

1. Considered: June 9, 1982 Water Right No. 1253-1
2. Name of Applicant Thompson-Abernathy Dev #1
3. Post Office Address 214 Upper Valley Rd, Rt 3, Spearfish, SD, 57783
4. Amount of Water Claimed 0.05 maximum acre feet _____
5. Source of Water Supply listing 100' deep well
6. Water to be used for SHD acres to be irrigated —
7. County Lawrence about 1 1/2 miles _____ of SPEARFISH
8. PROOF OF PUBLICATION: Received 5-27-82 Not Received _____
- APPLICATION: Approved LA-62 Subject to OK
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 5-7-82 Application complete—yes X no _____ FEE 150⁰⁰

Remarks _____

Corrected Application received _____ Period of Annual Use Continuous

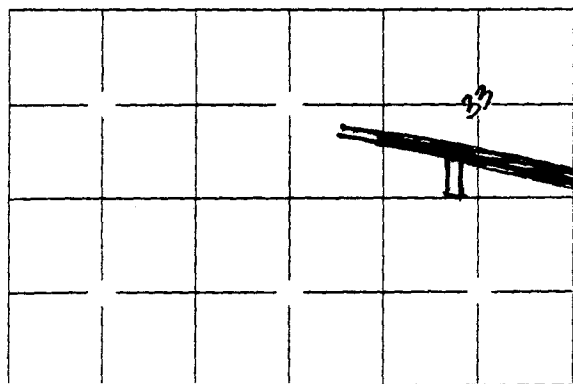
WATER
QUALITY

N/A

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

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

Disapproved _____ Returned _____



Diversion Point Lot 1, Block 1,
SE 1/4 SW 1/4, Sec 33, T7N, R2E

Land to be irrigated N/A

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth 100'

Remarks original driller not known - well drilled approx.
25 years ago

MAP Map No. 1060-1 Map located in Water Right + Map file _____
Type of Map drawn Prepared by Fred Brady

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

May 10, 1982

Sammy Young
(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 was
DECISIONS adopted _____
ETC. Remarks _____

No. 1253-1Map No. 1060-1 Water Division No. 1 Belle Fourche River District
Above for Office Use 10126203

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Thompson Abernathy Dev. #1 Phone No. 605-642-3866Post Office Address 214 Upper Valley Road, Rt. 3-Spearfish State South Dakota 57783

(Street, RR, or Box)

(Twp)

If a corporation show date and place of incorporation A & T Homeowners Assoc., Inc., 1-12-81 (Zip Code)

(Same as above)

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor (Completed)3. Name of diversion work Same as above4. Amount of water claimed (cubic feet per second) .05 cfs5. Source of water supply Exist well (See attachment, well located on Lot 1 Block 1)6. Location of point of diversion See attachment Lot 1 Block 1,SE 43W4 SEC 23-T7N-R2E.County Lawrence7. Annual period or periods during which water is to be used Year Round8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Homes SHD9. For irrigation use, N.A.Total number of acres to be irrigated N.A.

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 _____ 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.

Exist well 100' deep ±25 Years old

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

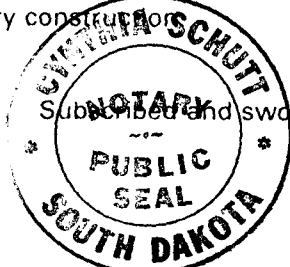
See attachment - 2" underground PVC

C. Works proposed to apply water to beneficial use.

2", 1½" & 1¼" linesEstimated Total Cost \$ 15,000.00Attachments: 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)

)ss.

County of Lawrence)I, W.B. Abernathy 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 W.B. AbernathySubscribed and sworn to before me this 2 day of May, 19 82Cynthia Schutt
Notary Public (or other qualified officer)

7-1585

1253-1.

214 Upper Valley Rd; Rte 3, Searfish

(Post Office Address)

With the following qualifications.

MAY 7, 1982

_____ , 19____

19

Filed application _____, 19____
JUNE 9, 1982, Recorded in Book _____ Page _____

1253-1

1253-1

May 7, 1982

_____ percent or at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~

time from pool of beneficial use of water appropriated in accordance herewith is Completed

Suburban Housing Development

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 0.05 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 foot per acre per year and be limited to not more than one sevenieth (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.

1 ~~beginning~~ on or before this date, 19; said water to be used during the following described

Continuous / J

23rd day of June, 1982

THE WATER MANAGEMENT BOARD

Chief Engineer, Water Rights

, 19_____

, 19_____

State of South Dakota

Water License No. 1253-1

(1) Thompson-Abernathy Development #1
of 214 Upper Valley Road, Route #3, Spearfish, South Dakota
made Application No. 1253-1, May 7, 1982 for a water permit to appropriate
0.05 cubic feet per second of water from groundwater (one existing well),
Lawrence County, South Dakota for suburban housing development purposes.
Permit No. 1253-1, with a priority date of May 7, 1982
was approved June 9, 1982 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed _____.

and

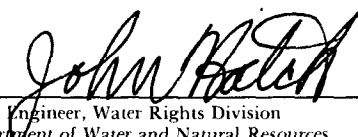
(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.05 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1395.0 ft. east and 140 ft. north of
the SW Corner of Section 33, T7N, R2E (CD)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is diverted through the Development's distribution
system.

(4) Pursuant to §46-5-30.1 Thompson-Abernathy Development #1
of 214 Upper Valley Road, Route #3, Spearfish, South Dakota 57783
the holder(s) and/or owner(s) of Water Permit No. 1253-1 is issued a license to appropriate water, the right to use
0.05 cubic feet per second of water from groundwater (one well) with a priority date
of May 7, 1982 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of suburban housing development

This license is subject to any limitations or qualifications listed in Water Permit No. 1253-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

February 11, 1985

D Well Information

- (1) Drill Hole, Diameter 8", Depth 100'
- (2) Casing, Type Steel, Diameter 6", Thickness .025"
(wood, concrete, steel, etc.)
- (3) Screen, Type 1/2", 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. (Attach a copy of test well log)

Depth to top of water bearing material 80'

Depth to bottom of water bearing material unknown-but est 100'

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

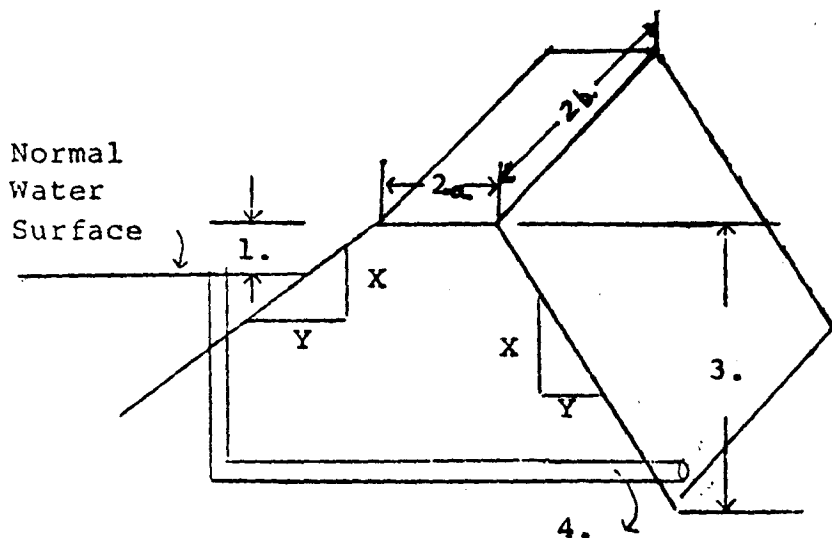
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ 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.



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

ORIGINAL DRILLER UNKNOWN
WELL DRILLED APPROX 25 YEARS
AGO, AB

RECEIPT

WATER RIGHTS COMMISSION

No 4 8826

State of South Dakota

PIERRE, May 7, 1982

RECEIVED OF Thompson-Abernathy Dev. #1, William Abernathy, 214 Upper Valley Rd., Rt.#3
the following amount in fees for services rendered as provided for by law: Spearfish, SD 57783

Fee for Application for Permit to Appropriate Water No. 1253-1 (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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

Permit No. 1253-1

Belle Fourche River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Thompson-Abernathy
Development #1, 214 Upper Valley Rd, Rt 3 of Spearfish, S.D. 57783 holder of
Permit No. 1253-1, bearing the priority of May 7 1982 authorizing
the diversion of .05 cu. ft. per second of the waters of groundwater
for Suburban housing purposes, in Lawrence County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water: 100 Foot well - 6 inch steel casing
4 inch submersible Myers - 1 hp

B. Works used to transport water to place of use:
2 inch PVC distribution system

C. Works used to apply water to beneficial use:
N.A.

The system is in the following condition good

The point of diversion is located SE4 SW4 sec. 33 T7N-R2E (1395.0 FT. east, 140 FT.
north of SW corner section 33 T7N-R2E)

The works are capable of diverting and conveying to the place of use 0.05
cu. ft. per second of water which is to be used for suburban housing water supply

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

~~comprising a total of _____ acres of land and~~ the license should be issued for 0.05 cfs

Applicable permit qualifications have been complied with X Yes _____ No

Exceptions to compliance are: _____ Date 10-18-84

Kevin C. Larson
(signature)

Publish first publication, on or before May 19, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 11, 1982Notice is hereby given Thompson-Abernathy Dev #1 whose post office

address is 214 Upper Valley Rd, Rt #3, Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-38, (transfer land) 46-5-32 thru 46-5-39~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:22 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

0.05 cubic feet of water per second of time from groundwater (1 well-existing) through the Thompson-Abernathy Dev #1, the point ~~(a)~~ of diversion which is ~~(a)~~ to be located in the Lot 1, Block 1 of the SE 1/4 SW 1/4

of Section 33, Twp. 7N, Range 2E. Said water to be used for purpose of providing ~~irrigation on portions of the following described land~~

water supplies for suburban housing development

This Application No. 1253-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

at 10 A.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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: applicant

GENNY YOUNG

~~DEBRA M. MESTLBER~~, Water Rights Specialist

WNR-806-2/82

No. 1253-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Alice 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 Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 19, 1982 and May 26, 1982

Alice F. Hermann
(Signature)

Bookkeeper
(Title)

26 May 1982
(Date Signed)

Cost of Printing: \$21.71



No. 1253-1

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

Pierre, South Dakota 57501

May 11, 1982

Notice is hereby given Thompson-Abernathy Dev #1 whose post office address is 214 Upper Valley Rd, Rt #3, Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.05 cubic feet of water per second of time from groundwater (1 well-existing) through the Thompson-Abernathy Dev #1, the point of diversion which is to be located in the Lot 1, Block 1 of the SE 1/4 SW 1/4 of Section 33, Twp. 7N, Range 2E. Said water to be used for purpose of providing water supplies for suburban housing development.

This Application No. 1253-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982 at 10 A.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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board
GENNY YOUNG,
Water Rights Specialist
(20-2tc, 59 lines)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1253-1

October 22, 1983

Thompson-Abernathy Development #1
214 Upper Valley Rd, Rt 3
Spearfish SD 57783

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1253-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

SECOND NOTICE

January 29, 1985

Permit No. 1253-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Thompson-Abernathy Dev. #1
% William Abernathy
214 Upper Valley Rd., Rt. 3
Spearfish, SD 57783

Dear Mr. Abernathy:

October 22, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 1253-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

SS08.1R

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9934

Pierre, February 11, 1985

RECEIVED OF Thompson-Abernathy, Hwy 14, Box 352, 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 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. 1253-1	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH (MS)

SOUTH DAKOTA
Department of
Water & Natural Resources

oe Foss Building
23 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

February 11, 1985

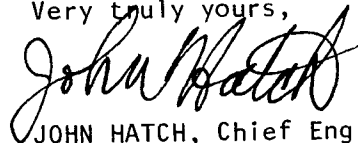
Thompson-Abernathy Development #1
214 Upper Valley Road, Route #3
Spearfish, South Dakota 57783

Dear Sir:

Enclosed herewith is, Water License No. 1253-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Water Right No. 1253-1, Thompson-Abernathy
Development

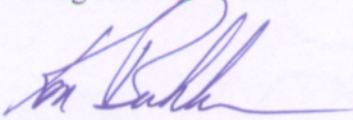
ADDRESS: 3215 Lester Lane, Spearfish, SD COUNTY: Lawrence

DATE: December 10, 2003

RE: Error on Examination of Works for Water Right NO. 1253-1

COMMENTS:

During the inspection of Water Permit No. 1665-1 it was determined that the legal location of the well that supplies Water Right No. 1253-1 was incorrectly identified on the Water License. The correct location of the well is 140 feet north and 2050 feet east of the southwest corner of Sec. 33, T7N-R2E, (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T7N-R2E) with a Latitude of 44.518249 and a Longitude of -103.88229.



Ken Buhler
Natural Resources Engineer

Water Right No. 1665-1



0 480 960 1,920 Feet



Ken Buhler
Natural Resources Engineering Specialist
SD DENR, Water Rights Program

12/10/03

REISSUED

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1253-1

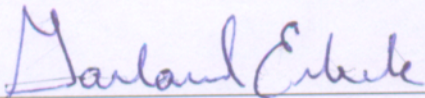
(1) Thompson-Abernathy Development #1, 3215 Lester Lane, Spearfish SD 57783 was issued Water License No. 1253-1, February 11, 1985 to divert 0.05 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Water Right No. 1253-1, with a priority date of May 7, 1982 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

During an investigation of Water Permit No. 1665-1 (a nearby well) it was determined that the legal description of the well that supplies Water Right No. 1253-1 was incorrectly identified on the water license. The license is being reissued to correct the well location.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Reissued Water Right No. 1253-1 is issued a license, bearing a priority date of February 11, 1985 to appropriate 0.05 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 140 feet north and 2,050 feet east of the southwest corner of Section 33-T7N-R2E (SE 1/4 SW 1/4).

(3) This reissued license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1253-1.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 16 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 16 2004

1665-1
1253-1

W. B. Abernathy
3215 Lester Lane
Spearfish SD 57783

Dear Mr. Abernathy:

Enclosed is Water License No. 1665-1, Reissued Water License No. 1253-1 and a map showing the well locations. These are the final water right documents completing your process of obtaining a Water Right. Enclosed is Receipt No. 1017 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License No. 1665-1.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

25% COTTON

