

WATER PERMIT NO. 1665-1

Name of Applicant: W. B. Abernathy

Address: 3215 Lester Lane, Spearfish SD 57783

Phone: 605 642-3866

Amount of Water Claimed: 0.071 cfs (32 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing development

County: Lawrence

Type of Waste Disposal System: connected with Spearfish waste water treatment plant

Location: north edge of Spearfish

PRIORITY Date Received: 3-9-1998

Fee: \$50.00

Corrected Application Received: 3-17-1998

Period of Annual Use: Jan 1- Dec 31

Remarks:

Diversion Point: SE 1/4 SW 1/4

Sec 33-T7N-R2E (Lot 4, Block 2, Thompson-
Abernathy Develop.)

Land to be Irrigated:

Depth of Well: 50 feet deep

Well Driller: Ellingson Drilling

Remarks:

Type of Map: plat

Prepared by: Theodore J Vore, PE

Reviewed and the Number Assigned on: 3-17-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

		33			
		X			

SOUTH DAKOTA
WATER PERMIT NO. 1665-1

Date of first receipt of application March 9, 1998.

Date of return to applicant for corrections, amendments or changes March 10, 1998.

Date of receipt of corrected application March 17, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1665-1 to W. B. Abernathy, 3215 Lester Lane, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1665-1 appropriates 0.071 cubic feet of water per second (32 gallons per minute) from one well (Spearfish Creek Alluvium) 50 feet deep located in the SE ¼ SW ¼ Section 33-T7N-R2E (Lot 4, Block 2, Thompson-Abernathy Development No. 1).
2. The water appropriated shall be used for the purpose of supplying water to a suburban housing development and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1665-1 is June 8, 1998.
5. The date from which applicant may claim right is March 9, 1998.
6. One-fifth of the construction is to be completed on or before December 8, 2000.
7. All construction is to be completed on or before June 8, 2003.
8. Water is to be put to beneficial use on or before June 8, 2007.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

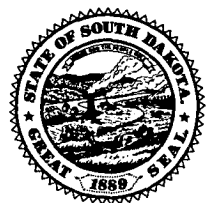
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: *John Hatch*
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 4 1998

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1665-1</u>	(office use only) Hydrologic Unit <u>10/20203</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Black Hills Pioneer, Spearfish, SD</u>	



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

Check use(s) of water:

☐ Municipal	☒ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant W. B. Abernathy Phone 605-642-3866
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 3215 Lester Lane Spearfish State SD 57783
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.071 *CFS or 32 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well 50 ft. Alluvium
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Lot 4, Block 2,
Thompson-Abernathy Development No. 1, Located in the W1/2E1/2SE1/4SW1/4
Section 33, T. 7 N., R. 2 E., B.H.M. County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Domestic - All Year Jan. 1 - Dec. 31
- Give a description of the 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)

See Attached Subdivision Plat

STATE OF SOUTH DAKOTA) SS
County of Lawrence

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, W. B. Abernathy, 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 W. B. Abernathy
Subscribed and sworn to before me this 5th day of March, 19 98

ELIZABETH A. BENNING
Notary Public - South Dakota
Lawrence County
My Comm. Expires May 4, 2003

Elizabeth A. Benning
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 50'
- b) Casing Type Plastic Diameter 6" Thickness Sched. 40
- c) Screen Type None Diameter _____ Thickness _____
- d) Gravel Pack Yes Length of Gravel Pack Full depth - Pea Gravel
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well: 500 ft.

On applicants property Yes On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of Spearfish Valley Sanitary System - Public System connected to the City of Spearfish Waste Water Treatment Plant

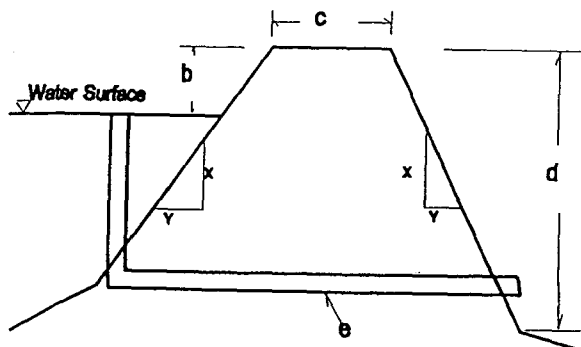
3. Dugout Information

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

4. Water Storage Dams NA

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415695

Pierre, March 17, 19 98

RECEIVED OF W. B. Abernathy, 3215 Lester Lane, Spearfish SD 57783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1665-1</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

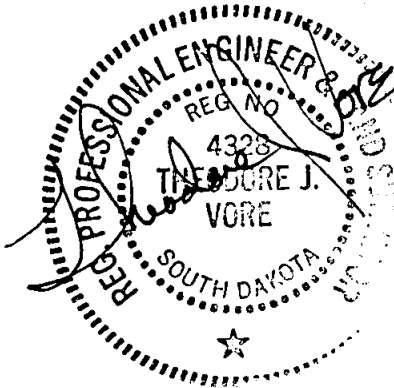
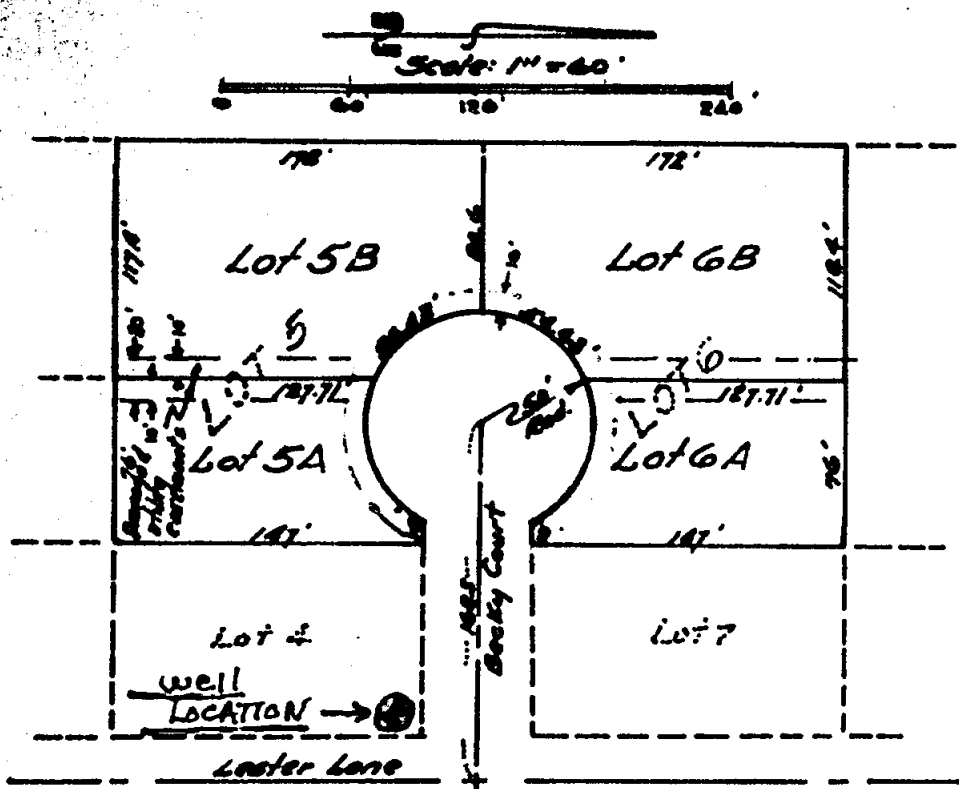
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Haken

(125)



Replot of LOTS 5&6, BLOCK 2 of THOMPSON ABERNATHY DEV. #1
into: LOTS 5A, 5B, 6A & 6B - BLOCK 2

Approval by the City of Spearfish Planning & Zoning Commission
by: 11/17/82 - [Signature] Chairman
Attest: [Signature] Secretary
This Date 11/17/82

Surveyor's Certificate
I, Theodore J. Vore, Registered Professional Engineer & Land Surveyor, do hereby certify that at the direction of the owner, I have surveyed and shown herein.

Attestment of Surveyor
I, Theodore J. Vore, do hereby certify that on this 22 day of April, 1982, before me, the undersigned, a Notary Public, personally appeared Pat & Betty, known to me to be the person described in & who executed the foregoing certificate.
My Commission Expires: 1-8-88
[Signature] Notary Public

Owner's Certificate
I, Pat & Betty, do hereby certify that the lands as plotted herein do truly represent the subdivision of part of the property owned by us, and as shown herein, including a 10' strip adjacent to all lot lines for installation of maintenance of utilities and drainage facilities.
by: [Signature] Owners of Lot 5A, 5B, 6A & 6B

Attestment of Owner
I, Pat & Betty, do hereby certify that on this 22 day of April, 1982, before me, the undersigned, a Notary Public, personally appeared Pat & Betty, known to me to be the person described in & who executed the foregoing certificate.
My Commission Expires: 1-8-88
[Signature] Notary Public

County Treasurer's Certificate
I, Arthur J. [Signature], County Treasurer of Lawrence County, do hereby certify that all taxes which are due on the lands shown on this plat have been paid to date.
Date: 11-15-82
[Signature] County Treasurer

County Director of Equalization
I, Howard [Signature], County Director of Equalization of Lawrence County, do hereby certify that I have reviewed a copy of this plat.
Date: 11-15-82
[Signature] County Director of Equalization

City Council
I, Howard [Signature], Finance Officer of the City of Spearfish, do hereby certify that at an official meeting of the City Council for the City of Spearfish, by resolution, did approve this plat.
Date: 11-15-82
[Signature] City Finance Officer

R. 2 E



M. C.

MAROUSEK

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 1998

W. B. Abernathy
3215 Lester Lane
Spearfish SD 57783

Dear Mr. Abernathy:

Thank you for submitting your *Application for a Permit to Appropriate Water* for suburban housing. Enclosed is the check for \$150.00 which you submitted with the application. The application fee for a permit requesting 45 gallons per minute or less is \$50.00. Please submit a check for this amount.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

*3/16 - please find check
enclosed for the correct amt.
Thanks,
W. B. Abernathy
(Polien)*

REPORT ON WATER PERMIT APPLICATION NO. 1665-1
for W.B. Abernathy
April 30, 1998

Application No. 1665-1 proposes to appropriate 0.071 cfs (32 gpm) from one well approximately 50 feet deep located in the SE 1/4 SW 1/4 of Section 33, T7N-R2E in Lawrence County. The water is for use in a suburban housing development.

AQUIFER - SPEARFISH CREEK ALLUVIUM (ALQ)

The alluvium consists of sand, gravel and clays which are under predominantly water table conditions. The aquifer is hydraulically connected to Spearfish Creek and probably receives leakage from irrigation ditches in the area. The well log filed with the application indicates topsoil from 0 to 5 feet followed by gravel from 5 to 50 feet below land surface. The bottom hole formation was described as redbed or the Spearfish Formation. The well as completed was capable of producing 50 to 60 gpm using air to develop and had a static water level of 18 feet below land surface. The well was completed in accordance with SD Well Construction Standards.

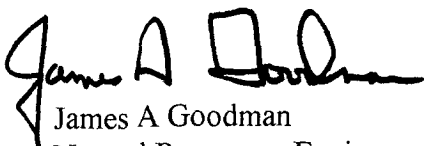
The Water Rights Program does not monitor any observation wells completed into the alluvium in this area. There is some historical information on observation wells completed into alluvium in the Black Hills area but none for Spearfish Creek. The water levels in other creek basins do respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Ground water levels for the alluvium along Spearfish Creek should behave similarly. Because of the normally good flows in Spearfish Creek and the leakage from irrigation ditches availability of ground water in the alluvium is not a concern.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water right No. 1253-1 which is located about 900 feet west of this application. This right is for suburban housing and is for 0.05 cfs from a well about 100 feet deep. A well at this depth would be in the Spearfish Formation but it is likely that the actual source of water is the alluvium. Interference is not expected to be a concern. Also, there are domestic wells in the area which obtain water from the alluvium.

CONCLUSIONS

1. Water is available from the alluvium along Spearfish Creek.
2. The aquifer is unconfined and under water table conditions. Drawdown created by pumping at this requested rate should not be significant and therefore interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards. The well completion report included with the application does meet construction standards.
4. Wastewater is disposed of through the Spearfish Wastewater Treatment Plant.


James A Goodman
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1665-1, W. B. Abernathy**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1665-1, W. B. Abernathy, 3215 Lester Lane, Spearfish, SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1665-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
May 4, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 11, 1998

W. B. Abernathy
3215 Lester Lane
Spearfish, SD 57783

Dear Mr. Abernathy:

Water Permit Application No. 1665-1 for suburban housing development has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Black Hills Pioneer printed at Spearfish, SD (Ph # (605) 642-2761). 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 prior to publication 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 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2003

1665-1

W. B. Abernathy
3215 Lester Lane
Spearfish SD 57783

Dear Mr. Abernathy:

On October 22, 2003 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1665-1, was completed by Ken Buhler, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 1998

Black Hills Pioneer
P.O. Box 7
Spearfish, SD 57783-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1665-1 to Appropriate Water to be published twice. Please publish the first notice on May 20, 1998, 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 W. B. Abernathy, 3215 Lester Lane, Spearfish, SD 57783 (Ph # (605) 642-3866).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1665-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 11, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 1665-1 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 May 20, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1665-1 to Appropriate Water

Notice is given that W. B. Abernathy, 3215 Lester Lane, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.071 cubic feet of water per second (32 gallons per minute) from one well (Spearfish Creek Alluvium) 50 feet deep located in SE 1/4 SW 1/4 Section 33-T7N-R2 E (Lot 4, Block 2, Thompson-Abernathy Development No. 1). The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1665-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 8, 1998.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lawrence) SS

I, Shirley Rehm

certify that the attached printed Notice was taken
from the Black Hills Pioneer

printed and published in Spearfish

County of Lawrence and

state of South Dakota. The notice was published
in the newspaper on the following two dates:

May 20, 1998

May 27, 1998

Cost of Printing \$38.59

Shirley A. Rehm
(Signature)

Acts Receivable Clerk
(Title)

5/28/98
(Date Signed)

NOTICE OF APPLICATION NO. 1665-1 to Appropriate Water

NOTICE IS GIVEN that W. B. Abernathy, 3215 Lester Lane, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.071 cubic feet of water per second (32 gallons per minute) from one well (Spearfish Creek Alluvium) 50 feet deep located in SE 1/4 SW 1/4 Section 33-T7N-R2E (Lot 4, Block 2, Thompson-Abernathy Development No. 1). The water is for use in a suburban housing development.

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Nettie H. Myers,
Secretary,
Department of Environment
and Natural Resources.

#125
May 20, 27



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 3 1998

W. B. Abernathy
3215 Lester Lane
Spearfish, SD 57783

Dear Mr. Abernathy:

Enclosed is Water Permit No. 1665-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 9-25-98

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: W. B. Abernathy 3315 Lester Ln.
(name) (address)
Spearfish S.D. 57783 605-642-3866
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1665-1.

Water Permit No. 1665-1 states that the diversion system is to be constructed by June 8, 2003, and that the water is put to beneficial use by
(date)

June 8, 2007
(date)

The diversion system was completed on March 9, 1998.
(date)

Applying the water to beneficial use was completed on March 9, 1998.
(date)

You may schedule an investigation so that the Water License may be issued.

WB Abernathy
(signature)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 29, 2003

RECEIVED OF Wm. Abernathy, 3215 Lester Lane, 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. <u>1665-1</u>	
Fee for Filing Transfer Form _____	
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

No.

001017

By

Darold S. Erbe
Chief Engineer *gm*



A note from...

COLLEEN ABERNATHY

Kind enclosed a check
for the water use system lic.
Please return the water
lic. to: —

N. B. Abernathy
3215 Lester Ln
Spearfish S.D.
57783

RECEIVED

DEC 2 - 2003

WATER RIGHTS
PROGRAM

RECEIVED

DEC 4 - 2003

WATER RIGHTS
PROGRAM

H.E.A.R.T.S. IN SERVICE

Permit No. 1665-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **October 22, 2003**, made a thorough examination of the water use system constructed by **W.B. Abernathy** of **3215 Lester Lane, Spearfish, SD 57783** holder of Permit No. **1665-1**, bearing the priority of **March 9, 1998** authorizing the diversion of **0.071** cu. ft. per second of the waters of **groundwater (alluvium)** for **suburban housing development** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder, if applicable: **W.B. Abernathy**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Ellingson Drilling**
- 2) No. of Wells: **one**
- 3) Depth(s) **50** feet
- 4) Well log is available **Yes**
- 5) Comment:

Casing:

- 1) Diameter **6 5/8** inches
- 2) Length **35** feet
- 3) Type

Screen:

- 1) Type: **PVC**
- 2) Length **15** feet
- 3) Static water level **18** feet

Pump:

- 1) Make: **Meyers Pump**
- 2) Model: **Submersible**
- 3) Size: **5-inch**
- 4) Capacity **32** GPM
- 5) Horsepower rating **1.5** hp

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

Distribution lines 1) Type **PVC** 2) Size **2** inches
Service lines 1) Type **Polyethylene** 2) Size **1 & 3/4** inches

Report of Examination of Works

Permit No. 1665-1

C. Works used to apply water to beneficial use: The well services a group of five houses in the housing development. A second well, covered by Water Right No. 1253-1, supplies water to another group of seven houses in the development. The two groups are not interconnected.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A
- 3) Exceptions to compliance are: N/A

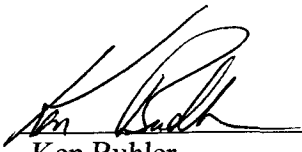
The system is in good condition with the point of diversion located as follows: **410 feet north and 2256 feet east of the southwest corner of Sec. 33, T7N-R2E, (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T7N-R2E)** with a Latitude of **44.519078** and a Longitude of **-103.881551**. The works are capable of diverting and conveying to the place of use **0.071** cu. ft. per second of water which is to be used for **suburban housing development use**. The license should be issued for **0.071** cfs.

All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project:

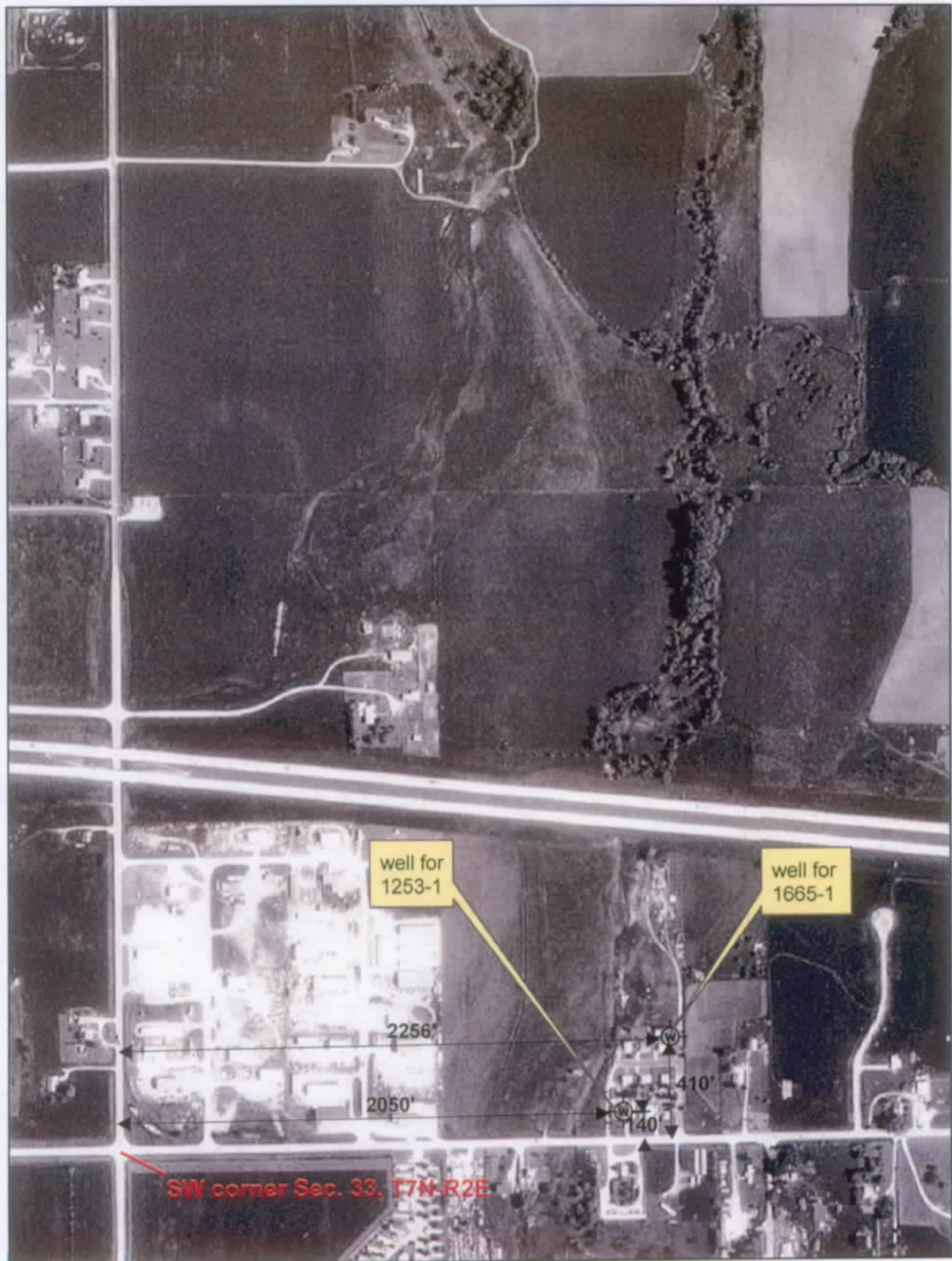
Water Right No. 1253-1 authorizes a well that services a separate portion of this housing development. The two water systems (the one supplied by 1253-1 and the second one supplied by 1665-1), are separate systems.

The location of the well used to supply Water Right No. 1253-1 was incorrectly identified on the Report of Examination of Works for the Water Right. 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 Engineering Specialist
DENR, Water Rights Program

Date report completed: **December 10, 2003**

Water Right No. 1665-1



0 430 860 1,720 Feet

Ken Buhler

Natural Resources Engineering Specialist
SD DENR, Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1665-1

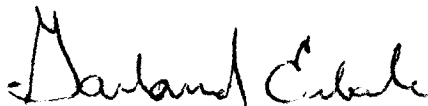
(1) W. B. Abernathy, 3215 Lester Lane, Spearfish SD 57783 made Application No. 1665-1, March 9, 1998 for a water permit to divert 0.071 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota for suburban housing development purposes. Permit No. 1665-1, with a priority date of March 9, 1998 was approved June 8, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 8, 2003 and for the application to beneficial use of water on or before June 8, 2007.

(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 Water Right No. 1665-1 is issued a license, bearing a priority date of March 9, 1998 to appropriate 0.071 cubic feet of water per second from groundwater (one well) for suburban housing development purposes.

The diversion point is located: 410 north and 2,256 feet east of the southwest corner of Section 33-T7N-R2E (SE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1665-1 including the following now applicable qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



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