

Considered: \_\_\_\_\_

Vested Right Claim  
WATER PERMIT NO. 1436-1

27

HAP No. same 642-7741

Name of Applicant Pope & Talbot, Inc.

Post Office Address Box 850, Spearfish SD 57783

Amount of Water Claimed 1.45 cfs (650 gpm) Total Acres NA

Source of Water Supply ground water 2 wells

Water to be used for industrial purposes County Lawrence

About NW 4 miles corner of Spearfish.

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received March 7, 1988 Fee \$15.00 Remarks \_\_\_\_\_

Corrected Application Received Mar 21, 1988 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point Well No. 1: SE 1/4 NW 1/4; Well

No. 2: NW 1/4 NW 1/4; both in section 9-

T6N-R2E

Land to be Irrigated NA

|            |            |  |  |  |  |
|------------|------------|--|--|--|--|
| Well No. 2 |            |  |  |  |  |
|            |            |  |  |  |  |
|            | Well No. 1 |  |  |  |  |
|            |            |  |  |  |  |
|            |            |  |  |  |  |
|            |            |  |  |  |  |

Well Log: Driller unknown, not available Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well 500 ft. each REMARKS \_\_\_\_\_

Type of Map plat PREPARED BY James D. Walker Reviewed and the Number

assigned on March 23, 1988 By Ron Duval

No. 1436-1 Hydrologic Unit 10120203  
 Map No. same Basin Belle Fourche R.  
 Newspaper Spearfish Daily Queen City Mail, Box 7

**Application For Permit To Appropriate Water Within The State Of South Dakota**

Check use of water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐  
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. \_\_\_\_\_ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_

1. Name of Applicant Pope & Talbot, Inc. Phone No. 642-7741  
 Post Office Address Box 850, Spearfish SD State 57783  
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s.) well No. 1 - 400 gpm, well No. 2 - 250 gpm (1.45 cfs total)
3. Source of water supply ground water - Minnelusa Formation
4. Location of point of diversion Well No. 1: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Well No. 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Both in  
Section 9-T6N-R2E  
 \_\_\_\_\_ County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used Jan 1 - Dec 31
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map  
 (see instruction)

STATE OF SOUTH DAKOTA)  
 County of Lawrence ss

I, Jim Rauck (Pope & Talbot Inc) the applicant, certify that I have read  
 this application, have examined the attached map and that the matters stated are true and that I intend, and am able to  
 complete the necessary construction.

Signed Jim RauckSubscribed and sworn to before me this 10 day of March 1988

LORI A. SPERRY  
 LAWRENCE COUNTY  
 COMMISSIONER  
 FEB. 24, 1988

Notary Public

**SOUTH DAKOTA  
VESTED WATER RIGHT**

Date of Receipt of Claim March 7, 1988

Date of Validation July 27, 1988

The Water Management Board validated Vested Water Right Claim No. 1436-1

for Pope & Talbot, Inc.

|                                                      |                                                                         |                                     |                                           |
|------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------|-------------------------------------------|
| <u>Box 850</u><br><small>(Street, RR or Box)</small> | <small>(Applicant)</small><br><u>Spearfish</u><br><small>(City)</small> | <u>SD</u><br><small>(State)</small> | <u>57783</u><br><small>(Zip Code)</small> |
|------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------|-------------------------------------------|

with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1436-1 appropriates a total of 1.45 cubic feet of water per  
second (cfs) from 2 wells 500 feet deep located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
both in Section 9, T6N, R2E. Well No. 1 has a capacity of 0.89 cfs and Well  
No. 2 has a capacity of 0.56 cfs.
  
2. The appropriated water is used for processing of wood products, for sanitary purposes and  
for fire protection  
and may not exceed the amount of water needed for beneficial use for industrial use  
The water is to be used during the following annual period: January 1 - December 31
3. The priority date(s) of the Vested Water Right is(are) September 1, 1940
  
4. The water use system has been constructed and water has been applied to beneficial use.
  
5. Water rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

**WATER MANAGEMENT BOARD**

By:   
Chief Engineer

Division of Water Rights  
Dept. of Water and Natural Resources

**NOV 23 1988**

STATE OF SOUTH DAKOTA

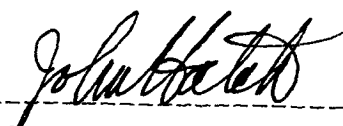
VESTED RIGHT WATER LICENSE NO. 1436-1

(1) Pope & Talbot, Inc. of Box 850, Spearfish SD 57783 made Application No. 1436-1, March 7, 1988 for validation of a vested right claim to appropriate 1.45 cubic feet of water per second from groundwater (two wells), Lawrence County, South Dakota for industrial purposes. Vested Water Right No. 1436-1 was validated July 27, 1988, with a priority date of September 1, 1940. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 1.45\* cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - S37° 12' 34"E, 3189.6 feet from the NW corner; Well #2 - S 17° 29' 28"E, 374.2 feet from the NW corner; both in Section 9, T6N, R2E, BHM.

\* Well #1 has a capacity of 0.89 cfs  
Well #2 has a capacity of 0.56 cfs

(3) Pursuant to Section 46-5-30.1 Pope & Talbot, Inc. of Box 850, Spearfish SD 57783 the holder(s) and/or owners(s) of Vested Water Right No. 1436-1 is issued a license to appropriate 1.45 cubic feet of water per second from groundwater (two wells) with a priority date of September 1, 1940 from the location specified in (2) of this license. The water is to be used for the purpose of industrial use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1436-1 and subject to South Dakota State Law.

  
-----  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Water and Natural  
Resources NOV 23 1988

# Supplemental Information

(type or print in ink) well No. 1

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter UNKNOWN Depth 500 FT.
- b) Casing Type STEEL Diameter 7" X-HAVY SCREW Thickness UNKNOWN
- c) Screen Type STEEL Diameter 6" X 2-0 Thickness UNKNOWN
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material UNKNOWN
- f) Depth to Water (ground surface to water level) UNKNOWN
- g) Distance to nearest existing domestic well:
- On applicants property 800 FT. On property owned by others \_\_\_\_\_

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
 \_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_

If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_

Spillway width \_\_\_\_\_

g) X & Y Slope

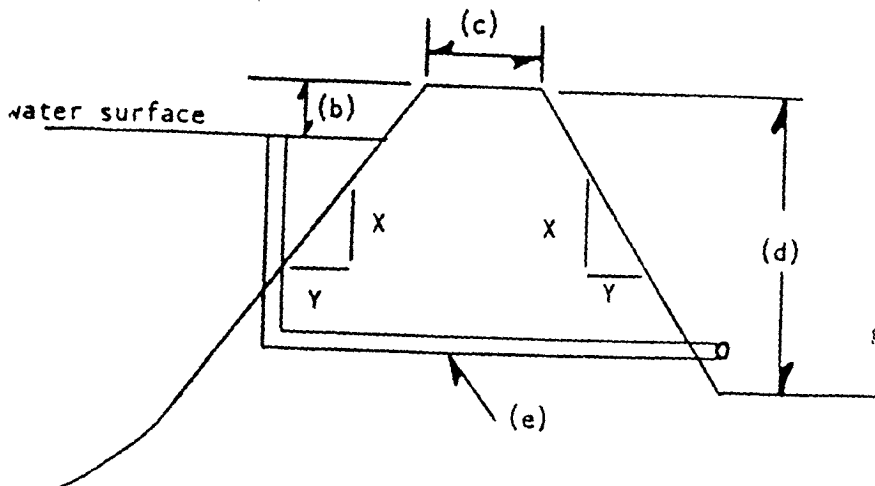
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

# Supplemental Information

(type or print in ink)

well No. 2

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter UNKNOWN Depth 500 FT.
- b) Casing Type STEEL Diameter 6" (SCREW) Thickness UNKNOWN
- c) Screen Type STEEL Diameter 6" Thickness UNKNOWN
- d) Gravel Pack Thickness — Length of Gravel Pack —
- e) Depth to Top of Water Bearing Material 310 FT.
- f) Depth to Water (ground surface to water level) 100 FT.
- g) Distance to nearest existing domestic well:
- On applicants property 2840 FT. On property owned by others —

## 2. Dugout Information Estimates

- a) Surface Dimensions — Depth —
- b) Depth to water (ground surface to water level) —

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard —

c) Crest Width —

Crest Length —

d) Height —

e) Primary Outlet Capacity —  
If Pipe, diameter —

f) Secondary Spillway Capacity —  
Spillway width —

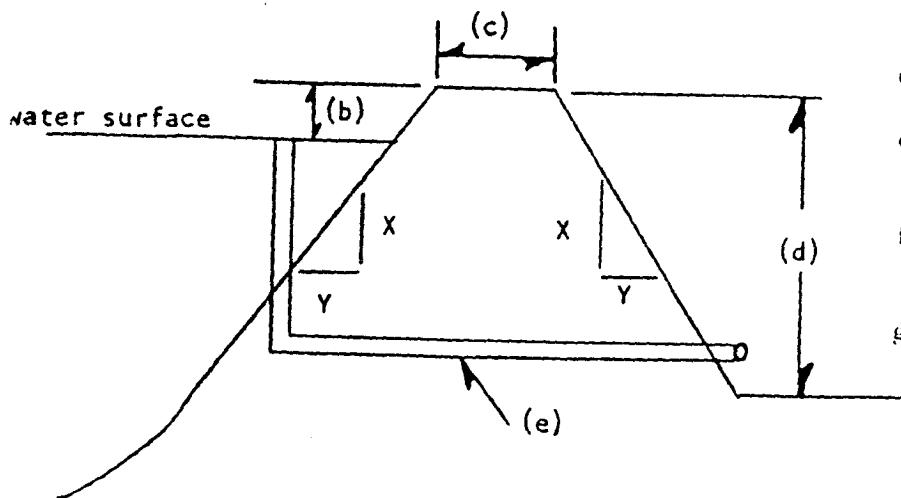
g) X & Y Slope  
Upstream —

Downstream —

Surface Area of Impoundment —

Storage — acre feet

Drainage area above dam —



Signature of Applicant \_\_\_\_\_

**Affidavit of Water Use**

No. \_\_\_\_\_

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) POPE & TALBOT INC.Post Office Address Box 850 SPEARFISH S.D. 57783  
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of recording \_\_\_\_\_ Recording date \_\_\_\_\_  
Where Book PageB. Date of start of construction of water supply system ~~6~~ UNKNOWNC. Date that water was first applied to beneficial use SEPT 1940D. Name of owner of original water supply system HOMESTAKE FOREST PROD.E. Amount of water originally applied to beneficial use 275 G.P.M.F. Present Use of Water - Amount of water now being used 250 G.P.M.Date that this water was first used SEPT 1940

G. Chronological History of Water Use

**SEE ATTACHED SHEET (WELL # 2)**

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )

County of \_\_\_\_\_ ) ss

X I, Pope & Talbot the applicant, certify that I have read the foregoing  
(print or type) and that the matters therein stated are true.

Signed

Jim Rauch Res. mgr  
POPE & TALBOT INC.

Subscribed and sworn to before me \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

\_\_\_\_\_  
(Print name) 19\_\_\_\_\_\_\_\_\_  
(Print name) 19\_\_\_\_

**Affidavit of Water Use**

No. \_\_\_\_\_

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) POPE & TALBOT INC.

Post Office Address Box 850, Spearfish SD 57783  
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of recording \_\_\_\_\_ Recording date \_\_\_\_\_  
Where Book Page

B. Date of start of construction of water supply system unknownC. Date that water was first applied to beneficial use Sept. 1940 Both wellsD. Name of owner of original water supply system Homestake Forest Prod.E. Amount of water originally applied to beneficial use Well No. 1 - 400gpm, Well No.2 - 275 gpmF. Present Use of Water - Amount of water now being used Well No. 1 - 400gpm, Well No. 2 - 250 gpmDate that this water was first used Sept. 1940 Both wellsG. Chronological History of Water Use See Attached sheets (Well Nos. 1 & 2)

Placed in use in 1940. Water used for log pond, boiler, lumber storage yard and building fire protection, domestic water and other industrial uses for sawmill and wood products firm.

No well log information.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )

ss

County of Lawrence)

I, Jim Rarick, Manager, Pope & Talbot the applicant, certify that I have read the foregoing  
(print or type)  
 and that the matters therein stated are true.

Signed \_\_\_\_\_

Jim Rarick (Pope & Talbot Inc)Subscribed and sworn to before me \_\_\_\_\_, 1988

**LAWRENCE COUNTY  
CORRECTOR OF RECORDS  
FEB. 24, 1988**

\_\_\_\_\_  
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

\_\_\_\_\_  
(Print name) 19\_\_\_\_\_\_\_\_\_  
(Print name) 19\_\_\_\_

OF NW CORNER  
3189.6 537°12'34"E SEC 9 TOWNSHIP 6N RANGE 2E BHM  
WELL # 1

SPEARFISH SAWMILL POMONA PUMPS

Pomona Pump Located at Well #1.

BY OFFICE

Total Lift Below Pump — 300 ft. —  
Total Pumping Head — 300 ft. —  
Speed — 1760 R.P.M. —  
Capacity — 400 G.P.M. —  
Brake Horse Power — 44.8 —  
Type — H4L surface discharge head assembly —  
Stages — 17 stage SHC turbine with impeller A —  
Discharge Flange — 6 in. inside diameter —  
Serial No. — SW1406 —  
Casing —  
29 ~~14~~ sections 10 ft. long  
2 sections 4 ft. 11 1/2" long  
(7" extra heavy pipe with screwed fittings)  
1-10' section  
Shaft —  
29 ~~14~~ intermediate sections 10 ft. long  
1 bottom shaft 1 3/8" x 1 1/2" x 5 ft. 1 5/8" long  
1 top shaft H4L 171 D - 8 ft. 6 3/4" long  
(1 3/8" chrome plated with bearing centers 10 ft. apart)  
Strainer — 6 in. diameter x 2'-0" long  
Suction — 6 in. (one section 10 ft. long)  
Use — Domestic - pond and canal  
Manufacturer — Pomona Pump Co., Pomona, California  
Purchase Date — November 27, 1939  
Purchase Order No. — 46818  
Date Received — December 14, 1939  
Date Put into Operation — September, 1940  
Total Shipping Weight — 7,125 lbs.  
Price — \$1,902.23

This pump is a Pomona Unidrive Turbine deepwell pump.

General Electric Induction Motor Direct-Connected to Shaft.

H.P. — 50  
Serial No. — 5422310  
Model — 12 F 406  
Cycle — 60  
Phase — 3  
Voltage — 440/220  
Frame or Style — 6305 Y  
Amperage — 123 - 61 1/2

374.2 S 17°29'28"E ~~██████████~~ SEC 9 TOWNSHIP 6N RANGE 2E BHM  
FROM N.W. CORNER

WELL # 2

SPEARFISH SAWMILL POMONA PUMPS

Pomona Pump Located at Well #2.

*N.W. Corner*

|                                                                                     |    |                                         |
|-------------------------------------------------------------------------------------|----|-----------------------------------------|
| Total Lift Below Pump                                                               | -- | 300 ft.                                 |
| Total Pumping Head                                                                  | -- | 300 ft.                                 |
| Speed                                                                               | -- | 1760 R.P.M.                             |
| Capacity                                                                            | -- | 275 G.P.M.                              |
| Brake Horse Power                                                                   | -- | 28.8                                    |
| Type                                                                                | -- | H4H surface discharge head assembly     |
| Stages                                                                              | -- | 15 stage SLC turbine with impeller A ft |
| Discharge Flange                                                                    | -- | 6 in. inside diameter                   |
| Serial No.                                                                          | -- | SU2024                                  |
| Casing --                                                                           |    |                                         |
| 29 sections 10 ft. long                                                             |    |                                         |
| 2 sections 4 ft. 11 $\frac{1}{2}$ " long                                            |    |                                         |
| (6" extra heavy pipe with screwed fittings)                                         |    |                                         |
| Shaft --                                                                            |    |                                         |
| 29 intermediate sections 10 ft. long                                                |    |                                         |
| 1 bottom shaft 1 $\frac{3}{8}$ " x 1 $\frac{1}{2}$ " x 5 ft. 1 $\frac{5}{8}$ " long |    |                                         |
| 1 top shaft H4H 171C - 8 ft. 3 $\frac{1}{2}$ " long                                 |    |                                         |
| (1 $\frac{3}{8}$ " chrome plated with bearing centers 10 ft. apart)                 |    |                                         |
| Strainer                                                                            | -- | 6 in. diameter                          |
| Suction Pipe                                                                        | -- | 6 in. (one section 10 ft. long)         |
| Use                                                                                 | -- | Canal Only                              |
| Manufacturer                                                                        | -- | Pomona Pump Co., Pomona, California     |
| Purchase Date                                                                       | -- | November 27, 1939                       |
| Purchase Order No.                                                                  | -- | 46818                                   |
| Date Received                                                                       | -- | December 14, 1939                       |
| Date Put in Operation                                                               | -- | September, 1940                         |
| Total Shipping Weight                                                               | -- | 9,980 lbs.                              |
| Price                                                                               | -- | \$ 2,859.93                             |

*(U)*

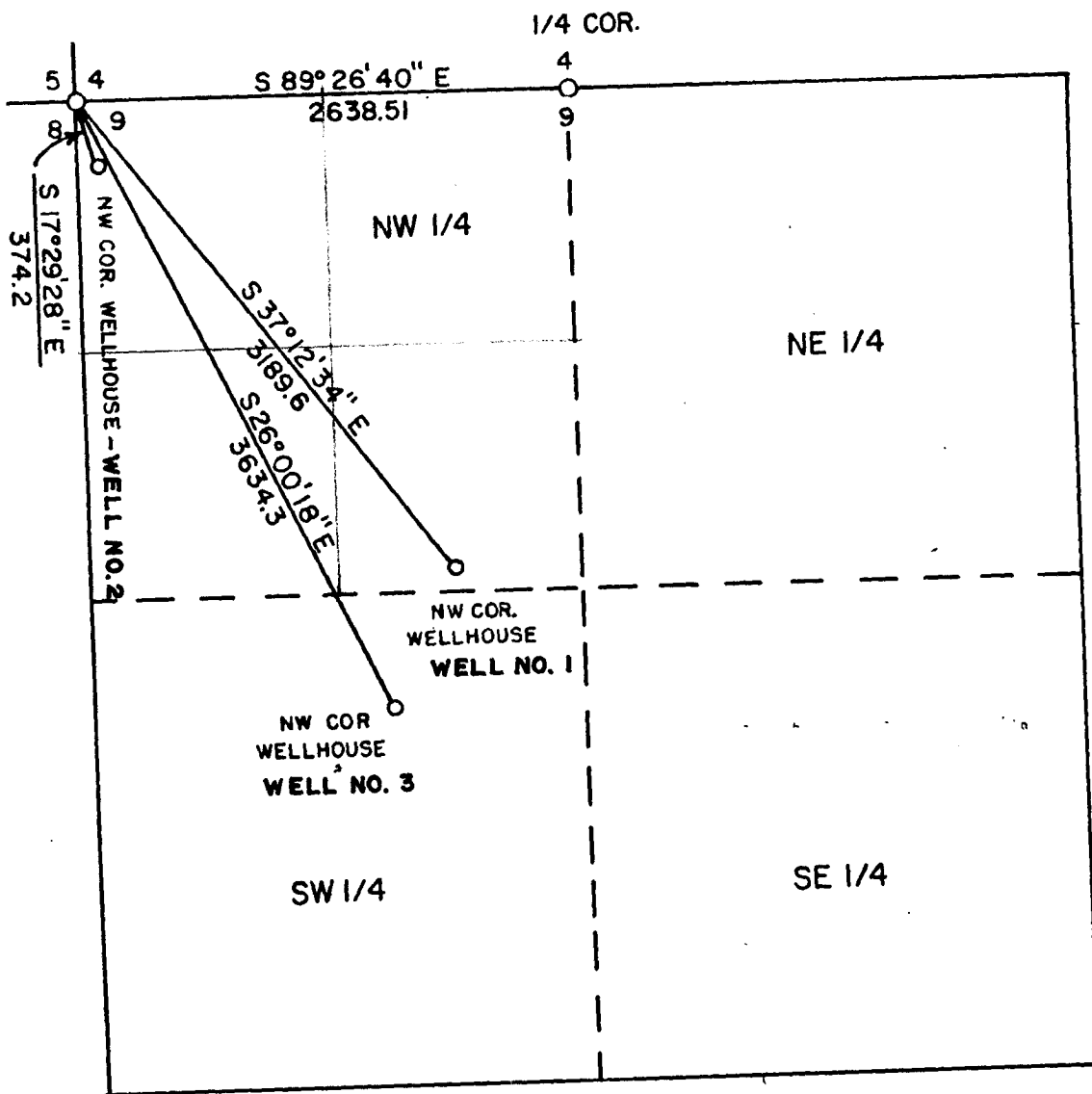
This pump is a Pomona Unidrive Turbine deepwell pump.

General Electric Induction Motor Direct-Connected to Shaft.

|                |    |         |
|----------------|----|---------|
| H.P.           | -- | 30      |
| Serial No.     | -- | 5422190 |
| Model          | -- | 12 F 20 |
| Cycle          | -- | 60      |
| Phase          | -- | 3       |
| Voltage        | -- | 220/440 |
| Style or Frame | -- | 6303 Y  |
| Amperage       | -- | 74 - 37 |

*[Signature]*

POPE & TALBOT WELL LOCATIONS  
SECTION 9, TOWNSHIP 6N, RANGE 2E, B.H.M.  
LAWRENCE COUNTY, SD

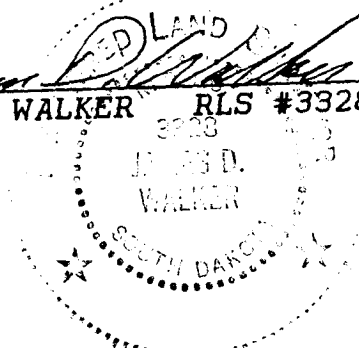


SURVEYOR'S CERTIFICATE

I, JAMES D. WALKER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, CERTIFY TO POPE AND TALBOT, INC., THAT AS A RESULT OF A SURVEY MADE IN FEBRUARY, 1988, UNDER MY SUPERVISION, ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN THE STATE OF SOUTH DAKOTA, THAT I FIND THE WELL LOCATIONS TO BE AS SHOWN HEREON. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD AS PERFORMED BY NJS ENGINEERING.

*James D. Walker*  
JAMES D. WALKER RLS #3328

*FEB. 9, 1988*  
DATE



PREPARED BY: *[Signature]* NJS ENGINEERING  
SPEARFISH, SD  
PROJECT # 1637  
FEB., 1988

V.R. Appl. No. 1436-1

# RECEIPT

Division of Water Rights  
South Dakota Department of Water and Natural Resources

411178

Pier

March 21, 1988

19

RECEIVED OF Pope & Talbot, Inc., 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 \_\_\_\_\_

15 00 VR

Fee for Application for Permit No. \_\_\_\_\_ 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 \_\_\_\_\_

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

15 00

By

*John Hatch*  
JOHN HATCH

 **Department of  
Water & Natural Resources**

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

March 8, 1988

Jim Rauck, Res. Mgr.  
Pope & Talbot, Inc.  
Box 850  
Spearfish, SD 57783

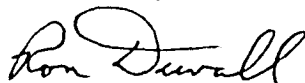
Dear Mr. Rauck:

This letter is in response to the water permit application and vested water right claims received on March 7, 1987. The following information needs to be submitted to complete the applications:

- 1) The vested right claims can be submitted on one application form for one application fee of \$15.00. Enclosed is an application form including well Nos. 1 and 2. The application needs to be signed and notarized and the Affidavit of Water Use (Form 2B) also needs to be signed and notarized.
- 2) Enclosed is the application fee check for \$355.00. The fee for the water permit application and the combined vested right claim is \$340.00. Please remit the correct fee.
- 3) Please indicate if well logs are available for the wells constructed in 1940. If logs are available, return a copy with the enclosed applications.
- 4) Please give a brief description of the water use history for well Nos. 1 and 2 in part G. on the Affidavit of Water Use.

Please contact me if you have any questions regarding the above items. The water permit application and vested right claim can not be processed for consideration by the Water Management Board until the applications are complete.

Sincerely,



Ron Duvall  
Natural Resources Engineer  
enc.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 1436-1, Pope & Talbot, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1436-1, Pope & Talbot, Inc., Box 850, Spearfish SD.

The Chief Engineer is recommending VALIDATION of Application No. 1436-1 for 1.45 cfs because 1) water has been appropriated as described for industrial and sanitary use and for fire protection with a priority date of September 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer  
May 16, 1988

REPORT ON VESTED RIGHT APPLICATION NO. 1436-1  
May 13, 1988

Vested Water Right Application No. 1436-1 proposes to validate a vested right claim for the appropriation of 1.45 cubic feet of water per second from 2 wells, 500 feet deep located in the SE 1/4 NW 1/4, and the NW 1/4 NW 1/4; both in Section 9, T6N, R2E. A priority date of September, 1940 has been claimed for the water use. Water is used for industrial, sanitary and fire protection purposes by Pope and Talbot, Inc.

Conclusions:

1. According to the affidavit of water use, water was put to beneficial use in September, 1940.
2. A priority date of September 1, 1940 should be assigned since the exact date for start of the water use in September, 1940 is unknown.
3. The amount of water appropriated seems reasonable for the claimed use.
4. It is recommended that the vested right claim be validated.



Ron Duvall  
Natural Resources Engineer



# Department of Water & Natural Resources

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

June 7, 1988

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT THE  
NEWSPAPER RIGHT AWAY.

Pope & Talbot, Inc.  
Jim Rarick  
Box 850  
Spearfish SD 57783

Dear Mr. Rarick:

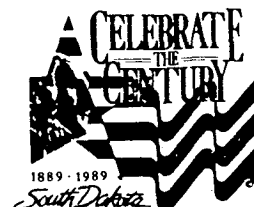
Your Application No. 1436-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the QUEEN CITY MAIL printed at Spearfish SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures





# Department of Water & Natural Resources

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

June 7, 1988

QUEEN CITY MAIL  
Box 7  
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1436-2 to be published twice. Please publish the notice on or before June 13, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Pope & Talbot, Inc., Box 850, Spearfish SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

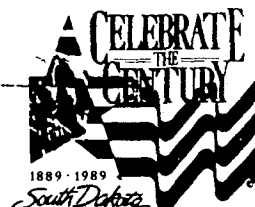
TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



Instruction to Newspaper - Publish first Notice on or before June 13, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING To Validate  
Vested Water Right Application No. 1436-1 to Appropriate Water

Notice is given that Pope & Talbot, Inc., Box 850, Spearfish SD, has filed an application to validate a vested water right claim to appropriate a total of 1.45 cubic feet of water per second (cfs) from 2 wells 500 feet deep each with a claimed priority date of September, 1940. Well No. 1 (capacity - 0.89 cfs) is located in the SE 1/4 NW 1/4 and Well No. 2 (capacity - 0.56 cfs) is located in the NW 1/4 NW 1/4; both in Section 9, T6N, R2E. Water is used for industrial purposes in the processing of wood products, for sanitary purposes and for fire protection by Pope & Talbot, Inc.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1436-1 for 1.45 cfs because 1) water has been appropriated as described for industrial and sanitary purposes and for fire protection with a priority date of September 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 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 and 74:02:01:19 thru 74:02:01:22.

# Affidavit of Publication

STATE OF SOUTH DAKOTA }  
COUNTY OF LAWRENCE }

SS.



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

Notice of Hearing to Validate Vested

Water Right Application No. 1436-1 to Appropriate

Water

a printed copy of which is hereto attached, was printed and published in said newspaper for

Two (2)

successive and consecutive weeks, the first

publication being made on the 30th day of June, 19 88,

and the last publication on the 7th day of July, 19 88,

that the full amount of fees charged for publishing same, to-wit: The sum of \$          

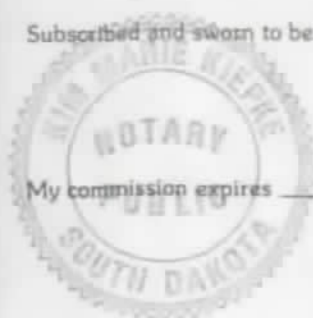
inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 7th day of July, 19 88

Kim Marie Kuptz  
NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA

My Commission  
Expires 3-24-96

My commission expires



## NOTICE OF HEARING TO Validate

Vested Water Right  
Application No. 1436-1 to  
Appropriate Water

Notice is given that Pope & Talbot, Inc., Box 850, Spearfish SD, has filed an application to validate a vested water right claim to appropriate a total of 1.45 cubic feet of water per second (cfs) from 2 wells 500 feet deep each with a claimed priority date of September, 1940. Well No. 1 (capacity - 0.89 cfs) is located in the NW 1/4 NW 1/4 and Well No. 2 (capacity - 0.56 cfs) is located in the NW 1/4 NW 1/4; both in Section 9, T6N, R1E. Water is used for industrial purposes in the processing of wood products, for sanitary purposes and for fire protection by Pope & Talbot, Inc.

Pursuant to SDCL 46-2A-2, the Chief Engineer of Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1436-1 for 1.45 cfs because 1) water has been appropriated as described for industrial and sanitary purposes and for fire protection with a priority date of September 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-28, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the

petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

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S-180  
June 30  
July 7

July 20, 1988  
(date)

page 1

Parties of Record before Water Management Board in regard to Vested  
Water Right Application No. 1436-1, Pope & Talbot, Inc.

For :

Jim Rarick  
Pope & Talbot, Inc.  
Box 850  
Spearfish SD 57783

Against :

Lynelle Hall  
Rural Route 1, Box 233  
Spearfish SD 57783

Rural Route 1, Box 233  
Spearfish, SD 57783  
June 20, 1988



Chief Engineer  
Water Rights Division  
Foss Building  
523 E. Capitol  
Pierre, SD 57501

Dear Sir:

I am writing in regards to the Vested Water Right Application No. 1438-1 applied for by Pope & Talbot, Inc., Box 850, Spearfish, SD 57783. Our property has a legal description of Tract 1 of the Subdivision of SE1/4SE1/4 in Section 5, T6N, R2E, B.H.M., according to Plat Book 6 page 258 and is located at the northwest corner of the Pope & Talbot property. This property was patented on August 22, 1894 and filed on December 10, 1900. Our well will be directly affected by the vested water right application. The well on this land, which I sincerely believe predates any date listed on the Pope and Talbot application, is our only source of water for our home and livestock; this is not a mere home site because our property contains 30.11 acres according to the 1988 Lawrence County Real Assessment Vouchers. We know that in early days the well on this place was a free-flowing artesian well. We even have a concrete building on our property that was an early-day milk house; the artesian water flowed through a trough in this building to cool the milk. The trough and some of the pipes are still there. Through the years and subsequent development in this area, the water table has progressively been going down. In the 15 years we have owned this property, we have seen the creek that once flowed through our place and west of Pope and Talbot dry up; this used to flow almost all summer long. Now it is a memory. I also understand that because of a well on the Pope and Talbot property, this well had to be reworked by adding more casing or redrilling in the late 1950s. My concern is this--if my well goes dry, will Pope and Talbot replace it for me; I doubt it.

I urge the Water Management Board consider the rights of those property owners to the west of Pope and Talbot. At this time there are several subdivisions and individual home sites to the west of this property who have wells that can AND will be adversely affected by the Vested Water Right Application. Those who have shallow wells simply cannot afford the expense of redrilling, and city water is not available in this area. This is a terribly dry summer, and many people can lose their wells in this area this summer as it is.

I firmly believe that personal water rights should be placed above corporate rights. If the Water Management Board does allow passage of the Pope and Talbot application, will they make stipulations that Pope and Talbot reimburse those who will inevitably have to replace their existing wells that dry up? Many people in this area are already selling out because their income cannot cover the house payments, taxes, and the high cost of living in this West River community. Don't let the expense of replacing their well be the straw that broke the camel's back for the rest!

Sincerely,

*Lynelle Hall*

Lynelle Hall

P.S.: I am sending a copy of this letter to Mr. Jim Rarick, Pope & Talbot Inc., Box 850, Spearfish, SD.

## Conversation or File Documentation

NAME OF PERSON OR FILE: Pope & Talbot, Inc.ADDRESS: Box 850, Spearfish SD COUNTY LawrenceDATE: July 26, 1988 TELEPHONE \_\_\_\_\_RE: Conversation with Lynelle Hall, petitioner

COMMENTS:

I called Lynelle Hall to determine the depth and location of the well in reference to the two wells included on Vested Right Application No. 1436-1. Ms. Hall stated that the former owners believed the well to be 85 to 135 feet deep and that the property on which the well is located is the SE $\frac{1}{4}$ SE $\frac{1}{4}$  section 5-T6N-R2E (approximately  $\frac{3}{4}$  miles from Pope & Talbot's two wells). Ms. Hall stated the water table has gone down over the years and that the well is only marginal in dry years.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



# Department of Water & Natural Resources

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

NOV 23 1988

Pope & Talbot, Inc.  
Box 850  
Spearfish SD 57783

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 1436-1.  
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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

JH: ks

enclosures

*Equal Opportunity Employer*

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

DEC 27 2011

WATER RIGHTS  
PROGRAM

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

Water Right/Permit No. 1436-1Date: 12-21-11

I/We request that Water Right/Permit No. 1436-1 formerly owned by:  
Pope & Talbot, Inc be transferred to:

New Owner Name: Spearfish Forest Products, Inc.  
Address: 76 Box 910  
City, State, Zip: Spearfish SD 57783 Telephone No. 605-642-7741

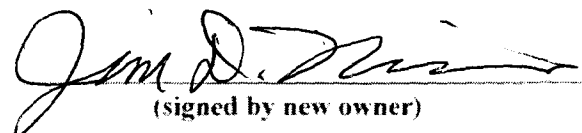
Title to the following described land(s)/property has been transferred as described above:  
two wells completed in the Minnelusa Formation located in the NW 1/4 NW 1/4 and SE 1/4 NW 1/4  
Section 9 T6N, R2E

☒ I understand that the validity of Water Right/Permit No. 1436-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I, Jim D. Weisman, the new owner, certify that the above information is true and correct.

  
(signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/27, 20 11

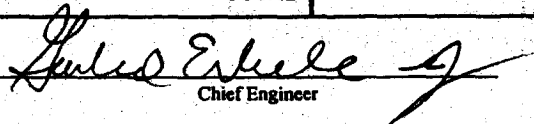
RECEIVED OF Spearfish Forest Product PO Box 910 Spearfish SD 57783

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50 00 |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>1436-1</u>                                                                     |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50 00 |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. **05166**

By

  
Chief Engineer

1436-1



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 12, 2012

1435-1  
1436-1

Jim D Neiman  
Spearfish Forest Products Inc.  
PO Box 910  
Spearfish SD 57783 0910

Dear Mr. Neiman:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1435-1 and 1436-1.

The ownership changes have been completed. The water rights formerly listed in the name of Pope and Talbot Inc. are now listed as follows:

- No. 1435-1 – Spearfish Pellet Company LLC
- No. 1436-1 – Spearfish Forest Products Inc.

Enclosed for your records are Receipt Nos. 05166 and 05167 in the amounts of \$50.00 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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