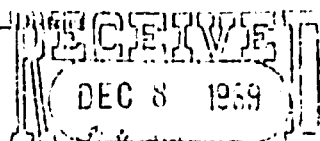


No. 1069-2Map No. _____ Water Division No. 2 RAPID CREEK
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Dept. of Game, Fish & Parks
 Post-office address Pierre, State South Dakota 57501
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Canyon Lake (artificial)
4. Amount of water claimed (cubic feet per second) 120 acre ft. (40 surface acres x 3 ft.) Max. Depth: 20 Ft.
5. Source of water supply Rapid Creek
6. Location of point of diversion Sh. Section 9, Twp. 1 N, Rge 7 E, Pennington County
Black Hills Meridian

 _____ County Pennington
7. Annual period or periods during which water is to be used continuous
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Public recreation
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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to its official use.

Estimated Total Cost \$ _____

Attachments: 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 PenningtonI, R. A. Huggins, the applicant, certify that I have read the foregoing application and have examined the attached map and that the map and description in stated are true and that I intend, and am able to complete the necessary construction.

Signed _____
 Subscribed and sworn to before me this 5th day of Dec 1959
Edmund M. Smith
 Notary Public (or other qualified officer)

Li

1069-2

PIERRE

(Applicant)

(Post Office Address)

(State)

-With the following modifications:

"VESTED RIGHT"

DECEMBER 8, 1969

Date of return to applicant for correction, amendments or changes require: _____, 19____

Date of receipt of corrected application _____ 19____

Approved APRIL 6, 19 71, Recorded in Book 11 Page 312

1067-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1069-2 authorizing the construction of

1. The date from which applicant may claim right is 1935

2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~on or before~~ _____.

3. The whole of said work is ~~to be~~ completed on or before 12/31/2011 _____

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED in

5. The water appropriated shall be used for the purpose of PUBLIC RECREATION

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

7. The amount of the appropriation herein granted shall not exceed 170 ACRES FEET ANNUALLY ~~in feet~~ and neither shall it

...and if for the irrigation purpose said appropriation must be limited: and the quantity of water for any one year shall not exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation~~ ~~and if for the irrigation purpose said appropriation must be limited: and the quantity of water for any one year shall not exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for~~

USED FOR PUBLIC RECREATION

actually and beneficially ~~applied for~~ applied for registration on or before JUNE 30 1955; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 6th day of APRIL 19 71

WATER RESOURCES COMMISSION

 $\{ \}$

Chief Engineer, Executive Officer

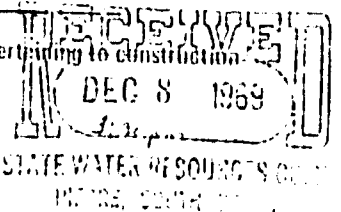
Certificate of Construction Issued APR 11 6 1971

Water License Issued APRIL 6 1971

Form 2B - Affidavit of Water Use (Supplement to Form 2)

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE



Name of Applicant (Same as Form 2) Dept. of Game, Fish & Parks

Post Office Address Pierre, State South Dakota 57501

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system 1889 - 1935

15. Date that water was first applied to beneficial use 1889

16. Name of owner of original water supply system State of South Dakota

17. Amount of water originally applied to beneficial use 120 acre ft. c. f. s.

18. Present Use of Water

Amount of water now being used 120 acre ft. c. f. s.

Date that this amount of water was first used _____

19. Chronological History of Water Use

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 Hughes ss.

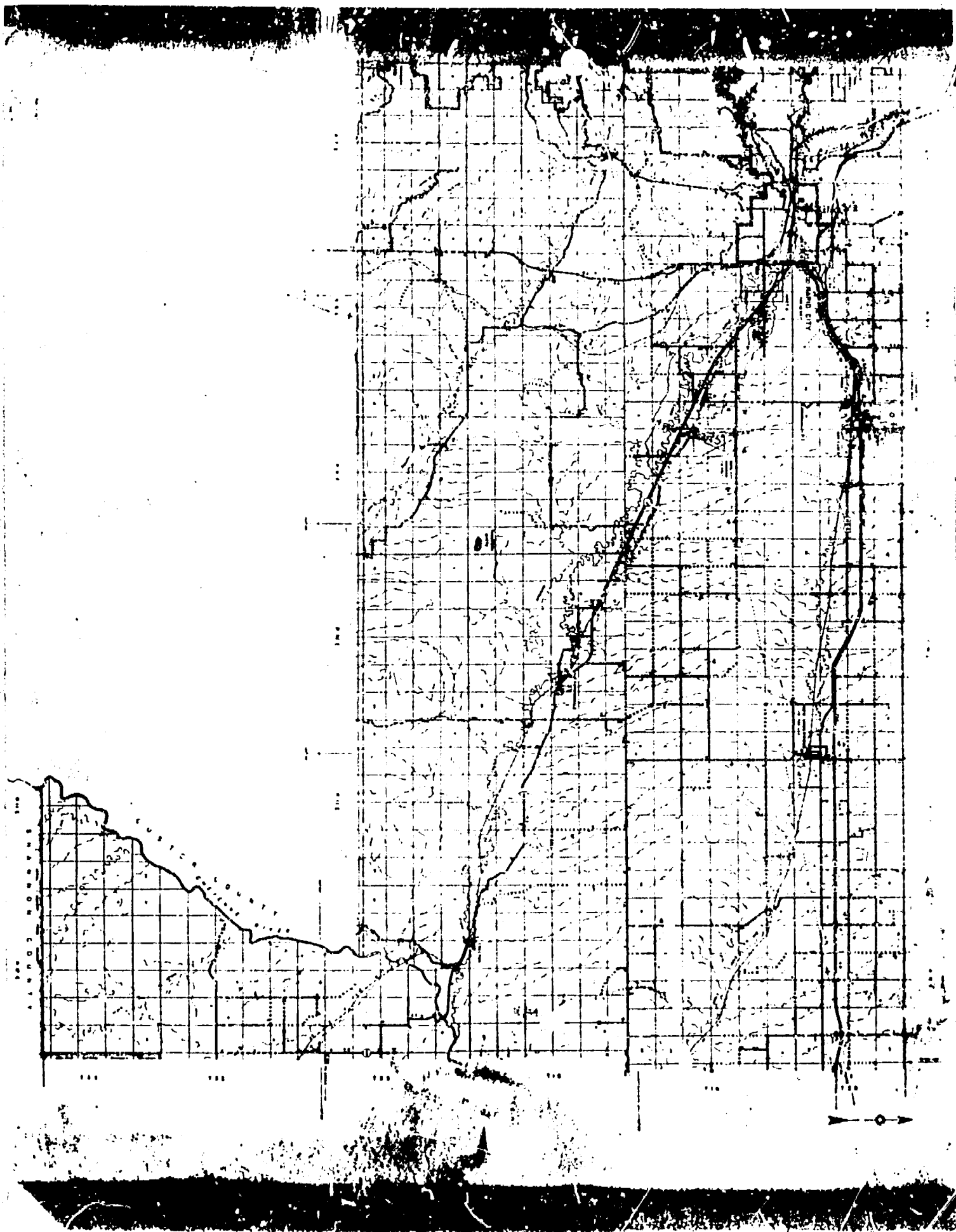
I, R. M. Hodgins, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed _____

Subscribed and sworn to before me this 5th day of July 19 69

Edmund M. Bull
(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.



WATER LICENSE NO. 1069-2

(1) WHEREAS, On the 8th day of December A. D. 19 69

the Department of Game, Fish and Parks

made Water Right Application No. 1069-2 Vested Right 120 acrefeet annually of the waters of Rapid Creek

County of Pennington, State of South Dakota, for public recreation

purposes; and

(2) WHEREAS, On the 6th day of April A. D. 19 71
Vested Right 1069-2, with a date of priority of 1935

was issued to said applicant recognizing for the diversion of said water, and provided for the completion of construction of the water supply system therein described and for the application to beneficial use of said water and for the

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 120 acre feet annually 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,

water is used for public recreational purposes

(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 the Department of Game, Fish and Parks

Pierre, South Dakota

of Vested Right
the holder _____ and owner _____ of said permit No. 1069-2 a water right, dating from 1935
to use of 120 acre feet annually ~~from~~ ~~at~~ ~~the~~ ~~mouth~~ of the waters

of Rapid Creek

in the County of Fennington and State of South Dakota or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$, Section 9, T1N, R7E

and ~~conduct to and from~~ stored in place

for the purpose of public recreation (Canyon Lake)

Subject to any limitations listed in Water Right Permit No. 1069-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of April A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 1069-2

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Department of Game, Fish and Parks

Vested Right _____ the holder _____ of
Permit No. 1069-2, issued upon Application No. 1069-2, bearing date of priority of 1935
authorizing the diversion of 120 acre feet annually of the waters of _____
Rapid Creek County of Pennington, State of South Dakota at
a point in the SW $\frac{1}{4}$, Section 9, T1N, R7E
for public recreation (Canyon Lake)

purposes, has 8 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 recognized as satisfactory
condition for diverting and conveying to the place of intended use 120 acre feet annually of water.

Date April 6, 1971

WATER RESOURCES COMMISSION

By:

J. W. GRIMES, Executive Officer

7067-2



Department of Water & Natural Resources

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

September 21, 1988

Richard Beringson, Secretary
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Beringson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for lakes for the following reasons:

1. Until the outlet elevation for each lake is surveyed and the outlet elevation is set by the Water Management Board.
2. To allow the Vested Water Right Claim to be amended, if necessary, as follows:
 - a) Include the outlet elevation;
 - b) To correct the amount of water claimed;
 - c) To add the qualification that a vested claim is subject where necessary to installation of a concrete outlet structure to assure retention of the outlet as the established elevation; and
 - d) To add any amendments and qualifications necessary to clarify a Vested Right Claim.

Also, that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for dams to allow the Vested Water Right Claim to be amended, if necessary, as follows:

1. To include the spillway elevation;
2. To correct the amount of water claimed; and
3. To add any amendments and qualifications necessary to clarify a Vested Right Claim.

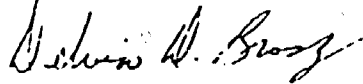


September 21, 1988
Richard Beringson, Secretary
Page 2

We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your Department. As the work is completed to validate each claim, the claim will be presented to the Water Management Board for validation.

Please advise if you have any questions.

Very truly yours,



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

cc: Ron Roth, Department of Game, Fish and Parks

NOTICE OF INTENT
TO VALIDATE VESTED
WATER RIGHT CLAIMS

Notice is given that the following
vested water right claims in Pennington
County are eligible for
validation by the Water Management
Board pursuant to SDCL
46-2A-17 without a hearing unless a
petition to oppose the validation is
filed pursuant to SDCL 46-2A-16.

Permit #42, Gene & Glen
Rossie, New Underwood, SD
7701: Diversion Point Location -
NE1/4SE1/4 Sec. 1, T1N, R10E,
Irrigated Land Location - NE1/4
SW1/4 Sec. 1, T1N, R10E; Irrig-
ated Land Location - NE1/4
SW1/4 Sec. 1, T1N, R10E; 244 acres;
83 cfs water used; Priority Date -
3/19/06; Source - Badlands &
Jaw; 0.66 cfs water used; Priority
Date - 9/26/1909; Source - West
rains.

Permit #52, Charles Strehlow,
Wanka, SD 5767: Diversion Point
Location - NE1/4NW1/4 Sec. 35, T1S,
R14E; Irrigated Land Location -
NW1/4SW1/4 Sec. 26, T1S,
R13E, NE1/4 Sec. 27, T1S, R13E,
SW1/4 Sec. 22, T1S, R13E, SW1/4
Sec. 22, T1S, R13E, 47.7 cfs
water used; Priority Date -
1/18/1906; Source - Hay Draw.
Permit #389-2, S.D. Game, Fish &
Parks, 445 E. Capitol, Pierre, SD
5701: Diversion Point Location -
NW1/4SE1/4 Sec. 8, T1N, R7E, 6.18
cfs water used; Priority Date -
1/1/1955; Source - Groundwater.

Permit #432-2, City of Rapid City,
16th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 8, T1N, R7E, 7.75
cfs water used; Priority Date -
1/1944; Source - Groundwater.
Permit #433-2, City of Rapid City,
6th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 9, T1N, R7E, 0.84
cfs water used; Priority Date -
1/1935; Source - Groundwater.
Permit #434-2, City of Rapid City,
6th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 9, T1N, R7E, 0.55
cfs water used; Priority Date -
1/1937; Source - Groundwater.
Permit #435-2, City of Rapid City,
6th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 9, T1N, R7E, 0.84
cfs water used; Priority Date -
1/1935; Source - Groundwater.
Permit #436-2, City of Rapid City,
6th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 9, T1N, R7E, 0.55
cfs water used; Priority Date -
1/1937; Source - Groundwater.
Permit #437-2, City of Rapid City,
6th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 9, T1N, R7E, 0.55
cfs water used; Priority Date -
1/1937; Source - Groundwater.

Permit #438-2, City of Rapid City,
5th St., Rapid City, SD 57701:
Diversion Point Location - NW1/4
SW1/4 Sec. 34, T2N, R7E, 0.22
cfs water used; Priority Date -
1/1954; Source - Groundwater.
Permit #460-2, Willard Bloom, St.
Box 1, Wall, SD 57790: Diversion
Point Location - SW1/4NW1/4
Sec. 7, T1S, R17E; Irrigated Land
Location - SW1/4NW1/4 Sec. 7, T1S,
R17E; 24. T1S, R16E; Irrigated Land
Location - SW1/4NW1/4 Sec. 24, T1S,
R17E; 27 acres; 0.38 cfs & 40 af
cfs water used; Priority Date -
1/1938; Source - Bloom Creek.
Permit #462-2, James A. Bloom,
Willard Bloom, St. Rt. 2, Box 1,
SD 57790: Diversion Point Location -
SE1/4NE1/4 Sec. 32, T1S,
R16E; Irrigated Land Location -
NE1/4SE1/4 Sec. 32, T1S, R16E,
SW1/4 Sec. 32, T1S, R16E,

acres; 3.14 cfs & 40 af water used;
Priority Date - 7/31/1951; Source -
North Branch, Whitewater
Creek.
Permit #467-2, Montana-Dakota
Utilities Co., 400 N. Fourth St.,
Bismarck, ND 58501: Diversion
Point Location - NW1/4SW1/4 Sec. 1,
T1N, R7E, 0.089 cfs water used;
Priority Date - 4/2/1955; Source -
Groundwater.

Permit #474-2, Jean Larson, P.O.
Box A, Scenic, SD 57780: Diversion
Point Location - NW1/4SW1/4 Sec.
33, T2S, R14E; Irrigated Land
Location - SE1/4, NW1/4SW1/4 Sec.
33, T2S, R14E, SE1/4NW1/4 Sec. 33,
T2S, R14E, SW1/4SW1/4 Sec. 34, T2S,
R14E; 117 acres; 1.67 cfs & 171 af
water used; Priority Date -
1/1/1939; Source - Dry Draw.

Permit #479-2, Rockerville Gold
Town, c/o J.T. McCullen, Box 728,
Rapid City, SD 57709: Diversion
Point Location - SW1/4SW1/4 Sec.
13, T1S, R6E, 0.09 cfs water used;
Priority Date - 6/1/1953; Ground-
water.

Permit #483-2, Rockerville Trail
Motel, Rockerville, SD 57701:
Diversion Point Location - SW1/4
SW1/4 Sec. 13, T1S, R6E, 0.13
cfs water used; Priority Date -
5/1/1954; Source - Groundwater.

Permit #489-2, Marie Gruwell,
RR 2, Box 40B, Hermosa, SD 57744:
Diversion Point Location - NE1/4
NE1/4 Sec. 17, T4S, R15E; Irrig-
ated Land Location - NW1/4,
SW1/4 Sec. 16, T4S, R15E, SW1/4SE1/4
Sec. 16, T4S, R15E; 135 acres; 1.922
cfs water used; Priority Date -
4/1/1957; Dry Draw.

Permit #495-2, Harlan Eisen-
braun, Box 434, Wall, SD 57790:
Diversion Point Location - NE1/4
SW1/4 Sec. 1, T4N, R15E, Lots
11 & 12, Sec. 1, T4N, R15E; Irrig-
ated Land Location - NW1/4SW1/4
Sec. 1, T4N, R15E, Lots 11 & 12, Sec.
1, T4N, R15E; 136 acres; 1.94 cfs
water used; Priority Date -
1/1/1951; Source - Squaw Creek.
Permit #504-2, Cleghorn Springs
Water Users Assn., 1717 Fremont
St., Rapid City, SD 57701: Diversion
Point Location - NW1/4SE1/4 Sec. 8,
T1N, R7E, 0.89 cfs water used;
Priority Date - 1/1/1877; Source -
Cleghorn Springs.

Permit #509-2, Peno Farms, Inc.,
P.O. Box 162, Wall, SD 57790:
Diversion Point Location - Sec. 16,
T2N, R17E; Irrigated Land Location -
NW1/4, SW1/4NE1/4 Sec. 16, T2N,
R17E, SW1/4, SE1/4 Sec. 16, T2N,
R17E; 292 acres; 3.47 cfs water used;
Priority Date - 1/1/1951; 0.7
cfs water used; Priority Date -
9/1/1952; Source - Dry Draw.

Permit #514-2, T.G. Scholl, Box
324, Rapid City, SD 57709: Diversion
Point Location - NE1/4SE1/4
Sec. 26, T2N, R7E; 0.016 cfs water
used; Priority Date - 5/1/1950;
Source - Groundwater.
Permit #523-2, Ralph N. Morris,
Wheel Inn, Box 147, Keystone Rt.,
Rapid City, SD 57701: Diversion
Point Location - NW1/4SE1/4 Sec. 2,
T1S, R5E, NE1/4SW1/4 Sec. 2, T1S,
R5E; 0.012 cfs water used; Priority
Date - 1/1/1939; Source - Ground-
water; 0.004 cfs water used; Priority
Date - 1/1/1943; Source -
Groundwater; 0.012 cfs water used;
Priority Date - 1/1/1944; Source -
Groundwater; 0.025 cfs water used;
Priority Date - 1/1/1948; Source -
Groundwater.

Permit #526-2, Fred & Dan
McFarland, RR 3, Box 2450, Rapid
City, SD 57701: Diversion Point
Location - SW1/4SE1/4 Sec. 8, T2N,
R8E; Irrigated Land Location -
SE1/4SE1/4 Sec. 8, T2N, R8E,
NW1/4NE1/4 Sec. 17, T2N, R8E,
SW1/4NE1/4 Sec. 17, T2N, R8E, NW1/4
Sec. 16, T2N, R8E; 260 acres; 1.57
cfs water used; Priority Date -
1/18/1887; Source - Box Elder
Creek; 2.14 cfs water used; Priority
Date - 1/1/1933; Source - Box
Elder Creek.

Permit #529-2, Eddie Taylor,
HCR 36, Box 60, Caputa, SD 57725:
Diversion Point Location - NW1/4
NE1/4 Sec. 15, T1S, R10E; Irrig-
ated Land Location - SW1/4NW1/4
Sec. 14, T1S, R10E, NW1/4SW1/4
Sec. 15, T1S, R10E, NW1/4NE1/4
Sec. 15, T1S, R10E; 115
acres; 1.64 cfs water used; Priority
Date - 1/1/1890; Source - Rapid
Creek.
Permit #565-2, Maurice T. Hoff,

57729: Diversion Point Location -
SE1/4SE1/4 Sec. 29, T6N, R17E,
SE1/4NE1/4 Sec. 31, T6N, R17E;
Irrigated Land Location - SE1/4,
E1/2SW1/4 Sec. 29, T6N, R17E, Lots
10 & 11 Sec. 29, T6N, R17E, NW1/4,
NW1/4NE1/4 Sec. 32, T6N, R17E,
SE1/4NE1/4 Sec. 31, T6N, R17E; 320.5
acres; 4.57 cfs water used; Priority
Date - 1/1/1934; Source -
Cheyenne River; Priority Date -
1/1/1952; Source - Mixes Food
Creek.

Permit #582-2, Elks Valley Hi,
Box 3008, Rapid City, SD 57709:
Diversion Point Location - SE1/4
SE1/4 Sec. 8, T1N, R8E, SW1/4NE1/4
Sec. 16, T1N, R8E; Irrig-
ated Land Location - NW1/4NE1/4
Sec. 16, T1N, R8E, SW1/4NE1/4 Sec. 16,
T1N, R8E; 61 acres; 0.87 cfs water
used; Priority Date - 5/25/1881;
Source - Rapid Creek, Cyclone
Ditch.

Permit #593-2, S.D. Game, Fish &
Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
SE1/4NW1/4 Sec. 30, T2N, R11E;
Water Used - *; Priority Date -
1/1/1937; Source - New Under-
wood Dam.

Permit #607-2, Noreene Thomp-
son, Harney Camp, Hill City, SD
57745: Diversion Point Location -
Lot 18, Sec. 12, T2N, R4E, 0.022 cfs
water used; Priority Date -
1/1/1930; Source - Groundwater.
Permit #627-2, S.D. Game, Fish &
Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
NE1/4NW1/4 Sec. 24, T4N, R15E;
Water Used - *; Priority Date -
1/1/1935; Pierce Lake.

Permit #649-2, Town of New
Underwood, P.O. Box 278, New
Underwood, SD 57761: Diversion
Point Location - NE1/4SE1/4 Sec.
31, T2N, R11E, 0.11 cfs water used;
Priority Date - 7/1/1950; Source -
Groundwater.

Permit #652-2, George F.
Sanders, Box 9, Caputa, SD 57725:
Diversion Point Location - SE1/4
NW1/4 Sec. 7, T1S, R10E; Irrig-
ated Land Location - SE1/4,
E1/2SW1/4 Sec. 7, T1S, R10E,
NE1/4NW1/4 Sec. 18, T1S, R10E,
NW1/4NE1/4 Sec. 18, T1S, R10E,
SE1/4NE1/4 Sec. 18, T1S, R10E; 123
acres; 1.75 cfs water used; Priority
Date - 1/1/1900; Source - Rapid
Creek.

Permit #653-2, Little Giant Ditch
Co., c/o Wayne R. Anderson, Rt. 5,
Box 460, Rapid City, SD 57701:
Diversion Point Location - SE1/4
NW1/4 Sec. 15, T1N, R8E; Irrig-
ated Land Location - SW1/4SW1/4
Sec. 14, T1N, R8E, NE1/4, NW1/4
Sec. 23, T1N, R8E, NW1/4SW1/4 Sec. 24,
T1N, R8E, SW1/4, E1/2SE1/4 Sec. 24,
T1N, R8E, Lots 3 & 4 Sec. 12, T1N,
R8E; Lot 1 Sec. 30, T1N, R8E; 650
acres; 6.27 cfs water used; Priority
Date - 6/14/1878; Source - Rapid
Creek.

Permit #769-2, Gilbert L.
Shearer, Wall, SD 57790: Diversion
Point Location - NE1/4SW1/4 Sec.
21, T2N, R16E, NE1/4SE1/4 Sec. 21,
T2N, R16E; Irrigated Land Location -
NW1/4, SW1/4NE1/4 Sec. 21, T2N,
R16E, SW1/4SE1/4 Sec. 21, T2N,
R16E; 285.2 acres; 4 cfs water used;
Priority Date - 1/1/1935; Source -
Dry Draws.

Permit #797-2, Melvin Kjerstad,
Box 522, Wall, SD 57790: Diversion
Point Location - SE1/4NW1/4 Sec.
12, T1N, R16E, SE1/4NE1/4 Sec. 12,
T1N, R16E; Irrigated Land Location -
SE1/4NW1/4 Sec. 12, T1N, R16E,
NW1/4SE1/4 Sec. 12, T1N, R16E; 90
acres; 1.28 cfs water used; Priority
Date - 1/1/1948; Source - Dry
Draw.

Permit #815-2, S.D. Cement
Plant, Drawer 360, Rapid City, SD
57701: Diversion Point Location -
NE1/4NE1/4 Sec. 33, T2N, R7E, 0.98
cfs water used; Priority Date -
1/1/1923; Source - Groundwater;
0.5 cfs water used; Priority Date -
1/1/1924; Source - Groundwater;
0.05 cfs water used; Priority Date -
1/1/1934; Source - Groundwater;
0.04 cfs water used; Priority Date -
1/1/1941; Source - Groundwater.

Permit #868-2, Zolton Stakacs,
Box 119, Caputa, SD 57725: Diversion
Point Location - SE1/4NW1/4 Sec.
16, T1S, R10E; Irrigated Land
Location - E1/2NW1/4 Sec. 16, T1S,
R10E; 20 acres; 0.28 cfs water us-

Source - Rapid Creek.
Permit #925-2, Lawrence R.
Krusse, Scenic SD 57780: Diversion
Point Location - NE1/4NE1/4 Sec.
15, T4S, R17E; Irrigated Land
Location - NW1/4SW1/4 Sec. 14, T4S,
R17E, SE1/4NE1/4 Sec. 15, T4S,
R17E, SE1/4SE1/4 Sec. 15, T4S,
R17E; 120 acres; 1.7 cfs & 80 af/yr
water used; Priority Date -
1/1/1948; Source - Dry Draw.

Permit #926-2, Birdall Sand &
Gravel, Box 767, Rapid City, SD
57709: Diversion Point Location -
Lot 1, Sec. 17, T1N, R14E; 3 cfs
water used; Priority Date -
1/1/1949; Source - Cheyenne
River.

Permit #948-2, Ruby Breck, St. Rt.
1, Box C30A, Creighton, SD 57729:
Diversion Point Location - Lot 2,
Sec. 15, T6N, R17E; Irrigated Land
Location - Lots 1 & 2, Sec. 15, T6N,
R17E; 36 acres; 0.5 cfs water used;
Priority Date - 1/1/1953; Source -
Cheyenne River & Dry Draws.

Permit #955-2, William R. Stone,
Creighton, SD 57729: Diversion
Point Location - NE1/4SE1/4 Sec. 1,
T5N, R16E; Irrigated Land Location -
NE1/4, NE1/4NW1/4 Sec. 1,
T5N, R16E, SW1/4SW1/4 Sec. 31, T6N,
R17E, SW1/4SE1/4 Sec. 36, T6N, R16E,
NE1/4SE1/4 Sec. 36, T6N, R16E; 203
acres; 2.9 cfs water used; Priority
Date - 1/1/1945; Source - Deep
Creek.

Permit #1052-2, Triple T. Ranch,
408 7th St., Rapid City, SD 57701:
Diversion Point Location - SW1/4
SW1/4 Sec. 25, T1N, R8E; Irrig-
ated Land Location - NW1/4NW1/4
Sec. 36, T1N, R8E, SW1/4NW1/4
Sec. 36, T1N, R8E, NW1/4SW1/4
Sec. 36, T1N, R8E, NW1/4NE1/4
Sec. 36, T1N, R8E; 124 acres; 1.77 cfs water
used; Priority Date - 1/1/1938;
Source - Rapid Creek.

Permit #1065-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: SE1/4SE1/4 Sec. 36, T1N,
R16E; Water Used - *; Priority
Date - 1/1/1935; Source - Quinn
Dam.

Permit #1066-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
SE1/4NE1/4 Sec. 16, T1S, R17E;
Water Used - *; Priority Date -
1/1/1935; Source - Quinn Township
Dam.

Permit #1067-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
NW1/4NE1/4 Sec. 32, T2N, R13E;
Water Used - *; Priority Date -
1/1/1935; Source - Wicksville
Dam.

Permit #1068-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
SE1/4SE1/4 Sec. 2, T1S, R15E; Water
Used - *; Priority Date -
1/1/1946; Source - New Wall Lake.

Permit #1069-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
SW1/4 Sec. 9, T1N, R7E; Water Used -
*; Priority Date - 1/1/1935;
Source - Mitchell Lake.

Permit #1070-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
NE1/4 Sec. 29, T1N, R5E; Water Used -
*; Priority Date - 1/1/1935;
Source - Mitchell Lake.

Permit #1071-2, S.D. Game, Fish
& Parks, 445 E. Capitol, Pierre, SD
57501: Diversion Point Location -
NW1/4 Sec. 30, T1N, R5E; Water Used -
*; Priority Date - 1/1/1935;
Source - Major Lake.

Permit #1090-2, Town of Wasta,
P.O. Box 46, Wasta, SD 57791:
Diversion Point Location - SW1/4
SW1/4 Sec. 33, T2N, R14E; 0.08
cfs water used; Priority Date -
1/1/1936; Source - Groundwater.

Permit #1101-2, Rapid Valley
Water Service Company, Rt. 4, Box
20, Rapid City, SD 57701: Diversion
Point Location - NE1/4SE1/4 Sec. 8,
T1N, R8E; 1.73 cfs water used;
Priority Date - (Irrig. Season)
6/14/1878, (Non-Irrig. Season)
2/22/1972; Source - Groundwater
(Rapid Creek).

Permit #1152-2, Johnson Bar Five
Ranch, 1500 E. 27 St., Rapid City,
SD 57701: Diversion Point Location -
SE1/4NE1/4 Sec. 6, T1N, R8E; Irrig-
ated Land Location - SW1/4NW1/4
Sec. 4, T1N, R8E, NW1/4SW1/4
Sec. 4, T1N, R8E, E1/2SW1/4
Sec. 4, T1N, R8E;

Date - 1/12/1886; 28 acres, 0.4 cfs
water used; Priority Date -
5/21/1896; Source - Rapid Creek.
Permit #1153-2, G.G. & Louise A.
Ennen, RR 13, Box 303, Rapid City,
SD 57701: Diversion Point Location -
SE1/4NE1/4 Sec. 6, T1N, R8E; Irrig-
ated Land Location - SE1/4NW1/4
Sec. 11, T1N, R8E; 29
acres; 0.41 cfs water used; Priority
Date - 5/21/1896; Source - Rapid
Creek.

Permit #1190-2, Dennis Zandsra,
RR 5, Box 700, Rapid City, SD
57701: Diversion Point Location -
SE1/4NE1/4 Sec. 6, T1N, R8E; Irrig-
ated Land Location - NE1/4SE1/4
Sec. 11, T1N, R8E; 9 acres; 0.13 cfs
water used; Priority Date -
5/21/1896; Source - Rapid Creek.
1598-2, Town of Hill City, P.O.
Box 395, Hill City, SD 57745: Diversion
Point Location - SE1/4NW1/4
Sec. 30, T1S, R5E, SW1/4SW1/4 Sec.
30, T1S, R5E, 0.275 cfs water used;
Priority Date - 1/1/1949; Source -
Groundwater.

Permit #1602-2, Roy F. Davis,
P.O. Box 1655, Rapid City, SD
57709: Diversion Point Location -
NW1/4SW1/4 Sec. 24, T1N, R7E; Irrig-
ated Land Location - SE1/4,
E1/2SW1/4 Sec. 24, T1N, R7E; 70
acres; 1 cfs & (storage) 30 af;
Priority Date - 1/1/1953; Source -
Dry Draw.

Permit #1656-2, Pete Lien & Sons,
Inc., Box 440, Rapid City, SD 57709:
Diversion Point Location - NW1/4
NW1/4 Sec. 21, T2N, R7E; 2.23
cfs water used; Priority Date -
1/1/1954; Source - Groundwater.

Permit #1684-2, Blanche Sedivy,
Box 265, Rapid City, SD 57709:
Diversion Point Location - SE1/4
NE1/4 Sec. 8, T1N, R8E; Irrig-
ated Land Location - SE1/4NW1/4
Sec. 8, T1N, R8E; 15
acres; 0.21 cfs water used; Priority
Date - 7/12/1886; Source - Rapid
Creek.

Permit #1727-2, Rapid Valley
Water Company, Inc., RR 2, Box
223, Rapid City, SD 57701: Diversion
Point Location - SW1/4 Sec. 8,
T1N, R8E; Irrigated Land Location -
portions of Sections 9, 10, 13, 14,
15, 20 & 24, T1N, R8E, portions of
Sections 19, 20, 29 & 30, T1N, R9E;
1,425 acres; 17 cfs water used;
Priority Date - 1/1/1878; 3 cfs
water used; Priority Date -
1/1/1893; Source - Rapid Creek.

Permit #1777-2, Marilyn O'Neill
Cummings, Star Route, Wall, SD
57790: Diversion Point Location -
SW1/4NE1/4 Sec. 4, T3N, R16E; Irrig-
ated Land Location - NW1/4SW1/4
Sec. 3, T3N, R16E, NE1/4, NW1/4SE1/4
Sec. 4, T3N, R16E; 127
acres; 1.81 cfs water used; Priority
Date - 1/1/1910; Source - Dry
Draw.

Permit #1778-2, Marilyn O'Neill
Cummings, Star Route, Wall, SD
57790: Diversion Point Location -
NE1/4SW1/4 Sec. 10, T3N, R16E,
SW1/4NE1/4 Sec. 10, T3N, R16E;
Irrigated Land Location -
SE1/4NW1/4 Sec. 10, T3N, R16E,
NE1/4NE1/4 Sec. 10, T3N, R16E,
NW1/4SE1/4 Sec. 10, T3N, R16E;
62 acres; 0.89 cfs water used; Priority
Date - 1/1/1952; Source - Dry
Draw.

1788-2, Jerry L. & Donna M.
Olson, Rt. 5, Box 110, Rapid City,
SD 57701: Diversion Point Location -
SW1/4 Sec. 8, T1N, R8E; Irrig-
ated Land Location - SE1/4NE1/4
Sec. 15, T1N, R8E, NW1/4NE1/4
Sec. 15, T1N, R8E; 48.7 acres; 0.2 cfs water used;
Priority Date - 4/6/1978; Source -
Rapid Creek.

Permit #1805-2, Cow Creek Ranch,
c/o Glendon E. Shearer, Wall, SD
57790: Diversion Point Location -
NE1/4SW1/4 Sec. 5, T3N, R15E; Irrig-
ated Land Location - NW1/4SW1/4
Sec. 5, T3N, R15E, SW1/4SW1/4
Sec. 5, T3N, R15E, SE1/4SE1/4
Sec. 6, T3N, R15E; 59
acres; 0.84 cfs water used; Priority
Date - 11/16/1954; Source - Dry
Draw.

Permit #1806-2, Cow Creek
Ranch, c/o Glendon E. Shearer,
Wall, SD 57790: Diversion Point
Location - NE1/4 Sec. 24, T3N,
R14E; Irrigated Land Location -
NW1/4, SW1/4 Sec. 18, T3N, R15E,
SE1/4 Sec. 13, T3N, R14E, NE1/4 Sec.
24, T3N, R14E; 300 acres; 4.28 cfs
water used; Priority Date -

Permit #1810-2, Jeffry Hammer-
quist, Box 26, Caputa, SD 57725:
Diversion Point Location - Sec. 15,
T1S, R10E; Irrigated Land Location -
NW1/4 Sec. 15, T1S, R10E,
64.2 acres; 1.08 cfs water used;
Priority Date - 5/28/1890; 0.2 cfs
water used; Priority Date -
1/1/1947; Source - Rapid Creek.
Permit #1823-2, Bennett Ditch
Association, 3907 Minnehaha Dr.,
Rapid City, SD 57701: Diversion
Point Location - SW1/4NW1/4 Sec. 9,
T1N, R7E; Irrigated Land Location -
E1/2NW1/4 Sec. 9, T1N, R7E; 9.82
acres; 0.5 cfs water used; Priority
Date - 6/30/1905; Source - Rapid
Creek.

Permit #1824-2, Ayda Amundson,
12 Oakland, Rapid City, SD 57701:
Diversion Point Location - SW1/4
SW1/4 Sec. 20, T2N, R7E; 0.11
cfs water used; Priority Date -
1/1/1954; Source - Groundwater.

Permit #1736-2, Cyclone Ditch
Box -1377, Rapid City, SD 57709:
Diversion Point Location - SE1/4
SE1/4 Sec. 8, T1N, R8E; Irrig-
ated Land Location - SW1/4 Sec. 15,
T1N, R8E, Sec. 22, T1N, R8E,
NE1/4NE1/4 Sec. 27, T1N, R8E, NW1/4
SE1/4 Sec. 26, T1N, R8E; 566 acres;
7 cfs water used; Priority Date -
1/1/1887; 1.1 cfs water used; Priority
Date - 1/1/1890; Source - Rapid
Creek.

* The Chief Engineer's recom-
mendation will be to validate the
water right claim for sufficient
water to fill the lake annually to the
outlet elevation or to the elevation
necessary to maintain the ordinary
high water mark, whichever is
lower.

* Any person who wishes to oppose
validation of any vested right claim
shall, prior to October 1, 1988, file a
petition to intent to oppose the
validation with the Chief Engineer,
Water Rights Division, Department
of Water and Natural Resources,
Joe Foss Building, 523 East Capitol,
Pierre, SD 57501-3181 and with the
vested water right holder at the
listed address. The petition may be
informal, but it must include a
statement describing the peti-
tioner's interest in the vested water
right claim, the reasons for the
petitioner's opposition to the claim,
and the signature and mailing ad-
dress of the petitioner or his legal
counsel if legal counsel is obtained.

If a petition of intent to oppose the
validation of a recognized vested
water right claim is filed, the Chief
Engineer will schedule a hearing
before the Water Management
Board. The parties will be notified
of the time and place of the hearing.
If no person opposes validation of a
recognized vested water right
claim pursuant to SDCL 46-2A-16,
the Water Management Board will
issue an order pursuant to SDCL
46-2A-17, validating the vested
water right claim.

The validations are made pur-
suant to the provisions of SDCL



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 30, 2024

NOTICE OF HEARING

TO: Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 East Capitol Ave
Pierre SD 57501

FROM: Eric Gronlund, Chief Engineer
Water Rights Program, DANR

SUBJECT: Validation of Recognized Vested Water Right Claim No. 1069-2, Department of Game, Fish, and Parks for Canyon Lake

A Notice of Intent to validate recognized Vested Water Right Claim No. 1069-2 for Canyon Lake was published in the Rapid City Journal on June 23 and 30, 1988. The Notice was published to validate the claim for sufficient water to fill Canyon Lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. The Chief Engineer petitioned opposing the validation of all Department of Game, Fish, and Parks vested water right claims for dams to include the spillway elevation, correct the amount of water claimed, and add any amendments and qualifications necessary to clarify the vested right claim. The City of Rapid City provided "as built" plans for the past Canyon Lake Dam reconstruction which includes the spillway elevation. Therefore, validation of the vested right claim can now proceed.

Enclosed is the recommendation for the Water Management Board to validate the recognized Vested Water Right Claim No. 1069-2 for sufficient water annually to maintain the water to the spillway elevation of 3360.0 feet mean sea level (NGVD 29).

The Water Management Board will consider validation of Claim No. 1069-2 at 9:30 AM (Central Time) on Wednesday July 10, 2024, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior items on the agenda.

Applicable provisions of the published notice of intent to validate Claim No. 1069-2 will still apply at this hearing.

Contact Ron Duvall or myself if you have any questions at (605) 773-3352.

enclosure

cc: Jennifer Verleger, Assistant Attorney General
Roger Hall, City Engineer, City of Rapid City, 300 6th Street, Rapid City SD 57701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 1069-2,
DEPARTMENT OF GAME, FISH, AND PARKS, CANYON LAKE**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources, concerning validation of Recognized Vested Water Right Claim No. 1069-2, Department of Game, Fish, and Parks, c/o Secretary Kevin Robling, 523 E Capitol Ave, Pierre SD 57501.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vester Water Right Claim No. 1069-2 for sufficient water to maintain the water level to Canyon Lake's spillway elevation of 3360.0 feet mean sea level (NGVD 29). The vested water right will retain a priority date of January 1, 1935.

This recommendation is based on the "as built" plans and specifications for the past reconstruction of the Canyon Lake dam, which included the surveyed spillway elevation.

Eric Gronlund, Chief Engineer
May 30, 2024

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF HEARING & RECOMENDATION dated May 30, 2024, via Inter-Office Mail to the following parties.

Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
Joe Foss Building

Jennifer Verleger, Assistant Attorney General
1302 Easy Highway 14, Suite 1
Pierre SD 57501

David McVey, Assistant Attorney General
1302 Easy Highway 14, Suite 1
Pierre SD 57501

The above was also deposited into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following parties.

City of Rapid City
c/o Roger Hall, City Engineer
300 6th Street, Rapid City SD 57701

Shannon Horst

Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of May, 2024.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 11 2024

Department of Game, Fish, and Parks
c/o Kevin Robling, Secretary
523 East Capitol Ave
Pierre SD 57501

Dear Mr. Robling:

Enclosed is Validated Vested Right Water License No. 1069-2 held by the Department of Game, Fish and Parks. As long as the department uses the water beneficially, as stated in the Water License, the State Water Laws provide a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

REISSUED
STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 1069-2

(1) The Department of Game, Fish, and Parks, 523 East Capitol Avenue, Pierre SD 57501 was issued Water License No. 1069-2 for a validated vested right for Canyon Lake located in Pennington County, South Dakota for public recreation purposes.

On July 10, 2024, the Water Management Board validated Vested Right No. 1069-2. Vested Right No. 1069-2 is being reissued to reflect the spillway elevation as it currently exists.

(2) Water in Canyon Lake has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the Department of Game, Fish, and Parks holds Vested Water Right No. 1069-2. The license is reissued, bearing a priority date of January 1, 1935.

The spillway for Canyon Lake is located in the SW 1/4 Section 9 -T1N-R7E. The Department of Game, Fish, and Parks vested water right is validated for sufficient water to maintain the water level up to 3360.0 feet mean sea level (NAVD88).

(3) Water Rights obtained in compliance with the laws of State of South Dakota must not be unlawfully impaired by this appropriation.

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 11 2024
date

