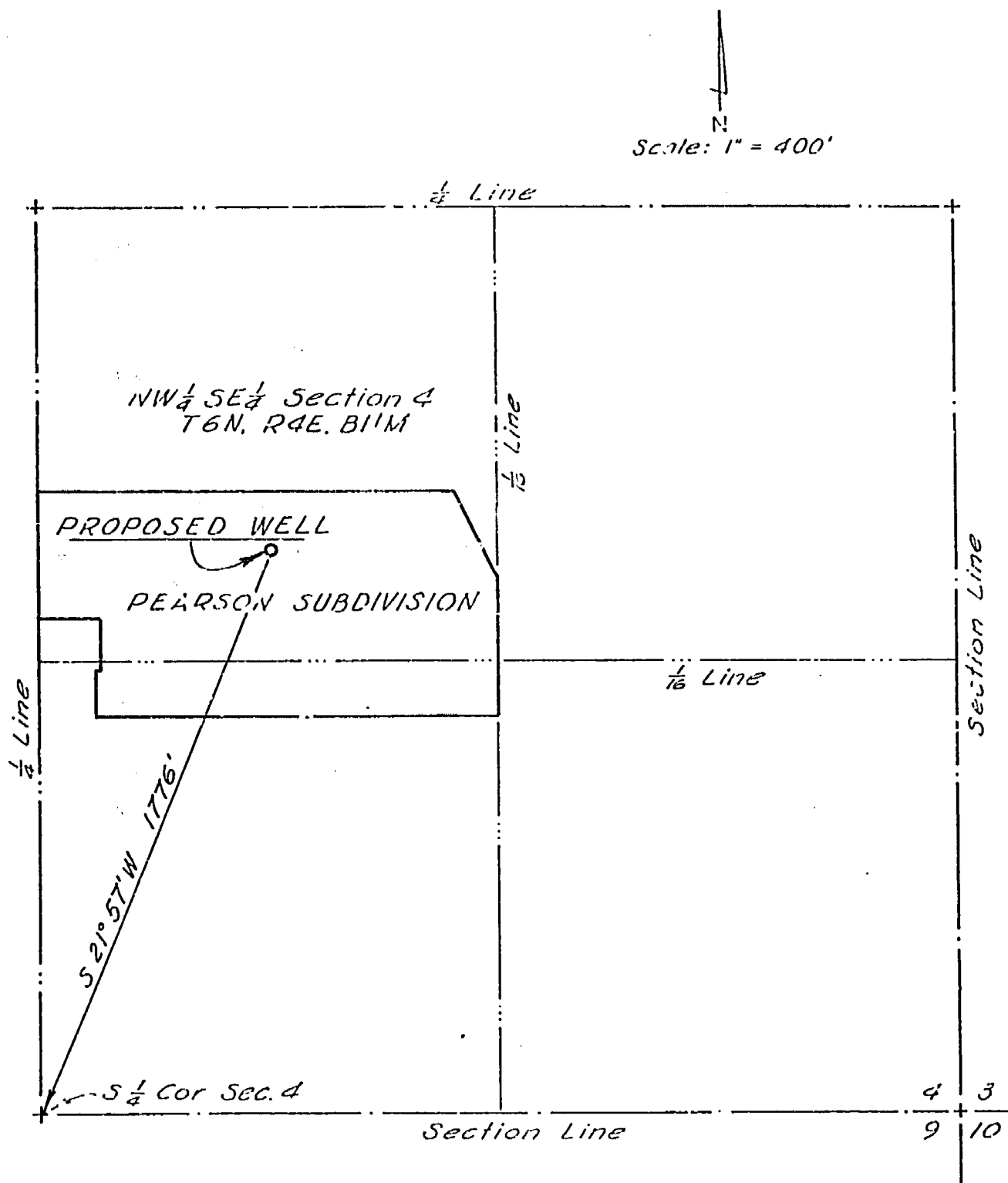
kjw

MAP NO-949.1 APP. NO. 138-1.

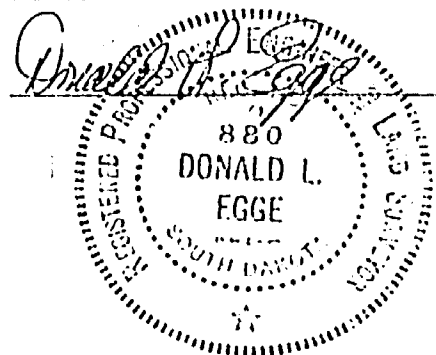
52.000 1
2.5

2.3'

H. M.


$$\frac{4}{9} + \frac{3}{10}$$

I, Donald L. Egge, registered engineer, do hereby certify that on or before April 18, 1977, I prepared the attached map of Pearson Subdivision Well, and that the location of the well as shown is true and correct.



SOUTH DAKOTA Department of
Water & Natural Resources

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

March 20, 1990

1138-1

D & E Water Company
Bruce Anderson, President
6 Pearson Dr
Spearfish, SD 57783

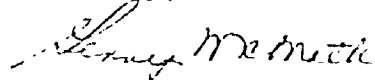
Dear Mr. Anderson:

I am contacting you concerning Water Right No. 1138-1 currently listed in the name of David & Eleanor Pearson. Our office has been notified by the Office of Drinking Water that the water right should be transferred to D & E Water Company.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1138-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

I have also enclosed a copy of the water right for your review. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 1133-1

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

Date: 4-27-90



I/We request that Water ~~Permit~~/Right No. 1138-1

formerly owned by: David & Eleanor Pearson, Spearfish, SD

be transferred to: (name & address) D E WATER COMPANY
6 PEARSON DRIVE SPEARFISH SD 57783 (telephone No.) 1-642-5696

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

I/We understand that the validity of Water ~~Permit~~/Right No. 1138-1 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 Bruce D. Anderson, representing D E Water Co. 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.

Bruce D. Anderson
(Signed)

Subscribed and sworn to before me this 27th day of April, 1990

Janet C. Botten
(Notary Public)

Commission expires: 11-6-92

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 Water and Natural Resources

412226

Pierre, May 3, 1990

RECEIVED OF D& E Water Co., Inc., 6 Pearson Drive, Spearfish, SD 57863

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1138-1	2 50
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	2 50

By *James H. Hatcher*
Chief Engineer

**Dakota Department of
Water & Natural Resources**

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

May 7, 1990

No. 1138-1

D & E Water Company
6 Pearson Drive
Spearfish SD 57783

Dear Sir:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1138-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure