

Water Right No. 1212-1

1. Considered MARCH 25 1981
2. Name of Applicant NEIL / MARGARET MUTCHLER
3. Post Office Address 311 EVANS LANE, SPEARFISH 57703
4. Amount of Water Claimed .06
5. Source of Water Supply 290' WELL - EXISTING
6. Water to be used for COMMERCIAL - TRAILER PARK
7. Acres to be Irrigated --- maximum acre feet ---
8. Water to be diverted and used in LAWRENCE County
about --- miles --- of ---
9. PROOF OF PUBLICATION Received (pf) 3-13-81
Not Received ---
APPLICATION Approved ---
Subject to ---
Not Approved ---
Action deferred ---

Priority 2-19-81 Date Received 5-12-80 Application Complete yes / no / FEE 150⁰⁰

Remarks needed appl. completed, fee, etc.

Date information and/or
fee or corrected Application received 2-19-81
Period of Annual use CONTINUOUSLY

WATER
QUALITY

Received yes --- no --- APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes --- no --- Remarks ---

Disapproved ---

Returned ---

Diversion Point ---

SE⁴ NE⁴ Sec. 4-6N-2E

Lands to be irrigated ---

WELL
LOG

Remarks ---

Driller Drain Drill Licensed yes X no ---

Depth 290' deep

Page 2

Water Right No. _____

MAP Map No. 1021-1 Map located in Water Right X Map file _____
Type of Map Plat - 2 Prepared by PE

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-25-81.

Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 1212-1

Map No. 1021-1 Water Division No. 1 BELLE FOURCHE District
Above for Office Use 10120203



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New ☒ Vested Right ☒ Future Use _____
Change in Diversion _____ Additional Diversion _____
Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Lantern Estates Phone No. 642-4402
Post Office Address Neil or Margaret Motchler
311 Evans Lane Speers State S. D. K. 57785
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others

3. Name of diversion work Lantern Estates

4. Amount of water claimed (cubic feet per second) 1.06

5. Source of water supply Well

6. Location of point of diversion Lot 4 of Evans Subdivision of the SE 1/4 NE 1/4
of Section 4 Township 6 North Range 2 East B.H.M.
455' N & 360' W of SE 1/4 CORNER MARKER County Lawrence
OF NE 1/4 SE 1/4 - 6N-2E

7. Annual period or periods during which water is to be used Annually

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Commercial (Domestic)

9. For irrigation use, ☒ Total number of acres to be irrigated 77

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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Queen City Mail

12. Principal Features of the Proposed Water Supply System

☒ (A) Works proposed to divert water from its natural source
6" x 296' well casing, Artesian flow.

☒ (B) Works proposed to transport water to place of use. Continuous centrifugal pump, 2" inlet,
2" outlet. Two 2" and two 1 1/4" distribution lines.

☒ (C) Works proposed to apply water to beneficial use. 3/4" Hydrants

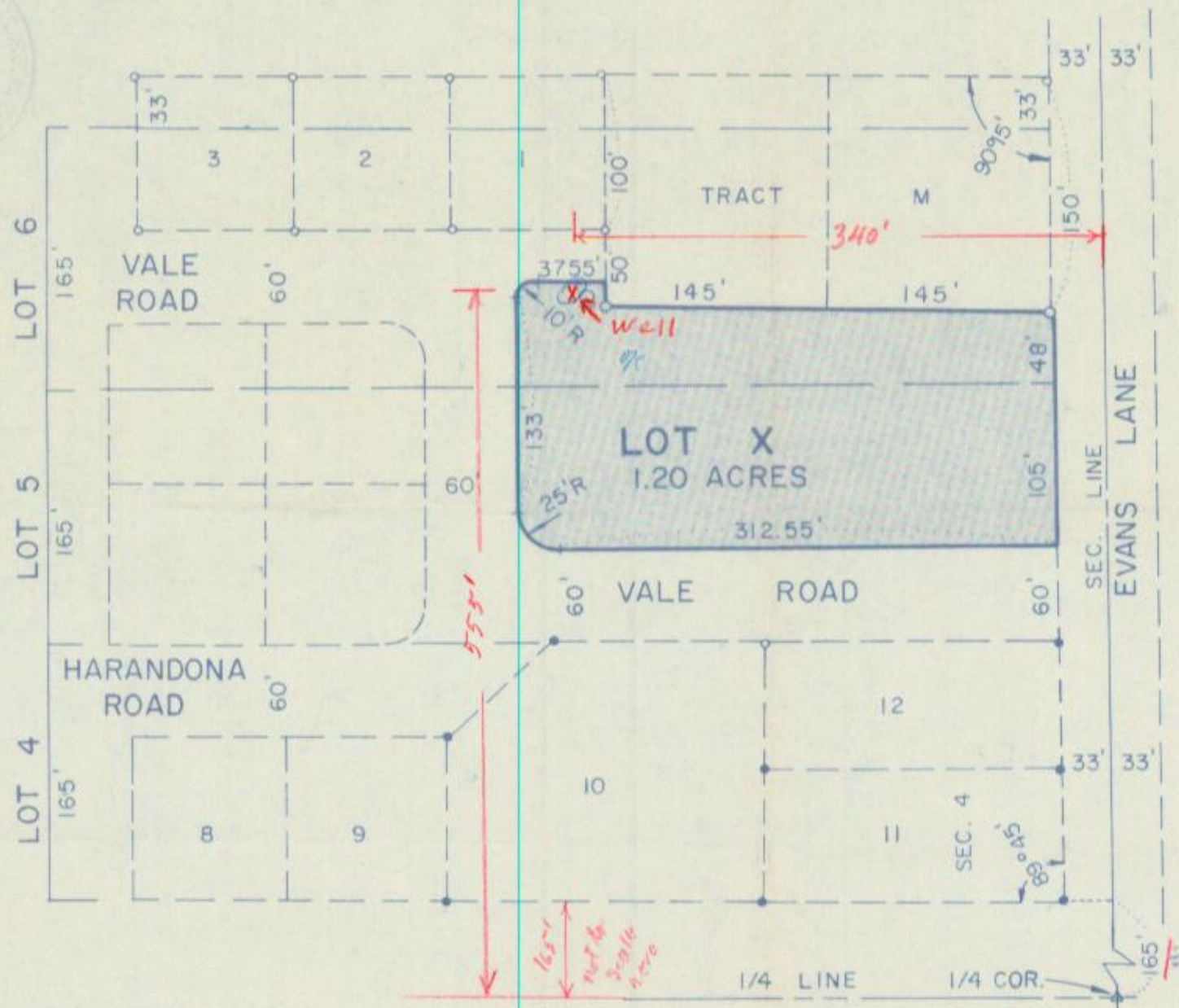
Estimated Total Cost \$ _____

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 Lawrence) ss

I, Neil Motchler 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 Neil Motchler
Subscribed and sworn to before me this 24 day of May, 1980
Barbara M. Stenhouse
Notary Public (or other qualified officer)



PLAT OF LOT X OF
LOT 5 AND LOT X
OF LOT 6 OF EVANS
SUBDIVISION OF SE1/4
NE 1/4 SECTION 4
ALL IN T6N, R2E BHM

COPY

CERTIFICATE OF SURVEYOR

I, Winston R. Shann, Registered Land Surveyor in the State of South Dakota, hereby certify that at the request of the Owner, I have platted from record the parcel of land shown and described hereon, on or before January 3, 1980, as shown and that the plat is a true and correct representation of the survey.

Winston R. Shann
Registered Land Surveyor
Brady Consultants, Inc.
550 Colorado Boulevard
Spearfish, South Dakota 57783

ACKNOWLEDGEMENT OF SURVEYOR

State of South Dakota
County of Lawrence

Be it remembered that on this 3rd day of January, 1980 before me, the undersigned, a Notary Public, personally appeared Winston R. Shann, known to me to be the person described in and who executed the foregoing certificate.

My Commission Expires 15 August 1983

Anna Sharp
Notary Public

CERTIFICATE OF OWNER

I, *Hope Enterprises, Inc.*, Owner of Lot X of Lot 5 and Lot X of Lot 6 shown and described hereon do hereby join in and approve the survey and plat thereof:

Witness my hand this 25 day of Jan., 1980

Hope Enterprises, Inc.
Pauline H. Weiss, Pres.
Owner

ACKNOWLEDGEMENT OF OWNER

State of South Dakota
County of Lawrence

Be it remembered that on this 25 day of Jan., 1980, before me, the undersigned, a Notary Public, personally appeared *Pauline H. Weiss*, known to me to be the person described in and who executed the foregoing certificate.

My Commission Expires 4/20/87

Sheryl Kanagan
Notary Public

CERTIFICATE OF OWNER

I, _____, Owner of Lot X of Lot 5 and Lot X of Lot 6 shown and described hereon do hereby join in and approve the survey and plat thereof:

Witness my hand this _____ day of _____, 1980

Owner

ACKNOWLEDGEMENT OF OWNER

State of South Dakota
County of Lawrence

Be it remembered that on this _____ day of _____, 1980, before me, the undersigned, a Notary Public, personally appeared _____, known to me to be the person described in and who executed the foregoing certificate.

My Commission Expires _____

Notary Public

CERTIFICATE OF TREASURER

State of South Dakota
County of Lawrence

I, *Evelyn Cassatt*, County Treasurer of Lawrence County, certify that all taxes which are liens upon the within described lands as shown by receipts of my office have been paid to date.

Date: Jan 25, 1980

Connie Greenstiner Agg
County Treasurer

OFFICE OF REGISTER OF DEEDS

State of South Dakota
County of Lawrence

Filed for record this 14 day of March, 1980, at 2:16 o'clock P.M., M.S.T. and recorded in Book _____ of Plats on Page _____

See 500

Document No. 80-610

Yvonne Jaraman
Register of Deeds

OFFICE OF COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota
County of Lawrence

I, *Howard Larson*, County Director of Equalization, certify that I have received a copy of this plat.

Howard Larson
County Director of Equalization

RESOLUTION OF GOVERNING BOARD

State of South Dakota
County of Lawrence

I, *Sheryl Kanagan*, Auditor of Lawrence County, certify that at the official board meeting held on the 27 day of Feb., 1980, the Lawrence County Board of Commissioners by resolution did approve the attached plat.

Sheryl Kanagan
County Auditor

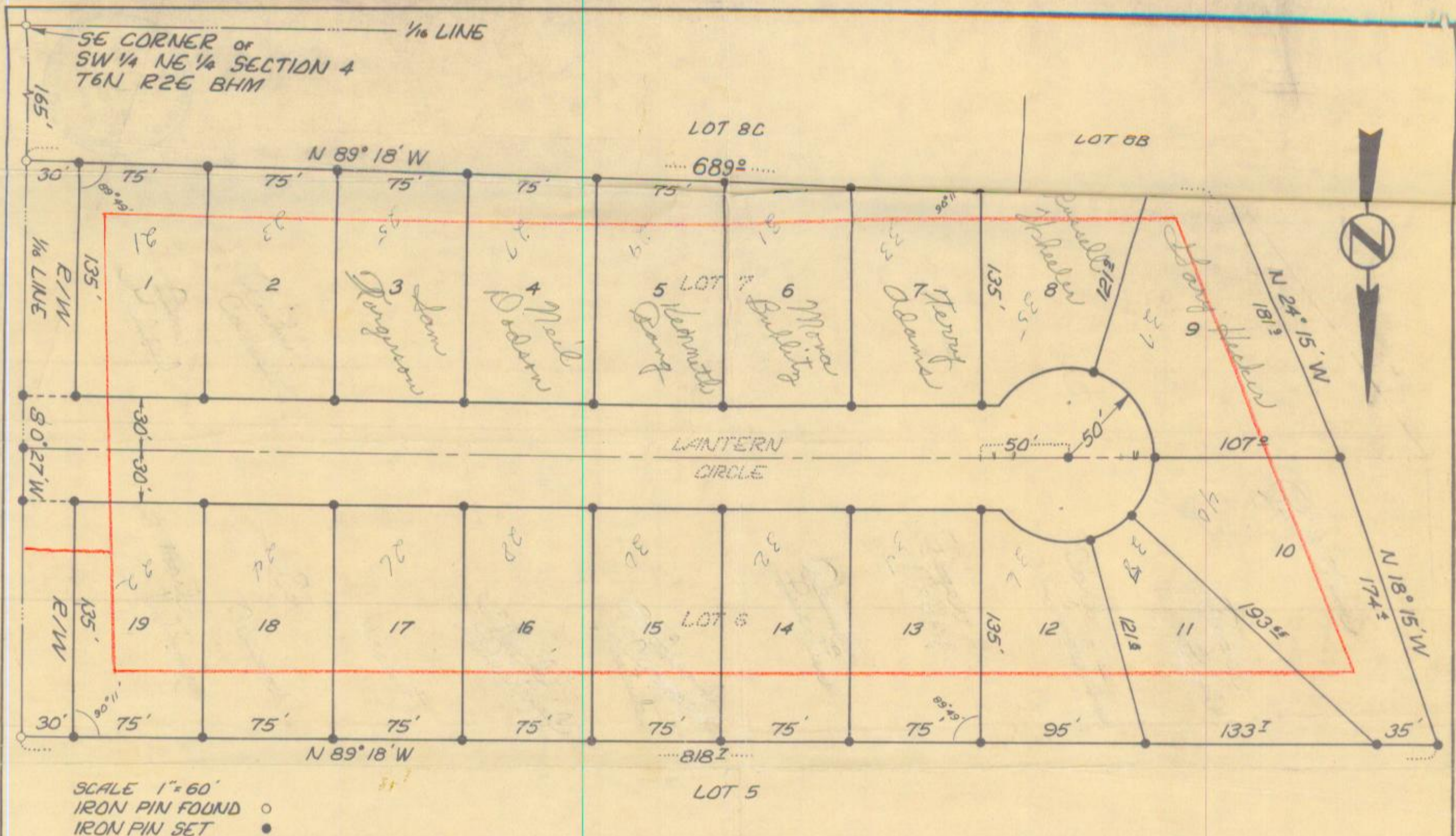
OFFICE OF COUNTY PLANNING COMMISSION

State of South Dakota
County of Lawrence

This plat is approved by the Lawrence County Planning Commission this 7th day of February, 1980.

Ed A. Lest. Lerasier

Ed A. Lest. Lerasier
Chairman



PLAT OF
LOTS 1 THROUGH 19 INCLUSIVE, PART OF LOTS 6 AND 7
EVANS SUBDIVISION OF SW 1/4 NE 1/4 SECTION 4, T6N, R2E, BHM

SURVEYOR'S CERTIFICATE

I, Donald D. Hoffman, Registered Land Surveyor, do hereby certify that at the direction of the Owner, I have surveyed and platted Lots 1 through 19 inclusive, Part of Lots 6 and 7 of Evans Subdivision of SW 1/4 NE 1/4 Section 4, T6N, R2E, BHM, as shown hereon. All dimensions shown are true and correct.

Donald D. Hoffman
Registered Land Surveyor #670

ACKNOWLEDGEMENT OF SURVEYOR
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Be it remembered that on this 5th day of June, 1973, before me, the undersigned, a Notary Public, personally appeared Donald D. Hoffman, known to me to be the person described in, and who executed the foregoing certificate.

My Commission Expires 15 August 1975.

John Shoop
Notary Public

OWNER'S CERTIFICATE

Hope Enterprises, Inc., Owners of Lots 1 through 19 inclusive, Part of Lots 6 and 7 of Evans Subdivision of SW 1/4 NE 1/4 Section 4, T6N, R2E, BHM, do hereby approve the survey and plat. We hereby dedicate "Lantern Circle" as shown, for street purposes. Witness (our, my) hand this 6 day of June, 1973.

HOPE ENTERPRISES, INCORPORATED
Owner
By *Pauline H. Weiss*
Title

ACKNOWLEDGEMENT OF OWNER
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Be it remembered that on this 5 day of June, 1973, before me the undersigned, a Notary Public, personally appeared *Pauline H. Weiss*, known to me to be the person described in, and who executed the foregoing Owner's Certificate.

My Commission Expires MY COMMISSION EXPIRES OCTOBER 4, 1979

Ella M. Shubard
Notary Public

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

I, Mrs. Betty Hardy, County Treasurer of Lawrence County, do hereby certify that all taxes which are liens upon the lands platted hereon as shown by receipts of my office, have been paid to date.

Date June 6, 1973
1063

Betty Hardy By Miller Emerson
County Treasurer

OFFICE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

Filed for record this 7 day of June, 1973, at 11:45 o'clock A.M. and recorded in Book 6 of Plats on page 238 therein.

Jerome Sorenson
Register of Deeds

COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

I, Howard Larson, Director of Equalization, hereby certify that I have received a copy of this plat.

Marie Farrier-deputy
County Director of Equalization

RESOLUTION BY GOVERNING BOARD

I, Mrs. Agnes Ayres, Auditor of Lawrence County, do hereby certify that at an official meeting held on June 6, 1973, the Lawrence County Board of Commissioners by resolution did approve the attached plat.

Agnes Ayres
Auditor

COPY

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 1212-1

NEIL OR MARGARET MUTCHLER 311 EVANS LANE, SPEARFISH
(Applicant) (Post Office Address)
SOUTH DAKOTA 57783 With the following qualifications.
(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, 1980
 Date of return to applicant for correction, amendments or changes required MAY 14, 1980
 Date of receipt of corrected application FEBRUARY 19, 1981
 Approved MARCH 25, 1981, Recorded in Book 22 Page 49

WATER RIGHT PERMIT NO. 1212-1

The Board of Water Management hereby grants and issues this Water Right Permit No. 1212-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 19, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED, 1981
3. The whole of said work is to be completed on or before COMPLETED, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 1981
5. The water appropriated shall be used for the purpose of COMMERCIAL USE - 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 .06 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 uses served and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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~~ COMMERCIAL USE for irrigation on or before THIS DATE, 1981; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15TH day of APRIL, 1981

THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____
 Water License Issued _____, 19____

Name of well Hape Weir #2 Log
 Driller's Log of Well
 Well to be drilled for Hape Weir, Spearfish S.D.
 Owner of Land Hape Enterprise, Spearfish S.D.
 Purpose of Well Industrial - Mather Hubbard Shl. Co.

Feet	Diameter inches		
0-51	gravel		Kind & thickness casing
51-52	gyp rock		19" 6" T.D.
52-283	Spearfish		
283-289	lime		
289-290	Broken lime	Flow started 289 - about 185' g.p.m.	Size to be installed 6 5/8" O.D.
			67 ft - 8"
			296 ft - 6"
Drain Drilling & Supply H. B. Draine			Seal
			Cement
			Kind of perforated screen to be installed
			None
			Depth below ground surface to which water rises
		Water bearing material enclosed 185' g.p.m.	in well 1:4 PM slow

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

- (1) Drill Hole, Diameter 10", Depth 296'
 (2) Casing, Type Steel, Diameter 6 1/2", Thickness 19"
 (3) Screen, Type None, Diameter _____, Length _____
 (4) Gravel Pack, Thickness 50', Length of gravel pack 50'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

- Depth to top of water bearing material 289'
 Depth to bottom of water bearing material 296'
 Depth to water (ground surface to water level) Flowing (1856 PM)

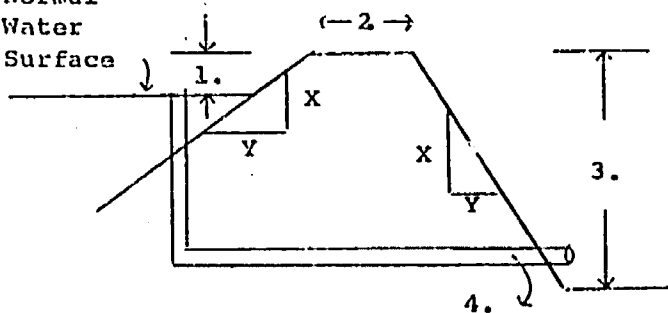
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 5 rds.
 On property owned by others 5 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
 - Surface area of impoundment _____
- Drainage area above dam _____

Neil M. Mithel

Signature Applicant

No. 1212-1

Publish first publication, on or before March 4, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 575 1

February 24, 1981

Notice is hereby given that Neil or Margaret Mutchler whose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, 46-6-3, 46-6-3.1, 46-6-5, 46-6-5.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .06 cubic feet of water per second of time from groundwater (one well) through the Lantern Estates, the point xx of diversion of which is xxxx to be located in the SPL NE1

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

This Application No. 1212-1 will be considered by the Water Management Board at Holiday Inn, Sandy Shore Room, Watertown SD upon the 25th day of March, 1981 at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Neil or Margaret Mutchler
311 Evans Lane
Spearfish SD 57783

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

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

No. 1212-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Ollie J. Hermann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Spearfish Canal

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

Spearfish 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:

Mar 4 & 11 '81

Ollie J. Hermann
(Signature)

Bookkeeper
(Title)

Mar 11 - '81
(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

Pierre, South Dakota 57501
February 24, 1981

Notice is hereby given that Neil or Margaret Mutchler whose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .06 cubic feet of water per second of time from groundwater (and well) through the Lantern Estates, the point of diversion of which is to be located in the SE 1/4 NE 1/4 of Section 4, Twp. 6N, Range 2E. Said water to be used for the purpose of providing water for commercial use.

This Application No. 1212-1 will be considered by the Water Management Board at Holiday Inn, Sandy Shore Room, Watertown SD upon the 25th day of March, 1981 at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNRR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist
(9-21; 57 lines)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

N^o 4 7994

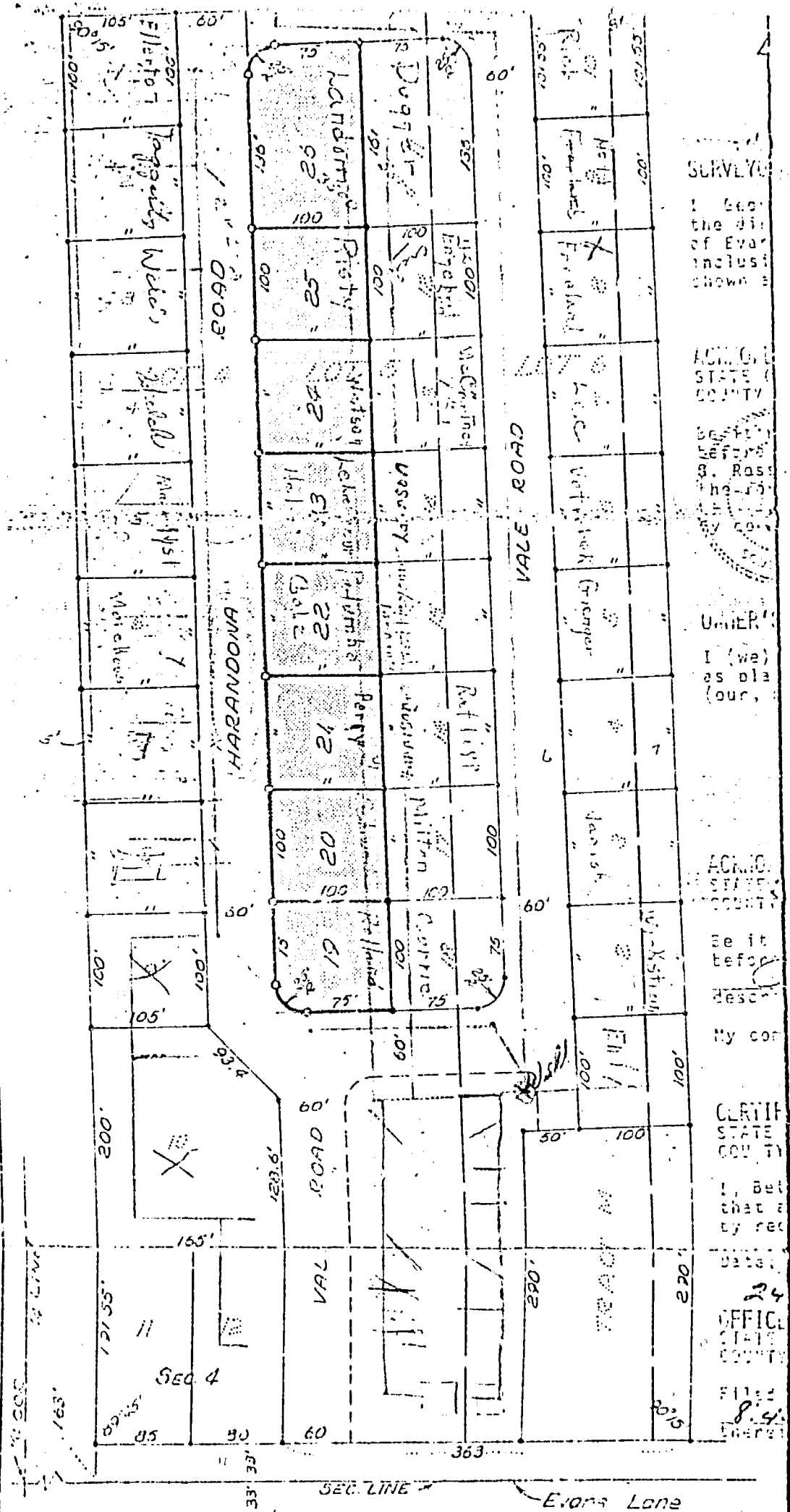
PIERRE, February 19, 1981

RECEIVED OF Lantern Estates, Neil Hatcher, 31st 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. 1012-1 (examination, processing, recording and filing)	150.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
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	150.00

WATER RIGHTS COMMISSION

By (Neil Hatcher)
Chief Engineer, Executive Officer
JOHN HATCHER / CH



WATER LICENSE NO. 1265-1

(1) WHEREAS, On the 14th day of October A. D. 19 82
Hell or Margaret Hutchler (Lantern Estates)

made Water Right Application No. 1265-1 for a permit to use 0.45 (0.39 add'l)* cubic feet per second of the water
of groundwater (one well)
County of Lawrence, State of South Dakota, for commercial

purpose; and

(2) WHEREAS, On the 9th day of December A. D. 19 82
Permit No. 1265-1, with a date of priority of October 14, 1982 and February 19, 1981*

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

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 0.45* 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 commercial purposes in operation of a trailer park.

* The applicable portions of Water Permit No. 1212-1 have been incorporated
into this Water License No. 1265-1. The priority dates are 0.06 cfs from
February 19, 1981 and 0.39 cfs from October 14, 1982