

No. 0648.2

Office of State Engineer
DOCUMENT FILE

Name: Bennett, L. P.

County: PenningtonTH 1101

Date: June 30, 1905

Location: Rapid Creek

1101.

TO WHOM IT MAY CONCERN:-

Take notice that the undersigned, a citizen of the United States and of the State of South Dakota, claims a ^{water} right under the laws of the United States and of the State of South Dakota, and by right of location and appropriation five thousand inches of the waters of Rapid Creek, Miner's measurement, under a six-inch pressure, for mining, milling, manufacturing, agricultural, domestic and other useful purposes, which said waters are to be taken out at a point on Rapid Creek in the SW $\frac{1}{4}$ of Sec. 9, Twp. 1 N., of Range 7 East of the Black Hills Meridian, Pennington County, South Dakota, where this notice is posted and by means of dams, dykes, ditches, flumes and canals to be conducted in a Northeasterly direction until said ditch reaches ^{said} Rapid Creek.

Dated this 30th. day of June, A. D., 1905.

George P. Bennett.

Filed for record the 30th. day of June A. D., 1905 at 3:30 P. M., and recorded in Book 36 at page 127.

J. M. Mathias. Register.

STATE OF SOUTH DAKOTA, }
COUNTY OF PENNINGTON. } ss.
I, C. J. Leedy, Register of Deeds,
do hereby certify that the within and foregoing is a full,
true, complete and correct copy of the original
of location as the same
appears in book 36 page 127
of location records in my office.
Witness my hand and official Seal this
18th day of January, A. D. 1916.
C. J. Leedy



Cincinnati

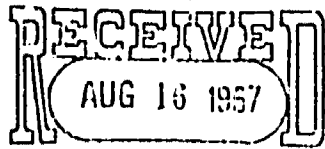
June 2, 1891

No. 064832

1300 2nd St.

B.

SPRING 9, T. H. R. 7E



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

August 15, 1967

Mr. J. W. Grimes
Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

Some of the property owners east of Evergreen Drive no longer desire service through the Bennett Ditch.

The City is engaged in improving Evergreen Drive which involved a Bennett Ditch culvert removal and replacement.

The Association would like to terminate the Bennett Ditch at Evergreen Drive, require no rebuilding of the culvert, and relocate a portion of the Ditch to the north side of Canyon Lake Drive in order to handle excess water from the Ditch. The City is in agreement with this proposal.

What must we do about our water right in order to get this job done?

Sincerely,

Norman L. Johnson
Bennett Ditch Association
4006 Lakeview Drive
Rapid City, South Dakota

August 16, 1967

Mr. Norman L. Johnson
Bennett Ditch Association
4006 Lakeview Drive
Rapid City, South Dakota

Dear Mr. Johnson:

In your letter of August 15, 1967, you request information about changes in your Bennett Ditch.

What you propose may be done without adverse effects upon your water rights (No. 0648-2). When your ditch location has been established please send a map showing the location of your ditch, including the new location.

In making this change, your Association should be sure that the property owners who will no longer be served agree to the change. Also, the Association will be responsible for any adverse effects upon other people because of the relocation of the Ditch.

I hope that information contained in this letter is helpful.

Sincerely,

ls

J. W. Grimes

September 9, 1975

Norman L. Johnson
4006 Lakeview
Rapid City
South Dakota 57701

Dear Mr. Johnson:

Reference is made to your letter regarding your intention of continuing use under the Bennett Ditch. Our records reflect that this is a valid water right.

The matter of clean-up and/or culvert work needed to put the system in order is a matter between the ditch company officials and the City.

Sincerely,

BURTON F. JONES
Water Rights Specialist

.BFJ/Lw

Rapid City, S.D.
Aug. 20, 1975

Donald Driscoll
Water Rights Commission
Pierre, S.D.

Dear Sir:

This letter is to reaffirm the intentions of the Bennett Irrigation Ditch water users to continue use of the water in western Rapid City and also is offered as a report on our current situation.

The June 1972 flood obviously upset all normal use of the ditch as the Canyon Lake dam washed out, and many portions of the ditch and laterals were filled with dirt and debris. However, a portion of the ditch has been in continuous use while the city itself negotiates with the Army Corps of Engineers on the reconstruction of Canyon Lake.

The city has purchased and is holding 600 feet of pipe which will be connected when the irrigation ditch water source is determined. Protests of some of our irrigation ditch users on the lack of water can only be answered that "when the city and the Corps of Engineers reach an agreement and the dam is built, then the ditch will be placed in full operation again."

Meanwhile, there are developers and some city officials who would like to declare the irrigation ditch and ditch rights-of-way and easements as no longer valid. Therefore, we wish to inform the Water Rights Commission that a substantial number of users have been waiting for an adequate source of water to be reestablished, and that our intentions to use the ditch, as we have in the past, are unchanged.

And we have a question:

Where irresponsible city planning, engineering and developments have permitted our ditches to be filled and culverts plugged--can we force the city to clean up the ditch and do the culvert work, or would it be in our interest to do the work ourselves where possible?

Any advice you can offer will be much appreciated, and we hope you will accept this letter as affirmation that the Bennett Ditch water users have no intention of relinquishing their water rights.

Sincerely,

Norman L. Johnson
4006 Lakeview

Norman L. Johnson
Chester Myhre
3907 Minnekahta

Chester E. Myhre
Directors, Bennett Ditch Association