

1376-2

1. Considered MAY 20, 1976
2. Name of Applicant ROBERT DEICHL & THOMAS MARTLEY
3. Post Office Address BLACK HAWK
4. Amount of water claimed .06
5. Source of water supply GROUND WATER (620' WELL)
6. Water to be used for SUBURBAN HOUSING
Acres to be irrigated _____
7. Water to be diverted and used in MEADE county
about 1/2 W miles _____ of BLACK HAWK
8. Procf of Publication Received 5-17-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1376-2Map No. 1165-2 Water Division No. 2 RAPID CREEK
(Blanks to be Filled by an Engineer for the W. B. C.)

APPLICATION FOR PERMIT

To Appropriate Water with the State of South Dakota

(NOTE: Drawings and items not applicable)

1. Name of Applicant ROBERT DEICHL THOMAS MARTLEY (JOINT OWNERSHIP)
Postoffice address Box 526, BLACK HAWK State SOUTH DAKOTA
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work Pease Sub Pines Estates #1 Water Assn.
4. Amount of water claimed (cubic feet per second) 2.7 gpm (1.062 cfs)
5. Source of water supply WELL
6. Location of point of diversion Gov. Lots 1 & 2 E 1/2 NW 1/4 Sec. 7 - T2N - R7E
- County Meade
7. Annual period or periods during which water is to be used Yearly Household Use Continuous
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Household Use
9. For irrigation use, Total number of acres to be irrigated _____

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 4 months 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well

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

pipng - distribution system

C. Works proposed to apply water to beneficial use.

Household use
pipngEstimated Total Cost \$10,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of PenningtonI, ROBERT A. DEICHL, 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 Robert A. DeichlSubscribed and sworn to before me this 12 day of February, 1976Bernard J. Neizer
Notary Public (or other qualified officer)

787-4564

PLAT NO. 2 OF
 PEACEFUL PINES ESTATES
 LOCATED IN
 TRACT A AND TRACT B OF GOV'T. LOT 7 OF SECTION 6, T2N, R7E, B.H.M.
 TRACTS A, B, C, D OF S 1/2 OF THE SE 1/4 OF SECTION 1, T2N, R6E, B.H.M.
 N 1/2 OF NE 1/4 OF SECTION 12, T2N, R6E, B.H.M.
 MEADE COUNTY, SOUTH DAKOTA

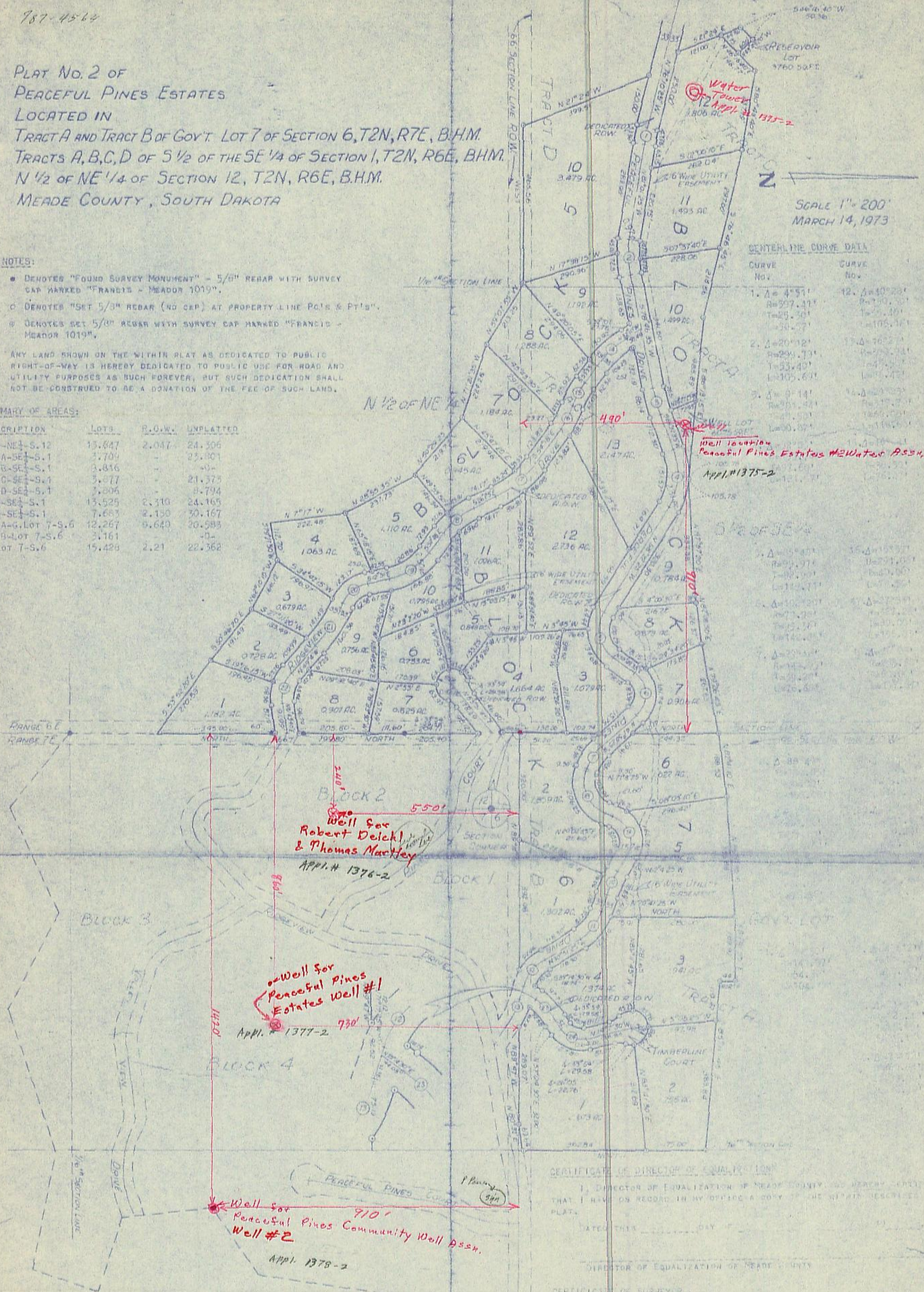
NOTES:

- DENOTES "FOUND SURVEY MONUMENT" - 5/8" REBAR WITH SURVEY CAP MARKED "FRANCIS - MEADOR 1019".
- DENOTES "SET 5/8" REBAR (NO CAP) AT PROPERTY LINE PO'S & PT'S".
- ◊ DENOTES SET 5/8" REBAR WITH SURVEY CAP MARKED "FRANCIS - MEADOR 1019".

ANY LAND SHOWN ON THE WITHIN PLAT AS DEDICATED TO PUBLIC RIGHT-OF-WAY IS HEREBY DEDICATED TO PUBLIC USE FOR ROAD AND UTILITY PURPOSES AS SUCH FOREVER, BUT SUCH DEDICATION SHALL NOT BE CONSTRUED TO BE A DONATION OF THE FEE OF SUCH LAND.

SUMMARY OF AREAS:

DESCRIPTION	LOTS	R.O.W.	UNPLATTED
NE 1/4 - NE 1/4 - S. 12	13.647	2.047	24.306
TR. A - SE 1/4 - S. 1	3.704	-	23.001
TR. B - SE 1/4 - S. 1	3.816	-	40-
TR. C - SE 1/4 - S. 1	3.777	-	21.373
TR. D - SE 1/4 - S. 1	3.804	-	8.794
SE 1/4 - SE 1/4 - S. 1	13.525	2.310	24.165
SW 1/4 - SE 1/4 - S. 1	7.663	2.130	30.167
TR. A - G. LOT 7 - S. 6	12.267	9.640	20.585
TR. B - G. LOT 7 - S. 6	3.161	-	0-
G. LOT 7 - S. 6	15.426	2.21	22.362



CERTIFICATE OF OWNER

STATE OF SOUTH DAKOTA
 COUNTY OF _____

I, CLARENCE D. BORDEN, VICE-PRESIDENT OF BORDEN & SON DAIRY, INC. DO HEREBY CERTIFY THAT THE SAID BORDEN & SON DAIRY, INC. IS THE OWNER OF THE LAND SHOWN AND DESCRIBED HEREON, THAT I DID AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND FOR AND ON BEHALF OF BORDEN & SON DAIRY, INC.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL.

OWNER: BORDEN & SON DAIRY, INC.

CLARENCE D. BORDEN, VICE-PRESIDENT

ON THE _____ DAY OF _____, 19____, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED CLARENCE D. BORDEN, KNOWN TO ME TO BE THE VICE-PRESIDENT OF THE BORDEN & SON DAIRY, INC. AND THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

RESOLUTION BY GOVERNING BOARD

STATE OF SOUTH DAKOTA
 COUNTY OF MEADE

I, AUDITOR OF MEADE COUNTY, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON _____, 19____, THE COUNTY COMMISSIONERS BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.

MEADE COUNTY AUDITOR

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF MEADE COUNTY, DO HEREBY CERTIFY THAT I HAVE ON RECORD IN MY OFFICE A COPY OF THE WITHIN DESCRIBED PLAT.

DATED THIS _____ DAY OF _____, 19____.

DIRECTOR OF EQUALIZATION OF MEADE COUNTY

CERTIFICATE OF SURVEYOR

STATE OF SOUTH DAKOTA
 COUNTY OF MEADE

I, RODNEY H. MEADOR, REGISTERED LAND SURVEYOR NO. 1035 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, MADE THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT THE SAME IS, IN ALL PARTS, TRUE AND CORRECT. THE AREA AMOUNTS SHOWN ON THE WITHIN PLAT SHALL BE FOLLOWED WITH THE WORDS "MORE OR LESS".

REGISTERED LAND SURVEYOR: _____
 RODNEY H. MEADOR

BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED RODNEY H. MEADOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

CERTIFICATE OF COUNTY TREASURER

I, TREASURER OF MEADE COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE DUE UPON THE WITHIN DESCRIBED LANDS ARE PAID ACCORDING TO THE RECORDS OF MY OFFICE.

DATED THIS _____ DAY OF _____, 19____.

TREASURER OF MEADE COUNTY

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1376-2
ROBERT DEICHL & THOMAS MARLEY Box 526, BLACK HAWK
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57718 With the following modifications:
 (State)

Date of first receipt of application FEBRUARY 13, 1976
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved MAY 20, 1976 Recorded in Book 15 Page 83

WATER RIGHT PERMIT NO. 1376-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1376-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 13, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1978
3. The whole of said work is to be completed on or before MAY 20, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1985
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .061 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 ~~irrigation~~ used for suburban housing development and if for the irrigation purpose said appropriation shall be limited to not more than 3 acre feet per acre per year and (in limited to not more than one-seventh the 1270 of one cubic foot of water per acre and of time for conversion of land to which water is actually and beneficially applied for irrigation on or before MAY 20, 1985 said water to be used during the following described annual period: CONTINUOUSLY



Witness my hand this 24TH day of MAY 19 76

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued September 13, 1979

Water License Issued September 13, 1979

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 6 1/4", Depth 400' (From 400' to 620' it is 4 3/4")

(2) Casing, Type Steel Diameter 5 1/2" Thickness 1/4"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

(1) Water Bearing Materials (Please attach a copy to test well log if available.)

Character of Water bearing materials _____
From 600' - 620', white sandstone and fractured limestone.

Depth to top of water bearing material 400'

Depth to bottom of water bearing material 620

Thickness of water bearing material intermittently 220'

Depth to water (ground surface to water level) 315'

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

On same owner's property 100' rds. On property owned by others 500' 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, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

NA

Robert A. Darch

Signature of Applicant

Permit No. 1376-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Thomas Martley

_____, the holder _____ of
Permit No. 1376-2, issued upon Application No. 1376-2, bearing date of priority of _____
February 13, 1976 authorizing the diversion of .06 cu. ft. per second of the waters of _____
groundwater (one well) County of Deade, State of South Dakota at _____
a point 550' South and 240' east of the NW corner, Section 7, T2N, R7E

_____, for suburban housing

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .06 cu. ft. per second of water

Date September 13, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WND

WATER LICENSE NO. 1376-2

(1) WHEREAS, On the 13th day of February A. D. 19 76

Thomas Hartley

made Water Right Application No. 1376-2 for a permit to use .06 cubic feet per second of the water of ground water (one well)

County of Heade, State of South Dakota, for suburban housing

purposes and

(2) WHEREAS, On the 20th day of May A. D. 19 81

Permit No. 1376-2, with a date of priority of February 13, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of May A. D. 19 81 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 81

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .06 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

to be used to supply water for a suburban housing development.

(5) NOW, THEREFORE, By the virtue of the Authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Thomas Martley

_____ of Rapid City, South Dakota
the holder _____ and owner _____ of said permit No. 1376-2 a water right, dating from February 13, 1976
_____ to use of _____ cubic feet per second of the water-
of ground water (one well)
in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 500 feet South and 240 feet East
of the NW corner, Section 7, T2N, R7E

and ~~conveyed to and upon~~ conducted thru the water distribution system

for the purpose of suburban housing

Subject to any limitations listed in Water Right Permit No. 1376-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of September A. D.
Nineteen Hundred and seventy-nine

Board of Water Management
By: John Hatch
Chief Engineer JOHN HATCH

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Helena M. Bauer, Bookkeeper hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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

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

May 7, 1976

May 11, 1976

Helena M. Bauer
(Signature)

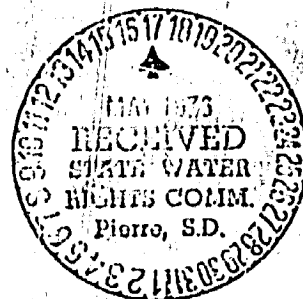
Bookkeeper

(Title)

May 11, 1976

(Date Signed)

May 7, 1976
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
No. 1276-2
May 7, 1976
I, hereby give that Robert
Delch and Thomas Martley, whose post
office address is Black Hawk, South
Dakota, 57601, have made an application in
accordance with the provisions of the water
laws of South Dakota for a permit to
appropriate for beneficial use, 50 cubic
feet of water per second of time from
ground water through the land Martley
Weirs, the point of diversion of which is to
be located in the NE 1/4 NW 1/4 of Section 7,
T14N, R24E, Range 7E, said water to be used
for the purpose of providing supplies for a
suburban housing development.
This application No. 1276-2 will be con-
sidered by the Water Rights Commission
at their office at Pierre upon the 20th day
of May, 1976, at 1:00 P.M. All interested
persons may appear and be heard.
WATER RIGHTS COMMISSION
B. BURTON F. JONES
Water Rights Specialist
1976-2-1276-2



Form 6 - Notice of Intent to Appropriate Water

1376-2

Publish first publication, on or before May 10, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

May 4, 1976

Notice is hereby given that Robert Deichl and Thomas Martley
whose post office address is Black Hawk, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
.06 cubic feet of water per second of time from the ground water through the
Deichl - Martley Well, the point of diversion of which is to be located in the

NE 1/4 NW 1/4

of Section 7, Twp. 2N, Range 7E. Said water to be used for the purpose
of providing ~~irrigation for the 200 acre tract of land~~
supplies for a suburban housing development

This application No. 1376-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Robert Deichl; Box 526, Black Hawk, S.D. 57018

Robert Deichl

①

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

June 5, 1978

James H. Wilson
Wilson, Olson & Goodsell-Lawyers
P. O. Box 1552
Rapid City, SD 57709

Dear Mr. Wilson:

In answer to your letter of May 30, 1978 regarding wells drilled for a community well association.

The following are the permit numbers, description and name of the person who signed the permit and to whom we send the correspondence, for Peaceful Pines.

- 1375-2 Peaceful Pines Estates #2 Water System-Clarence D. Borden,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1-T2N-R6E
- 1376- Robert Deichl-Thomas Martley-NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7-T2N-R7E
- 1377-2 Peaceful Pines Estates Well #1-Leonard Maron, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.
7-T2N-R7E
- 1378-2 Peaceful Pines Community Water Assoc.-Ralph C. Bell,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7-T27-R7E

Enclosed are Notice of Transfers for your convenience.

You will note the well on the permit signed by Clarence Borden, is not the description noted in your letter.

I hope this is the information you are seeking and if you have any further questions please feel free to contact this office.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:plh

Enclosures

1375-2 Thomas Shelby

Sept 5 20 -

Induced at 400 ft.

#2-5.

Capacity 25 gpm

Head pressure tank.

Permit No. 1376-2Water Division 2 Rapid Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Robert Deichler
Robert Marley of Box 526, Black Hawk, S. Dak. 57718 holder
 of Permit No. 1376-2, bearing date of priority of February 13, 1976
 authorizing the diversion of .06 cu. ft. per second of the waters of One Well
 for Suburban Housing purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Submersible Pump set at 460 Ft.
5 HP. Pumping 2.5 gpm.

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

Water System of the housing development.
3 pressure tanks.

C. Works used to apply water to beneficial use.

Houses in the development

The system is in the following condition: Good

The point of diversion is located 550 ft South and 240 ft East of the
NW corner of section 7, T2N R7E

The works are capable of diverting and conveying to the place of use .06cu. ft. per second of water which is to be used for Suburban Housing

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

comprising a total of _____ acres of land.

Well data:

Depth - 520 ftPumping - 25 gpm.Date December 1, 1978

LeRoy J. Merrough
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6984

PIERRE, August 3, 1979

RECEIVED OF Thomas Martley, RR #6, Box 464L, Rapid City, SD 57701

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 1376-1		
Fee for Inspecting Beneficial Use, and issuing Water License No. 1376-2	50	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 97