

Considered

Sept. 1, 1971

2. Name of Applicant

City of Rapid City

3. Post Office Address

4. Amount of water claimed

40.00

5. Source of water supply

Unappropriated flows of Rapid Creek

6. Water to be used for

Municipal Use - Future use

Acres to be irrigated

-

7. Water to be diverted and used in

Pennington

County

about

Miles

of

8. Proof of Publication

Received

8-20-71

Not received

9. Application

Approved

Subject to

Not approved

Action deferred

10. Remarks:

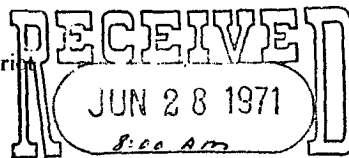
SEE 1086-2 FOR
AFFIDAVIT OF PUBLICATION

No. **1088-2**Map No. **452-2**Water Division No. **2****RAPID CREEK**

District

(Blanks to be Filled by the Engineer for the W. R. C.)

FUTURE USE

**APPLICATION FOR PERMIT**STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**To Appropriate Water within the State of South Dakota**

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

City of Rapid City

1. Name of Applicant _____

Postoffice address 22 Main St., Rapid City, 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) _____

3. Name of diversion work Water Treatment Plant Diversion (Future Use)4. Amount of water claimed (cubic feet per second) 40.05. Source of water supply Unappropriated flows of Rapid Creek6. Location of point of diversion North 71° 39' West, 1205 feet from East 1/4 Corner of Section 3, T2N, R7ECounty Pennington7. Annual period or periods during which water is to be used Year around operation8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal

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 Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

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

Existing intake on Rapid Creek

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

Existing treatment plant with pumps and distribution system plus expansion

C. Works proposed to apply water to beneficial use.

Expanded numbers of municipal, commercial, industrial and household service connections.

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 of Pennington) ss.I, Mayor of City of Rapid City 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 Donald W. BernalSubscribed and sworn to before me this 21st day of June 19 71

Notary Public (or other qualified officer)

L. AL. GRULICKSON, Notary Public

My Commission Expires June 20, 1975

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No.

1088-2CITY OF RAPID CITY

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

THERE ARE PRIOR WATER RIGHTS DOWNSTREAM ON RAPID CREEK (IRRIGATION AND DOMESTIC USE, INCLUDING LIVESTOCK WATERING). NATURAL FLOWS OF RAPID CREEK AS NEEDED FOR THESE PRIOR DOWNSTREAM WATER RIGHTS SHALL BE BY-PASSED UNDER THIS PERMIT.

WATER RIGHTS, COVERING STORAGE OF WATER IN DEERFIELD AND PACTOLA RESERVOIRS, WERE ACQUIRED BY THE UNITED STATES (U.S. NE 509-2 AND U.S. NE 581-2 RESPECTIVELY). USE OF SUCH WATER BY RAPID CITY IS PROVIDED BY THE DEERFIELD AND PACTOLA CONTRACTS WITH THE UNITED STATES (BUREAU OF RECLAMATION). TO THE EXTENT THAT WATER IS AVAILABLE UNDER THESE CONTRACTS, IT MAY BE USED UNDER THIS PERMIT TO SERVE, REPLACE OR SUPPLEMENT WITHDRAWALS FROM THE NATURAL FLOWS OF RAPID CREEK, OR THOSE FLOWS REMAINING (WHICH MAY BE ZERO FLOWS) AFTER WATER IS BY-PASSED AS NEEDED FOR THE DOWNSTREAM PRIOR WATER RIGHTS.

THIS IS A PERMIT TO WITHDRAW WATER FOR FUTURE USE, AND SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THIS APPROPRIATION MUST BE SUBMITTED AT SUCH TIME AS THE WORKS ARE TO BE CONSTRUCTED.

SEE ATTACHMENT "A"

Date of first receipt of application

JUNE 2819 71

Date of return to applicant for correction, amendments or changes required

—

19

Date of receipt of corrected application

—

19

Approved

SEPTEMBER 119 71

Recorded in Book

12

Page

30WATER RIGHT PERMIT NO. 1088-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1088-2 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

JUNE 2819 71

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before

19

WITHDRAWAL FOR FUTURE USE. SPECIFIC APPLICATIONS MUST BE SUBMITTED WHEN THE WORKS ARE TO BE

3. The whole of said work is to be completed on or before

SAME

19

CONSTRUCTED

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

SAME

19

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

MUNICIPAL USE

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

40.0

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 ~~beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one twentieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~

USED FOR MUNICIPAL PURPOSESactually and beneficially ~~applied for irrigation~~ on or beforeSAME

19

said water to be used during the

following described annual period: CONTINUOUS

Witness my hand this

3RD

day of

SEPTEMBER19 71

WATER RESOURCES COMMISSION

By:

Jocelyn Ruimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

Publish first publication, on or before:

August 5, 1971**NOTICE
INTENT TO APPROPRIATE WATER**Pierre, South Dakota
July 22, 1971

Notice is hereby given that the City of Rapid City, 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, 37.0 C.F.S. for Treatment Plant, .11 for Section 24 Diversion, and 40.0 cubic feet of water per second of time for Future Use from the unappropriated flows of Rapid Creek through the City distribution system, the points of diversion of which are to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, T2N, R7E, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T1N, R8E. Said water to be used for the purpose of providing municipal supplies for the City of Rapid City.

These applications Nos. 1086-2, 1087-2 and 1088-2 will be considered by the Water Resources Commission at their office at Pierre upon the 1st day of September, 1971, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

RFJ/bw

By: E.W. Hansen, Sanitary Engineer, Dept. of Public Works, 22 Main St.
Rapid City, S.D. 57701



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permits
No. 439-2 & 1088-2

Arthur P LaCroix, Mayor
City of Rapid City
22 Main
Rapid City SD 57701

Dear Mayor LaCroix:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Rapid City's Future Use Permits No. 439-2 and 1088-2. The Board continued Permits No. 439-2 & 1088-2 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 439-3 & 1088-2 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Kent Brugger, Finance Officer
Bill Craig

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 1088-2
FOR RAPID CITY

Future Use Permit No. 1088-2 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualification:

- a) Permit No. 1088-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

Department of Natural Resources

Water Rights Section 57501

August 8, 1983

NOTICE

To : Arthur P. LaCroix, Mayor, City of Rapid City

From : John Hatch, Chief Engineer, Water Rights Division

Subject : Review of Future Use Water Permit No. 1088-2

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 1088-2, City of Rapid City will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 1088-2, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 1088-2 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 1088-2 was approved September 1, 1971 with a priority date of June 28, 1971, for 40.0 cubic feet per second (cfs) from the following area: Sec. 3-T2N-R7E with the following qualifications:

At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 1088-2 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 1088-2 with the following qualifications:
 - a) Permit No. 1088-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

At the end of three years, the permit will again be reviewed and if it is
found that the permittee is required to pay 10% of the usual fee for an application to
renew the permit for 1967-68 in effect. The projected 10% fee in seven
years for the existing permit fee will be \$621.00.

This is an adversary proceeding. Any person has the right to be present
and to be represented by a lawyer. These and other due process rights will be
exercised if they are not exercised at the hearing. Decisions of the Board may
be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Earl Kruger, Finance Officer

Division of Water Rights
605 773-3992

August 24, 1983

NOTICE

TO: Arthur P. LaCroix, Mayor, City of Rapid City
FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*
SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 439-2 and 1000-2

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 439-2 and 1000-2 are being changed because of a conflict with the Municipal League Meeting that starts October 5, 1983. The Water Management Board will now review Future Use Permits No. 439-2 and 1000-2 at 1:30 pm, November 30, 1983, Joe Foss Building, Pierre, South Dakota. The hearings will be conducted pursuant to the notice dated August 8, 1983.

cc: Kent Brugger, Finance Officer

The meeting will be in Room 216 of the Joe Foss Building.

SOUTH Dakota Department of
Water & Natural Resources

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

September 12, 1990

Keith Carlyle, Mayor
300 6th St
Rapid City SD 57701

Dear Mayor Carlyle:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries and Minnelusa, Madison Formation wells and Permit No. 1088-2 from Rapid Creek which is held by Rapid City. Currently, our records show that 12.75 and 27.3 cubic feet of water per second remain in reserve under Future Use Permit No. 439-2 and 1088-2, respectively. However, the City currently has two permit applications pending to construct and place to beneficial use 13.16 cfs from Permit No. 1088-2.

Permit Nos. 439-2 and 1088-2 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on each permit. The fee could be as much as \$210.00 for Permit No. 439-2 and \$427.50 for Permit No. 1088-2 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Rodger Krueger, Water Superintendent
Dan Bjerke, Water Division Manager



City of Rapid City

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

605-394-4465

October 10, 1990

Ms. Karen Schlaak
Natural Resources Analyst
Water Rights Division
SD Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Future Use Permits Nos. 439-2 and 1088-2

Dear Ms. Schlaak:

The City of Rapid City is in receipt of your letter dated September 12, 1990 regarding the above referenced future use permits.

The City is requesting the amounts of water remaining in the two future use permits to remain in force. Future Use Permit No. 439-2 relating to diversions from Jackson Springs gallery, Meadowbrook gallery and Sioux Park (Girl Scouts) gallery has 12.75 cfs remaining for future use. The City has begun a program of installing automated high efficient irrigation systems for the City's parklands along Rapid Creek. The recently approved Water Permit for irrigating Sioux Park is the first in a series of anticipated use of raw water from Rapid Creek for irrigation of City parklands. It is the City's intent to use the a portion of the remaining 12.75 cfs for this purpose. The remaining portion would be used to increase pumping capacity from the galleries.

The City is projecting a population increase based on present growth trends from the present population of 57,500 to 102,000 in the year 2015. The water utility serves an additional population at Ellsworth Air Force Base and Rapid Valley Water Service Co. In 1988 the total water usage was 14,400 acre-feet of water. The City is projecting a water usage of 19,000 acre-feet in 2015. The increase in water needs in future years requires the City to use prudent planning to ensure adequate future water supplies.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

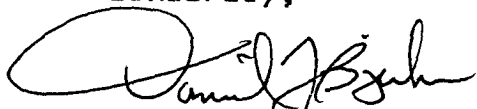
5

The water utilities peak water demand occurred in July of 1988 at 57 cfs. The future peaking demands for the City's water infrastructure could easily exceed 100 cfs which closely relates to the City's active and future use permit amounts of water.

The City's water treatment plant which presently has a capacity of 32 million gallons day (49.3 cfs) is used during the irrigation season from April through September of each year to meet peaking water demands. The City is presently constructing improvements to the raw water screening portion of the treatment process and increasing the capacity of the plant by 8 million gallons per day (12.38 cfs). Total expandable capacity of the treatment plant is 48 million gallons per day (74 cfs). If the pending water permit for 12.38 cfs is approved, the remaining amount on Future Use Permit 1088-2 would be 14.236 cfs which is approximately the amount of water needed for meeting the total design capacity of the treatment plant. Therefore, the City will in the near future totally utilize all the water assigned under Future Use Permit 1008-2.

As you requested in your letter, I have enclosed past water pumping records for your use in evaluating the City's present and future water needs. If you need any additional information regarding this matter, please contact me at (605) 394-4165 or Rodger Kruger at (605) 394-4162.

Sincerely,



Daniel L. Bjerke, PE/LS
Water/Water Reclamation Division Manager

cc: Mike Strub, Public Works Director
Rodger Kruger, Water Superintendent

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1985	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	0	2,346,400	153,426,000	0	11,891,500	20,665,700	0	0	188,329,600	179,608,500	12,460,600	6.62
FEBRUARY	5,000	1,916,500	137,374,000	0	10,454,800	18,527,800	0	0	168,278,100	175,869,000	-9,878,100	5.87
MARCH	0	7,659,500	144,020,000	0	11,761,800	20,809,500	0	0	184,250,800	158,400,000	7,643,800	4.15
APRIL	18,629,000	39,033,600	132,672,000	0	11,192,600	19,977,500	0	0	221,504,700	176,607,000	110,527,800	-47.19
MAY	40,168,000	78,834,900	148,881,000	0	11,418,900	20,339,700	110,580,000	40,770,000	450,992,500	326,032,500	61,324,000	-13.60
JUNE	38,861,000	75,518,000	143,608,000	0	11,008,600	19,530,500	101,882,000	29,860,000	420,268,100	389,668,500	19,558,650	-22.74
JULY	48,734,000	86,103,200	139,000,000	0	11,208,100	19,648,600	279,108,000	66,360,000	650,161,900	515,826,750	237,251,900	36.49
AUGUST	49,156,000	79,385,200	125,065,000	0	11,013,100	20,007,100	46,640,000	1,260,000	332,526,400	412,910,000	-4,235,650	-1.27
SEPTEMBER	32,603,000	55,545,500	101,381,000	0	11,575,300	19,642,700	14,060,000	0	234,807,500	328,290,750	29,833,250	12.71
OCTOBER	15,722,000	51,641,000	85,102,000	0	12,499,000	20,632,700	0	0	185,596,700	204,974,250	(9,738,550)	-5.25
NOVEMBER	869,000	38,266,000	99,900,000	0	11,879,300	18,707,100	0	0	169,621,400	195,335,250	(7,630,100)	-4.50
DECEMBER	12,301,000	15,292,300	130,955,000	0	12,391,600	18,958,400	0	0	189,898,300	177,251,500	28,367,050	14.94
TOTALS	257,048,000	531,542,100	1,541,384,000	0	138,294,600	237,447,300	552,270,000	138,250,000	3,396,236,000	3,240,774,000	155,462,000	4.56
MONTH 1986	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	9,990,000	39,585,000	125,504,000	0	12,305,900	19,044,700	0	0	206,429,600	161,531,250	49,304,600	23.88
FEBRUARY	973,000	25,166,700	103,866,000	0	10,995,500	17,504,100	0	0	158,505,300	157,125,000	11,802,332	-7.45
MARCH	271,000	33,704,300	119,448,000	0	11,932,200	19,324,200	0	0	184,679,700	170,307,632	10,587,188	5.73
APRIL	27,526,000	5,043,900	126,882,000	0	11,806,500	18,853,900	0	0	190,112,300	174,092,512	16,055,948	-8.45
MAY	34,105,000	49,742,400	120,402,000	0	12,319,800	19,586,400	10,020,000	2,460,000	248,635,600	206,168,248	162,079,112	-24.97
JUNE	45,779,000	84,220,000	118,683,000	0	11,743,200	18,687,900	127,240,000	27,540,000	433,893,100	310,714,712	68,030,592	-15.68
JULY	47,241,000	87,142,600	122,903,000	0	11,996,600	18,402,100	128,490,000	8,210,000	424,385,300	365,862,508	26,345,328	6.21
AUGUST	48,736,000	82,278,700	123,663,000	0	11,907,200	18,019,700	144,100,000	72,910,000	501,614,600	398,039,972	169,917,740	33.87
SEPTEMBER	32,726,000	33,776,300	118,456,000	0	11,750,100	18,725,100	0	0	215,433,500	331,696,860	-22,238,564	-10.32
OCTOBER	9,991,000	18,891,300	124,092,000	0	12,176,100	18,913,900	0	0	184,064,300	193,194,936	2,331,716	1.27
NOVEMBER	999,000	38,435,800	105,449,000	0	12,068,200	18,198,700	0	0	175,150,700	181,732,584	7,445,360	4.25

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1986	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
DECEMBER	2,389,000	22,307,400	108,203,000	0	12,169,600	18,501,100	0	0	163,570,100	167,705,340	(23,990,900)	-2.53
TOTALS	260,726,000	520,294,400	1,417,551,000	0	143,170,900	223,761,800	409,850,000	111,120,000	3,086,474,100	2,818,171,554	268,302,546	8.69
MONTH 1987	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	7,605,000	34,578,000	98,576,000	0	12,256,700	18,551,200	0	0	171,566,900	187,561,000	6,385,312	3.72
FEBRUARY	7,618,000	27,756,400	90,635,000	0	10,936,900	16,723,400	0	0	153,669,700	165,181,588	(14,185,988)	-9.23
MARCH	2,958,000	30,352,700	107,738,000	0	11,999,300	18,393,700	0	0	171,441,700	167,855,688	413,264,184	-7.74
APRIL	17,708,000	56,200,800	116,675,000	0	11,361,200	18,059,800	24,000,000	0	244,004,800	184,705,884	(55,749,468)	-22.85
MAY	27,305,000	76,162,500	109,391,000	0	12,055,600	18,848,300	37,000,000	0	280,762,400	299,754,268	(13,284,628)	-4.73
JUNE	33,550,000	93,763,700	113,980,000	0	11,191,400	17,990,500	128,680,000	45,770,000	444,925,600	294,047,028	(56,742,292)	-12.75
JULY	9,253,000	91,372,900	126,504,000	0	11,533,800	18,233,000	285,630,000	197,600,000	740,126,700	501,667,892	153,316,960	20.71
AUGUST	0	80,096,300	135,024,000	0	11,200,200	18,179,300	98,540,000	105,910,000	448,949,800	586,809,740	106,240,884	23.66
SEPTEMBER	0	79,261,100	132,675,000	0	10,946,000	17,689,500	48,330,000	27,010,000	315,911,600	342,708,916	36,147,632	-11.44
OCTOBER	0	40,170,100	114,878,000	0	11,382,100	18,585,800	25,940,000	24,030,000	234,986,000	279,763,968	39,564,268	16.84
NOVEMBER	0	26,544,900	102,571,000	0	11,452,300	18,108,800	18,390,000	16,180,000	193,247,000	195,421,732	18,262,872	9.45
DECEMBER	0	46,116,300	121,143,000	0	11,819,500	18,816,200	0	0	197,895,000	174,984,128	4,401,612	-2.22
TOTALS	105,997,000	682,375,700	1,369,790,000	0	138,135,000	218,179,500	666,510,000	416,500,000	3,597,487,200	3,380,461,832	217,025,368	6.03
MONTH 1988	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	0	58,568,800	119,761,000	0	12,144,000	18,894,700	0		209,368,500	193,493,388	42,966,176	20.52
FEBRUARY	0	63,718,600	113,436,000	0	11,158,800	17,595,200	0		205,908,600	166,402,324	720,980	0.35
MARCH	0	68,274,200	130,625,000	0	11,621,000	18,632,800	0		229,153,000	205,187,620	NO APRIL BILL	0.00
APRIL	1,954,000	67,951,000	131,795,000	0	11,090,000	18,027,200	56,350,000	80,090,000	367,257,200	NO BILLING	NO BILLING	0.00
MAY	30,356,000	89,029,000	139,701,000	0	11,171,800	18,432,000	45,410,000	64,870,000	398,969,800	513,496,764	119,325,720	29.91
JUNE	32,449,000	103,111,900	140,918,000	0	10,531,600	17,283,300	269,920,000	213,540,000	787,753,800	508,797,080	187,522,696	23.80

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	
JULY	41,004,000	107,225,800	123,885,000	0	11,358,300	18,101,600	318,900,000	192,450,000	812,924,700	600,231,104	237,594,516	-29.23	
AUGUST	39,539,000	77,702,900	127,469,000	0	7,194,700	17,970,100	211,220,000	144,200,000	625,295,700	575,330,184	210,024,800	33.59	
SEPTEMBER	43,728,000	62,744,900	126,799,000	0	10,116,800	17,186,000	92,880,000	95,220,000	448,674,700	415,270,900	101,307,988	22.58	
OCTOBER	29,674,000	30,209,800	123,895,000	0	10,454,600	1,514,400	51,910,000	38,780,000	286,437,800	347,366,712	48,062,168	16.78	
NOVEMBER	36,324,000	32,020,100	76,844,000	0	10,576,500	PUMP DOWN	410,000	13,500,000	169,674,600	238,375,632	(38,291,840)	-22.57	
DECEMBER	23,411,000	41,934,200	87,988,000	0	10,424,200	PUMP DOWN	0	0	163,757,400	207,966,440	(17,290,016)	-10.56	
TOTALS	278,439,000	802,491,200	1,443,116,000	0	127,842,300	163,637,300	1,047,000,000	842,650,000	4,705,175,800	3,971,918,148	733,257,652	15.58	
COST OF PRODUCTION	\$28,372.93	\$81,773.85	\$147,053.52		\$13,027.13	\$16,674.64	\$124,195.14	\$99,955.14	\$511,052.36				
(Ground water \$101.90/m.g. and surface water \$118.62/m.g.)													
MONTH 1989	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	MONTHLY REVENUES
JAN	17,170,000	28,806,200	106,786,000	0	10,480,700	0	0	0	163,242,900	181,047,416	(21,538,532)	-13.19	\$247,030
FEB	24,846,000	19,785,000	98,086,000	0	9,290,100	0	0	0	152,007,100	184,781,432	(59,385,280)	-39.07	\$166,590
MAR	20,790,000	21,570,200	111,403,000	0	10,113,000	0	0	0	163,876,200	211,392,380	(28,257,324)	-17.24	\$241,440
APR	28,854,000	27,504,200	111,178,000	0	9,566,000	0	7,420,000	3,105,000	187,627,200	192,133,524	(46,306,060)	-24.68	\$206,996
MAY	43,099,000	32,181,500	121,183,000	0	9,871,800	0	20,380,000	1,750,000	228,465,300	233,933,260	(13,985,288)	-6.27	\$266,290
JUNE	44,293,000	66,873,200	129,045,000	0	9,397,800	109,000	140,500,000	24,740,000	414,958,000	368,450,588	(32,797,792)	-7.90	\$259,441
JULY	46,679,000	92,914,700	133,500,000	0	9,391,900	0	183,950,000	50,760,000	517,195,600	447,755,792	19,447,976	3.76	\$473,826
AUG	50,264,000	95,034,100	132,612,000	3,500,000	9,332,500	0	108,260,000	22,405,000	421,407,600	497,747,624	(15,438,612)	-3.66	\$429,118
SEPT	19,743,000	67,747,800	112,739,000	16,377,600	9,025,100	20,356,800	0	0	245,989,300	436,846,212	13,533,340	5.50	\$556,079
OCT	6,706,000	54,216,800	110,456,000	0	9,479,400	22,142,400	0	0	203,000,600	232,455,960	(9,307,232)	-4.58	\$393,565
NOV	27,299,000	39,471,200	80,768,000	0	9,663,200	20,627,800	0	0	177,829,200	212,307,832	(15,388,176)	-8.65	\$209,062
DEC	26,854,000	47,562,000	124,446,000	0	12,974,300	20,553,600	0	0	232,389,900	193,217,376	52,815,296	22.73	\$247,764
TOTALS	356,597,000	593,666,900	1,372,202,000	19,877,600	118,585,800	83,789,600	460,510,000	102,760,000	3,107,988,900	3,392,069,596	(284,080,496)	-9.14	\$3,697,201
COST OF PRODUCTION	\$41,789.60	\$69,571.82	\$163,552.76	\$2,329.46	\$13,981.27	\$9,878.79	\$62,818.17	\$14,017.49	\$377,939.36				
(Ground water \$117.19/m.g. and surface water \$136.41/m.g.)													

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1990	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #7	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	MONTHLY REVENUES
JAN	25,842,000	15,603,000	128,839,000	0	13,177,400	20,006,900				0	0	203,468,300	179,574,604	29,864,232	14.68	\$257,270
FEB	10,320,000	41,264,400	103,861,000	0	12,125,300	18,028,600				0	0	185,599,300	173,604,068	122,976	-0.07	\$165,263
MAR	8,119,000	48,831,100	121,402,000	0	13,099,900	19,877,900				0	0	211,329,900	185,476,324	38,131,248	18.04	\$226,235
APR	12,043,000	44,198,100	120,873,000	10,018,900	12,556,400	19,693,200				0	0	218,782,600	173,198,652	13,323,284	-1.52	\$214,552
MAY	3,242,000	50,351,200	126,733,000	15,178,000	13,526,100	19,726,500				0	0	228,756,800	222,109,884	4,930,500	-2.16	\$188,424
JUNE	31,317,000	88,255,500	129,126,800	11,407,400	13,324,400	18,922,800				33,570,000	3,450,000	329,373,900	223,826,300	6,483,992	1.97	\$282,094
JULY	50,772,000	114,637,500	156,078,000	13,193,500	13,895,500	19,116,600				62,761,000	10,985,000	441,439,100	322,889,908	32,537,420	7.37	\$319,155
AUG	51,586,000	128,323,500	149,280,000	12,303,000	14,010,400	19,032,000	15,280,000			45,680,000	9,965,000	445,459,900	408,901,680	445,459,900	100.00	\$383,602
SEPT	31,205,000	87,322,000	114,999,000	0	14,091,700	18,593,200	67,490,000					333,700,900		333,700,900	100.00	\$472,278
OCT												0		0	ERR	\$0
NOV												0		0	ERR	\$0
DEC												0		0	ERR	\$0
TOTALS	224,446,000	618,786,300	1,151,191,800	62,100,800	119,807,100	172,397,700				142,011,000	24,400,000	2,597,910,700	1,889,577,420	708,333,280	27.27	2,509,072

AMENDMENT TO FUTURE USE PERMIT NO. 1088-2

City of Rapid City

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 1088-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1088-2 reserves for future use 6,134 acre-feet annually. The diversion rate of 14.12 cfs is deleted from Permit No. 1088-2.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City SD.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) Rapid City has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 1088-2 reserves for future use 6,134 acre-feet annually. The diversion rate of 14.12 cfs is deleted from Permit No. 1088-2.

And that maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$147.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to Rapid City.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 26.5 cubic feet of water per second (cfs) reserved by No. 1088-2 is 19,186 acre-feet. Assuming that the total amount pumped annually would equal 60% of 19,186 acre-feet, then expected developed pumping of water reserved under Permit No. 1088-2 would be about 11,512 acre-feet per year.

Also, Future Use Permit No. 1088-2 will be adjusted according to the Water Management Board's action taken regarding Water Permit Application No. 2138-2 which is scheduled to be heard at the December 5 meeting. This application proposes to construct and place to beneficial use 12.38 cfs reserved by Permit No. 1088-2. If approved, the amount of water that will remain in reserve under Permit No. 1088-2 will be 6,134 acre-feet annually. This is based on 60% pumping of the remaining 14.12 cfs (26.5 cfs - 12.38 cfs) in reserve. The fee for maintaining the effectiveness of No. 1088-2 will be adjusted to \$147.50 to reflect the action of the Board on Application No. 2138-2.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Mary K. Garness

certify that the attached printed Notice 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 Rapid City Journal

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:

November 8, 1990

November 15, 1990

Mary K. Garness
(Signature)

Bookkeeper
(Title)

November 15, 1990
(Date Signed)

Cost of Printing: Ran 11 7/16 inches legal advertising

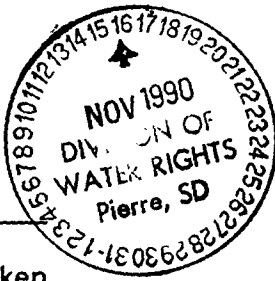
in the Rapid City Journal on November 8 & 15

@ \$4.20 per inch = \$96.08

Ran public notice of hearing on November 8

and 15 @ \$4.20 per inch = \$96.08

Ran public notice of hearing L450
5-88



Nov. 8, 15 L450
NOTICE OF HEARINGS
TO REVIEW FUTURE USE
WATER PERMIT NOS. 439-2
AND 1088-2
Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th St., Rapid City, S.D., for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.
Permit No. 439-2 was approved May 15, 1957 to reserve 22.0 cubic feet of water per second (cfs) from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE¼ NE¼ Section 9, NW¼ SE¼ Section 8, and the SW¼ SW¼ Section 3, all in T1N, R7E for municipal purposes. Water Permit/Rights Nos. 439-2A, 592-2, and 1955-2 put a total of 9.25 cfs to beneficial use reserved by No. 439-2 leaving 12.75 cfs held in reserve.
Permit No. 1088-2 was approved September 1, 1971 to reserve 40.0 cfs from Rapid Creek located in the SE¼ NE¼ Section 3, T2N, R7E. Water Permit/Rights Nos. 1865-2, 1931-2, and 2136-2 put a total of 13.48 cfs to beneficial use reserved by No. 1088-2 leaving 26.5 cfs held in reserve.
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 439-2 REMAIN in EFFECT for 5,539 acre-feet annually and Permit No. 1088-2 REMAIN in EFFECT for 6,134 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.
The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at the Hilton Inn, Deertfield Room, 445 Mt. Rushmore Road, Rapid City, S.D., on December 5, 1990 at 8:45 a.m.
The recommendation of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.
The hearings to review Future Use Permit No. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.
These hearings are adversary proceedings. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.
Any person wishing copies of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, S.D., 605-773-3352, for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 1990.



Department of Water & Natural Resources

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

October 31, 1990

Rapid City Journal
Box 450
Rapid City SD 57709-0450

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 to be published twice. Please publish the first notice on or before November 8, 1990 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 the City of Rapid City, 300 Sixth Street, Rapid City SD 57701.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
to Review Future Use Water Permit No. _____ which was first published in
our issue of _____. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

Name _____

Newspaper _____



Department of Water & Natural Resources

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

October 31, 1990

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

Daniel L. Bjerke
Water/Water Reclamation Division Manager
Public Works Department
300 Sixth Street
Rapid City SD 57701

Dear Mr. Bjerke:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Journal printed at Rapid City SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Persons that received Notice
on Future Use Permit Nos. 439-2
November 5, 1990

NAME	ADDRESS
O.F. Allbright	Corner Evergreen & Canyon Lake Dr., Rapid City, SD 57702
Dewayne Carlson	1803 Fremont Street, Rapid City, SD 57702
A.B. Clark	3636 Canyon Lake Drive, Rapid City, SD 57702
Mabel Clark	3932 Sunset Drive, Rapid City, SD 57702
John Clarkson	1940 Elmhurst Drive, Rapid City, SD 57702
Everett Crawford	1909 38th Street, Rapid City, SD 57702-3301
E.C. Dawkins	2009 1/2 Elmhurst, Rapid City, SD 57702-3254
A. Rae Dendy	1930 Elmhurst Drive, Rapid City, SD 57702
Emery J. Draper	1837 Sun Valley Drive, Rapid City, SD 57702
Julius Finch	3915 Sunset Drive, Rapid City, SD 57702-3273
Mrs. Donald Flahart	2001 First Street, Rapid City, SD 57701
Elmer Frank	2000 Sun Valley Drive, Rapid City, SD 57702
M.E. Haden	1718 Fremont Street, Rapid City, SD 57702
Joe Hamling	4016 Lakeview Drive, Rapid City, SD 57702
William Hannefin	3800 Schamber Street, Rapid City, SD 57702
A.E. Heligas	4018 Lilac Lane, Rapid City, SD 57702-3236
Mr. & Mrs Fred Hodge	Lakeview Drive, Rapid City, SD 57702
Bernice Holly	1813 Sun Valley Drive, Rapid City, SD 57702
W.E. Holly	1819 Sun Valley Drive, Rapid City, SD 57702
Carl W. Holmgren	2006 Monte Vista, Rapid City, SD 57702-3227
Gertrude Johnson	4006 Lakeview Drive, Rapid City, SD 57702
Lester R. Johnson	1810 Sun Valley Drive, Rapid City, SD 57702
Norman L. Johnson	4006 Lakeview Drive, Rapid City, SD 57702-3254
Florence D. Keater	1015 Columbus Street, Rapid City, SD 57701-3544
Andrew E. Killian	3908 Lakeview Drive, Rapid City, SD 57702
Josephene Killian	3908 Lakeview Drive, Rapid City, SD 57702
George Konechne	4029 Lakeview Drive, Rapid City, SD 57702
George E. Lamm	3947 Lakeview Drive, Rapid City, SD 57702
Mrs. A. W. Larson	3941 Lakeview Drive, Rapid City, SD 57702
Karl Matson	1720 Fremont Street, Rapid City, SD 57702
L.W. Melvin	3621 Jefferson Street, Rapid City, SD 57702
Ernest C. Mohler	1912 Elmhurst Drive, Rapid City, SD 57702
Fred Novak	1901 38th Street, Rapid City, SD 57702-3301
Estella Oatman	1830 Sun Valley Drive, Rapid City, SD 57702
Alfred Phillips	3510 Cottonwood Street, Rapid City, SD 57702-3337
Frank Pipal	4130 Lakeview Drive, Rapid City, SD 57702
Marie Pipal	4130 Lakeview Drive, Rapid City, SD 57702
Frank Ressler	1919 Evergreen Drive, Rapid City, SD 57702-3472
V.L. Rugg	3902 Lakeview Drive, Rapid City, SD 57702
Bernice Sanders	1021 Kansas City Street, Rapid City, SD 57702
W. Ray Sanders	1021 Kansas City Street, Rapid City, SD 57702
Carl F. Schaefer	3646 Washington Street, Rapid City, SD 57702
Mr. & Mrs. J.L. Scheubert	1816 Evergreen Drive, Rapid City, SD 57702-3254
Mrs. John Scholl	1831 Sun Valley Drive, Rapid City, SD 57702
Francis Sheldon	3920 Lakeview Drive, Rapid City, SD 57702
Fred W. Smith	1830 Sun Valley Drive, Rapid City, SD 57702
Gerald A. Snyder	4608 Jefferson Street, Rapid City, SD 57702
William L. Whitehead	2034 1/2 Elmhurst Drive, Rapid City, SD 57702
Harry Wickard	1920 Elmhurst, Rapid City, SD 57702
Neal Willard	1612 Evergreen Drive, Rapid City, SD 57702
Herbert Young	1717 Fremont Street, Rapid City, SD 57702



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 10, 1990

NOTICE

Keith Carlyle, Mayor
300 6th St
Rapid City SD 57701

Dear Mayor Carlyle:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect and amended the permits by adding the qualifications on the enclosed "Amendment". The "Amendment" should be placed with each permit. Future Use Permit Nos. 439-2 and 1088-2 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 439-2 is \$135.00 and Permit No. 1088-2 is \$147.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosures

cc: Daniel L. Bjerke, Water Reclamation Div. Manager

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411500

Pierre, January 23, 1991

RECEIVED OF City of Rapid City, 300 Sixth Street, Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	147	50
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. <u>1088-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____	147	50
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	
	147	50

By John Walch
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 23, 1991

Craig Kjar
U.S. Bureau of Reclamation
Belle Fourche Projects Office
PO Box 226
Newell, SD 57760

Dear Mr. Kjar:

Enclosed are copies of the two Rapid City water permits which you requested from me at the December Water Management Board meeting. If you need any more information, feel free to call me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

Daniel L. Bjerke
Public Works Department
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries and Minnelusa, Madison Formation wells and Permit No. 1088-2 from Rapid Creek which are held by Rapid City. These permits reserve water for future water supply needs for the city. Currently, our records show that 4,362 acre-feet and 6,033 acre-feet remain in reserve under Future Use Permit Nos. 439-2 and 1088-2, respectively.

Both of these future use permits were reviewed in 1990. Since that time, Water Permit No. 2270-2 placed 1,177 acre-feet of water to beneficial use from Future Use Permit No. 439-2 ($5,539 - 1,177 = 4,362$ acre-feet). Water Permit Nos. 2276-2 and 2277-2 placed 101 acre-feet of water to beneficial use reserved by Future Use Permit No. 1088-2 ($6,134 - 101 = 6,033$ acre-feet).

Please respond in writing by November 1, 1997, regarding the City's intention for the future use permit. If the City plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 439-2 and 1088-2 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Public Works Department

300 Sixth Street

605-394-4165

FAX 605-394-6636

October 24, 1997

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
SD Dept. of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Future Use Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak:

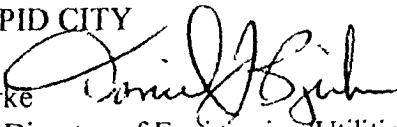
I am writing in response to your letter dated September 29, 1997 regarding the City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the intent of the City to retain the permits for future water needs of the City.

The City's water system has grown from 15,445 water accounts at the end of 1990 to 17,336 water accounts through September, 1997. In addition, the City has contracted with Rapid Valley Sanitary and Water Service Company to provide approximately 85% of the annual water needs. The City's long term water management plan includes maintaining a balance of 50% surface water from Rapid Creek and 50% ground water from the Minnelusa and Madison aquifers. As per your request, I have enclosed a copy of water supply production records for 1994, 1995, 1996 and through September, 1997 which identifies production from each of the City's water supply sources.

We are predicting the City will continue to grow in population in the future at approximately 2% per year so there will be a need to increase water production in order to meet the future water needs of the City. The City water demand could approach 15,000 acre-feet per year within the next 7-10 years.

If you have any questions, please contact me at (605) 394-4165. Thank you for your assistance on this matter.

Sincerely yours,
CITY OF RAPID CITY

Daniel L. Bjerke 
Public Works Director of Engineering/Utilities



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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was taken
 from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 5, 1997

November 12, 1997

Cost of Printing One hundred

twenty-seven dollars and fifty cents.
 (\$127.50)

Patricia K. Van Patten
 (Signature)

Legal Advertising Representative
 (Title)

November 12, 1997
 (Date Signed)



Nov. 5, 12 L5693

**NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT
 NOS. 439-2 AND 1088-2**

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th St., Rapid City, SD 57701-2724, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved May 15, 1997, to reserve 22.0 cubic feet of water per second (cfs) from groundwater, infiltration galleries and Minnetusa and Madison Formation wells located along Rapid Creek in the SE¼ NE¼ Section 9, NW¼ SE¼ Section 8, and the SW¼ SW¼ Section 3; all in T14N-R7E for municipal purposes. A review of the Water Permits/Rights indicates 4,362 acre-feet remain in re-

serve by Permit No. 439-2.

Permit No. 1088-2 was approved September 1, 1971, to reserve 40.0 cfs from Rapid Creek located in the SE¼ NE¼ Section 3-T2N-R7E for municipal purposes. A review of the Water Permits/Rights indicates 6,033 acre-feet remain in reserve by Permit No. 1088-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 439-2 REMAIN IN EFFECT for 4,362 acre-feet annually and No. 1088-2 REMAIN IN EFFECT for 6,033 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D., on December 3, 1997, at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501. (605-773-3352), and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Granlund, Water Rights Program (605-773-3352), by November 24, 1997. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 24, 1997.

Nettie H. Myers
 Secretary
 Department of Environment
 and Natural Resources

RECOMMENDATION OF CHIEF ENGINEER
FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City

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 Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701-2724.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 6,033 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the City of Rapid City has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Rapid City.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
October 29, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

NOTICE

Daniel L. Bjerke
Public Works Department
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 1997 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 4,362 acre-feet and 6,033 acre-feet of water, respectively. Future Use Permit Nos. 439-2 and 1088-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 439-2 is \$110.00 and Permit No. 1088-2 is \$145.00 (total \$255.00) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Very truly yours,

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

CERTIFICATION

I hereby certify that on December 5, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 1997, regarding action taken by the Water Management Board at the hearing on December 3, 1997, to review the following Future Use Permits, addressed as stated below:

439-2, 1088-2: Daniel J. Bjerke, Public Works Department, 300 6th St., Rapid City, SD 57701.

1833-2: Jay Evenson, President, Weston Heights Home Owners Association, P.O. Box 1848, Rapid City, SD 57709-1848.

448-3, 2042-3: Lyle D. Johnson, City of Sioux Falls, 224 W. 9th St., Sioux Falls, SD 57102.

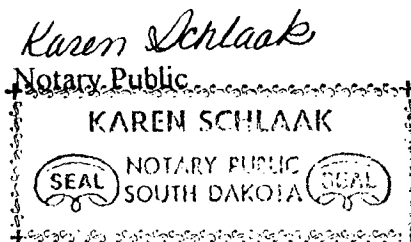
1688-3: Lyle Laberee, Southern Missouri Water Development District, P.O. Box 670, Lake Andes, SD 57356.

4927-3: Duane C. Stokes, Mgr., Clark Rural Water System, P.O. Box 162, Clark, SD 57225.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 1997



KAREN SCHLAAK, Notary Public
My Commission Expires

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415582

Pierre, December 31, 19 97

RECEIVED OF City of Rapid City, 300 6th St., Rapid City, SD 57701
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 _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. 1088-2 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

145 00

By _____
Chief Engineer

John Hatcher



1088-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2004

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 and 1088-2 from Rapid Creek which are held by the City of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. Currently, our records show that 4,362 acre-feet and 6,033 acre-feet remain in reserve under these future use permits, respectively.

Please respond in writing by October 15, 2004, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records from Rapid Creek for the past three years.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2728

WATER DIVISION

300 Sixth Street

October 8, 2004

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 Capitol
Pierre, SD 57501-3182

RECEIVED
OCT 12 2004
WATER RIGHTS
PROGRAM

Re: Future Use Water Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak,

This letter is in response to your letter dated September 27, 2004 regarding Rapid City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the City's intent to retain these water permits for future water needs of the City of Rapid City.

In December of 1997 our records indicate that we had 17,426 accounts on our water system. Our current number of accounts stands at 19,347 or an increase of 11%. Our annual water production from 1997 to 2003 has increased from 11,041 acre feet to 14,765 acre feet or 33%. Included in the production numbers is water sold by contract to the Rapid Valley Sanitary District. Sales to Rapid Valley have increased from 672 acre feet in 1997 to 1,023 acre feet in 2003 or 52%. Growth is not only evident in Rapid City but also Rapid Valley.

The Growth Management Department predicts that the City will continue to grow in population at approximately 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. The demand could reach 18,000 to 19,000 acre feet per year in the next seven to ten years.

I have included a copy of our water production records for years 1997 through September of this year. The City's long term water management plan includes maintaining a balance of 50% surface water from Rapid Creek and 50% ground water from the Madison and Minnelusa aquifers.

If you have any questions or need additional information, please contact me at (605) 394-4162. Thank you for your assistance with these permits.

Sincerely,

John Wagner
Water Superintendent
Rapid City Water Division

SUPERINTENDENT

605-394-4162
Fax 605-394-6624

UTILITY BILLING

605-394-4125
Fax 605-394-6624

WATER PRODUCTION

605-394-4162
Fax 605-394-6624

UTILITY SERVICE

605-394-4160
Fax 605-394-6624

UTILITY MAINTENANCE

605-394-4163
Fax 605-394-6625



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PRINTED ON RECYCLED PAPER

1997 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1997	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	7,870,000	91,122,800	145,545,000	0	0	17,141,000	0	0	0	0	16,772,000	112,000	0	278,562,800
FEBRUARY	31,668,000	37,116,200	128,557,000	0	0	15,762,000	0	0	0	0	40,110,000	0	0	253,213,200
MARCH	48,068,000	10,846,500	133,965,000	0	0	18,594,000	0	0	0	0	58,447,000	0	0	269,920,500
APRIL	49,096,000	10,705,700	130,859,000	0	0	17,161,000	0	0	0	0	55,345,000	0	0	263,166,700
MAY	29,274,000	20,919,000	143,366,000	0	0	18,554,000	28,378,000	2,661,000	9,711,000	22,974,000	58,228,000	1,513,000	0	335,578,000
JUNE	10,803,000	14,705,500	156,644,000	0	0	17,672,000	44,405,000	12,300,000	19,979,000	47,015,000	55,930,000	11,119,000	0	390,572,500
JULY	62,777,000	53,317,800	163,027,000	0	0	17,022,000	47,015,000	17,407,000	27,821,000	88,249,000	49,051,000	15,705,000	41,390,000	582,787,800
AUGUST	12,128,000	11,655,100	161,091,000	0	0	16,398,000	33,732,000	8,425,000	30,140,000	74,269,000	27,117,000	13,662,000	0	388,617,100
SEPTEMBER	25,235,000	13,171,400	154,868,000	0	0	16,629,000	54,677,000	15,159,000	28,772,000	81,424,000	0	11,976,000	0	401,911,400
OCTOBER	12,854,000	3,093,200	141,301,000	16,189,400	0	17,894,000	32,272,000	14,561,000	25,029,000	45,310,000	0	7,838,000	0	316,341,600
NOVEMBER	48,400,000	3,459,500	124,892,000	13,316,800	7,786,000	14,686,000	21,525,000	1,329,000	4,441,000	11,729,000	0	0	0	253,564,300
DECEMBER	6,277,000	27,930,600	149,558,000	2,893,300	10,437,700	17,184,000	45,876,000	0	0	0	0	0	0	260,156,600
TOTALS	344,450,000	298,043,300	1,733,673,000	34,399,500	18,223,700	204,697,000	307,880,000	71,842,000	145,899,000	370,970,000	361,000,000	61,925,000	41,390,000	3,994,392,500
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	140,217,000	113,768,800	778,996,000	0	0	86,275,000	208,207,000	55,952,000	116,429,000	313,931,000	190,326,000	53,975,000	41,390,000	2,099,466,800

1998 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1998	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	RT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	39,358,100	146,839,000	0	10,829,900	19,144,000	48,111,000	0	0	0	0	0	0	264,282,000
FEBRUARY	0	35,997,200	135,132,000	0	10,088,500	16,083,000	38,820,000	0	0	0	0	0	0	236,120,700
MARCH	0	31,452,400	155,183,000	0	11,020,800	17,038,000	39,975,000	0	0	0	0	562,000	0	255,231,200
APRIL	10,503,000	31,622,200	141,678,000	1,375,200	10,391,800	17,024,000	38,818,000	9,872,000	94,000	5,789,000	0	3,432,000	0	270,589,200
MAY	12,900,000	55,748,500	125,186,000	14,983,300	10,171,900	15,537,000	54,635,000	19,238,000	22,393,000	68,230,000	0	15,753,000	0	414,775,700
JUNE	12,043,000	32,620,600	120,082,000	14,250,500	9,673,400	14,806,000	49,461,000	9,319,000	25,750,000	48,188,000	12,950,000	13,496,000	0	362,639,600
JULY	46,194,000	68,878,100	130,959,000	13,681,500	9,589,900	14,028,000	55,960,000	19,512,000	27,676,000	81,447,000	13,946,000	17,226,000	58,050,000	557,157,600
AUGUST	30,494,000	59,537,300	130,989,000	14,100,500	9,946,200	15,933,000	52,608,000	13,400,000	27,470,000	64,252,000	51,802,000	17,886,000	0	488,418,000
SEPTEMBER	25,989,000	41,153,800	132,765,000	13,426,900	9,344,500	15,846,000	52,236,000	11,772,000	26,752,000	62,490,000	55,131,000	16,158,000	19,580,000	482,644,200
OCTOBER	0	2,789,500	128,487,000	13,687,600	9,722,000	17,537,000	33,726,000	1,550,000	11,419,000	7,158,000	43,055,000	4,681,000	0	273,812,100
NOVEMBER	0	1,675,700	122,952,000	13,473,600	9,297,300	16,582,000	35,094,000	0	0	0	45,170,000	0	0	244,244,600
DECEMBER	0	34,038,200	138,944,000	13,959,700	9,420,700	17,074,000	15,447,000	0	0	0	30,196,000	0	0	259,079,600
TOTALS	138,123,000	434,871,600	1,609,206,000	112,939,000	119,496,900	196,632,000	514,891,000	84,663,000	141,554,000	337,554,000	252,250,000	89,194,000	77,630,000	4,109,004,500
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	127,620,000	257,938,300	639,991,000	70,442,900	48,725,900	76,150,000	264,900,000	73,241,000	130,041,000	324,607,000	133,829,000	80,519,000	77,630,000	2,305,635,100

1999 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
1999														
JANUARY	0	37,809,100	144,331,000	4,457,600	5,498,300	18,352,000	8,527,000	0	0	0	46,337,000	0	0	265,312,000
FEBRUARY	0	2,286,700	138,097,000	200	0	10,547,000	35,240,000	0	0	0	56,473,000	0	0	242,643,900
MARCH	0	0	166,958,000	12,759,400	0	10,214,000	9,418,000	0	0	0	63,227,000	0	0	262,576,400
APRIL	0	0	193,961,000	13,956,600	0	18,261,000	9,749,000	0	0	0	19,492,000	0	0	255,419,600
MAY	0	12,215,200	207,225,000	14,321,900	0	18,884,000	24,845,000	0	0	0	28,848,000	0	0	306,339,100
JUNE	9,950,000	37,665,300	185,553,000	13,640,500	0	17,834,000	16,801,000	1,826,000	12,080,000	4,265,000	48,035,000	4,125,000	0	351,775,800
JULY	44,065,000	67,011,600	170,871,000	13,563,200	8,340,100	16,660,000	46,901,000	16,619,000	25,960,000	72,611,000	56,293,000	18,205,000	19,350,000	576,449,900
AUGUST	20,050,000	29,787,400	196,344,000	11,942,400	8,366,600	16,132,000	49,284,000	11,136,000	24,474,000	55,791,000	57,714,000	18,921,000	0	499,942,400
SEPTEMBER	1,202,000	2,166,100	183,928,000	13,381,700	0	16,399,000	22,160,000	8,183,000	26,175,000	58,569,000	49,345,000	15,836,000	0	397,346,800
OCTOBER	0	11,400	172,138,000	14,143,500	0	17,251,000	14,139,000	19,345,000	17,743,000	41,149,000	17,658,000	0	0	313,577,900
NOVEMBER	0	0	150,971,000	13,876,900	0	16,363,000	30,332,000	0	0	16,401,000	51,364,000	0	0	279,297,900
DECEMBER	0	0	151,254,000	14,476,700	0	16,054,000	2,541,000	0	0	2,000	65,135,000	0	0	249,462,700
TOTALS	75,267,000	188,954,800	2,061,631,000	140,520,600	22,205,000	192,951,000	269,927,000	57,109,000	106,432,000	248,789,000	559,921,000	57,087,000	19,350,000	4,000,144,400
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	75,267,000	148,847,600	943,921,000	66,849,700	16,706,700	85,909,000	159,991,000	37,764,000	88,689,000	191,237,000	240,235,000	57,087,000	19,350,000	2,131,854,000

2000 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	154,048,000	14,345,500	0	16,073,000	979,000	0	0	549,000	53,347,000	0	0	249,340,500
FEBRUARY	0	0	160,867,000	13,542,600	0	14,740,000	56,000	0	0	2,827,000	50,182,000	0	0	242,217,600
MARCH	0	0	174,762,000	14,280,200	0	15,920,000	3,850,000	0	0	0	53,099,000	0	0	261,921,200
APRIL	0	0	166,783,000	13,265,800	0	15,053,000	5,305,000	2,156,000	6,708,000	6,865,000	54,621,000	1,657,000	0	266,413,800
MAY	2,743,000	14,908,600	174,422,000	0	0	16,469,000	10,700,000	7,033,000	24,122,000	13,338,000	57,145,000	13,311,000	0	334,191,600
JUNE	14,401,000	64,024,800	188,238,000	4,841,700	0	14,700,000	36,173,000	20,237,000	25,188,000	38,436,000	52,572,000	16,329,000	0	470,140,500
JULY	40,510,000	96,684,100	193,633,000	13,640,200	0	14,709,000	47,495,000	14,603,000	25,622,000	73,100,000	59,021,000	17,167,000	5,660,000	601,851,300
AUGUST	66,449,000	118,217,600	195,898,000	13,717,000	0	13,983,000	58,091,000	16,193,000	22,148,000	91,146,000	59,781,000	20,411,000	28,290,000	704,430,600
SEPTEMBER	29,559,000	68,785,000	185,723,000	13,430,100	0	13,453,000	48,434,000	8,596,000	23,577,000	78,538,000	56,895,000	16,252,000	0	543,212,100
OCTOBER	0	0	161,849,000	12,197,800	0	14,325,000	25,818,000	1,291,000	11,992,000	9,860,000	61,649,000	9,246,000	0	308,227,300
NOVEMBER	0	0	142,522,000	12,244,600	0	15,581,000	29,170,000	0	0	3,752,000	62,450,000	0	0	265,719,600
DECEMBER	0	0	18,733,000	15,647,700	0	16,777,000	53,283,000	0	0	90,358,000	66,119,000	0	0	260,917,700
TOTALS	153,632,000	362,720,100	1,906,478,000	141,153,200	0	131,789,000	319,367,000	70,109,000	139,364,000	408,768,000	696,881,000	94,373,000	33,950,000	4,508,584,300
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	153,632,000	362,720,100	932,314,000	45,629,000	0	73,320,000	200,893,000	66,662,000	120,664,000	294,558,000	285,414,000	83,470,000	33,950,000	2,653,826,100

2001 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	122,495,000	14,553,800	0	16,605,000	31,645,000	0	0	35,102,000	40,664,000	0	0	261,064,800
FEBRUARY	0	0	145,648,000	12,548,300	0	14,851,000	16,887,000	0	0	60,792,000	0	0	0	250,726,300
MARCH	0	0	155,371,000	14,161,900	0	16,272,000	34,791,000	0	0	61,051,000	0	0	0	291,646,900
APRIL	0	0	75,422,000	13,842,000	0	16,487,000	44,367,000	0	6,649,000	63,110,000	53,098,000	3,504,000	0	276,479,000
MAY	3,365,000	11,545,600	171,401,000	13,468,000	0	15,188,000	41,530,000	6,866,000	17,719,000	43,754,000	59,092,000	13,438,000	0	397,427,600
JUNE	10,082,000	22,334,000	169,118,000	13,160,800	0	13,906,000	41,882,000	17,905,000	24,460,000	51,901,000	54,044,000	15,882,000	990,000	435,664,800
JULY	35,783,000	80,696,600	200,433,000	12,476,000	0	13,698,000	54,940,000	14,654,000	26,664,000	38,179,000	59,532,000	19,538,000	2,190,000	558,783,600
AUGUST	45,026,000	106,046,600	200,132,000	11,794,100	0	12,922,000	55,477,000	17,060,000	25,002,000	92,977,000	55,199,000	20,343,000	28,740,000	670,718,700
SEPTEMBER	12,536,000	39,240,300	136,904,000	11,476,500	0	12,982,000	40,013,000	27,000	22,284,000	66,962,000	55,906,000	18,332,000	0	476,662,800
OCTOBER	0	0	185,409,000	12,219,600	0	14,206,000	23,747,000	0	4,920,000	17,235,000	59,279,000	10,391,000	0	327,406,600
NOVEMBER	0	0	162,875,000	13,635,800	0	13,395,000	17,400,000	0	0	8,397,000	59,235,000	0	0	274,937,800
DECEMBER	0	0	166,187,000	13,940,500	0	13,501,000	18,264,000	0	0	62,142,000	0	0	0	274,034,500
TOTALS	106,792,000	259,863,100	1,961,395,000	157,277,300	0	174,014,000	421,003,000	56,512,000	127,698,000	417,617,000	680,034,000	107,428,000	31,920,000	4,493,553,400

IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30

106,792,000	259,863,100	937,988,000	62,375,400	0	68,697,000	223,902,000	56,512,000	116,129,000	293,773,000	283,773,000	87,533,000	31,920,000	2,539,257,500
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2002 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

2002	GIEL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	169,650,000	13,812,800	0	12,925,000	16,534,000	0	0	314,000	61,343,000	0	0	276,578,800
FEBRUARY	0	0	155,950,000	12,011,600	0	11,749,000	8,467,000	0	0	0	53,854,000	0	0	242,030,600
MARCH	0	0	172,621,000	12,490,000	0	12,684,000	11,489,000	0	0	0	52,618,000	0	0	261,902,000
APRIL	0	0	152,735,000	12,544,300	0	12,433,000	38,416,000	0	0	12,657,000	42,223,000	0	0	271,008,300
MAY	0	3,574,200	184,861,000	13,457,300	0	12,219,000	49,985,000	13,153,000	0	27,353,000	45,602,000	14,837,000	0	365,041,500
JUNE	33,770,000	45,281,700	188,848,000	11,639,700	0	10,811,000	48,323,000	26,062,000	18,023,000	68,036,000	55,289,000	19,563,000	130,920,000	656,566,400
JULY	66,557,000	101,441,700	201,202,000	12,369,200	0	10,945,000	57,725,000	28,425,000	1,698,000	62,875,000	55,110,000	19,633,000	152,060,000	770,040,900
AUGUST	57,361,000	99,108,700	207,143,000	11,492,900	0	10,612,000	55,301,000	23,887,400	2,010,000	91,572,000	16,441,000	18,477,000	31,490,000	624,896,000
SEPTEMBER	16,852,000	30,195,600	196,245,000	11,576,600	0	11,115,000	33,390,000	18,704,000	23,494,000	84,398,000	0	15,263,000	6,630,000	447,863,200
OCTOBER	706,000	409,400	192,136,000	11,999,300	0	11,735,000	36,642,000	7,292,000	16,000	33,321,000	0	1,508,000	0	295,764,700
NOVEMBER	0	0	198,843,000	11,932,500	0	10,774,000	24,370,000	0	0	0	13,103,000	0	0	259,022,500
DECEMBER	0	0	177,525,000	12,121,800	0	11,285,000	14,841,000	0	0	0	51,576,000	0	0	267,348,800
TOTALS	175,246,000	280,011,300	2,197,759,000	147,448,000	0	139,286,000	397,463,000	117,529,400	45,241,000	380,526,000	447,159,000	89,281,000	321,100,000	4,738,063,700
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	174,540,000	279,601,900	978,299,000	60,535,700	0	55,702,000	244,724,000	110,231,400	45,225,000	334,234,000	172,442,000	87,773,000	321,100,000	2,834,408,000

2003 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

2003	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	182,562,000	11,937,800	0	11,173,000	17,014,000	0	0	0	42,779,000	0	0	263,465,800
FEBRUARY	0	0	192,539,000	11,306,600	0	5,156,000	10,160,000	0	0	0	22,349,000	0	0	241,510,600
MARCH	0	0	213,972,000	12,551,300	0	0	503,000	0	0	0	41,550,000	0	0	268,576,300
APRIL	0	0	196,873,000	10,079,600	0	7,059,000	14,769,000	0	5,190,000	0	44,321,000	5,087,000	0	283,378,600
MAY	5,899,000	22,494,700	191,555,000	12,225,100	0	10,499,000	33,541,000	2,460,000	12,731,000	8,191,000	55,442,000	13,186,000	0	370,223,800
JUNE	17,409,000	42,206,500	202,898,000	11,237,400	0	9,498,000	47,962,000	22,702,000	19,326,000	65,885,000	43,147,000	20,014,000	0	502,284,900
JULY	69,336,000	93,853,800	210,806,000	12,426,600	0	9,431,000	60,704,000	27,493,000	28,316,000	104,583,200	54,741,000	20,811,000	88,590,000	781,091,600
AUGUST	64,634,000	97,248,800	209,317,000	11,993,700	0	8,423,000	46,561,000	26,033,000	27,106,000	98,971,000	52,970,000	19,882,000	64,760,000	727,899,500
SEPTEMBER	15,733,000	28,158,500	205,569,000	10,155,600	0	8,963,000	52,475,000	16,369,000	13,502,000	80,740,000	37,509,000	18,449,000	0	487,623,100
OCTOBER	0	0	205,150,000	10,040,500	0	6,535,000	41,382,000	9,190,000	8,878,000	53,882,000	29,292,000	11,408,000	0	375,757,500
NOVEMBER	0	0	203,647,000	8,994,800	0	8,250,000	4,341,000	393,000	0	23,210,000	1,156,000	729,000	0	250,720,800
DECEMBER	0	0	213,603,000	9,731,800	0	9,366,000	0	0	0	23,510,000	0	134,000	0	256,344,800
TOTALS	173,011,000	283,962,300	2,428,491,000	132,680,800	0	94,353,000	329,412,000	104,640,000	115,049,000	458,972,200	425,256,000	111,700,000	153,350,000	4,810,877,300
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	173,011,000	283,962,300	1,020,145,000	58,038,400	0	46,814,000	241,243,000	95,057,000	100,981,000	358,370,200	243,809,000	94,342,000	153,350,000	2,869,122,900

MONTH 2004	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT METER #1(ow)	WT. PLANT METER #2	TOTAL GALS PRODUCED
JAN	0	0	214,488,000	7,844,800	0	8,648,000	0	0	0	26,189,000	0	0	0	0	257,189,800
FEB	0	0	200,127,000	7,415,900	0	7,889,000	6,025,000	0	0	22,855,000	0	0	0	0	244,421,900
MAR	0	0	212,496,000	1,993,100	0	8,464,000	0	0	0	33,513,000	0	0	0	0	256,466,100
APR	3,371,000	1,164,100	204,327,000	0	0	8,077,000	18,133,000	608,000	2,912,000	65,961,000	27,322,000	923,000	0	0	332,798,100
MAY	6,793,000	14,232,400	214,180,000	0	0	7,931,000	38,457,000	5,868,000	25,720,000	44,522,000	51,547,000	18,788,000	0	0	428,038,400
JUNE	12,226,000	32,991,700	205,795,000	10,240,700	0	7,480,000	50,670,000	12,843,000	26,219,000	70,658,000	49,167,000	20,640,000	0	0	496,910,400
JULY	49,822,000	84,995,000	77,522,000	14,615,700	0	7,808,000	53,703,000	20,160,000	25,822,000	83,099,000	49,970,000	31,587,000	84,070,000	0	583,183,700
AUG	38,802,000	76,336,200	201,155,000	13,473,700	0	7,461,000	56,641,000	22,321,000	24,194,000	89,971,000	44,383,000	31,158,000	12,200,000	0	618,095,900
SEPT	6,854,000	15,473,400	206,470,000	12,822,900	0	7,289,000	37,554,000	20,451,000	24,851,000	67,280,000	20,013,000	29,005,000	0	0	446,083,300
OCT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	117,868,000	225,192,800	1,736,560,000	68,406,800	0	71,047,000	261,183,000	82,251,000	129,718,000	504,158,000	242,402,000	132,111,000	96,270,000	0	3,667,167,600



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City SD**

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 Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701-2728.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,362 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 25, 2004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2004

Rapid City Journal
PO Box 450
Rapid City SD 57709-0450

Dear Sir:

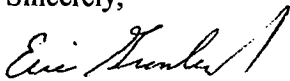
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 the City of Rapid City, C/O John Wagner, Water Supt., 300 6th St, Rapid City SD 57701-2728.

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-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2004

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

City of Rapid City
c/o John Wagner, Water Supt.
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of the reviews has been sent to the Publisher of the Rapid City Journal (Phone # 605 394-8300). For your information, copies of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, John Wagner, Water Supt., 300 6th St, Rapid City SD 57701-2728 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 4,362 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE ¼ NE ¼ Section 9, NW ¼ SE ¼ Section 8 and SW ¼ SW ¼ Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 6,033 acre-feet from Rapid Creek located in the SE ¼ NE ¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 4,362 acre-feet annually and 6,033 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am on December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future use permits. The request for a delay must be filed with the Chief Engineer by November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 3, 2004

November 10, 2004

Cost of Printing One hundred fifty-eight
dollars and seventy-six cents (\$158.76)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

11/12/04
(Date Signed)

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PROGRAM

Nov. 3, 10 L1800157

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, John Wagner, Water Supt., 300 6th Street, Rapid City, SD 57701-2728, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 4,362 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE¼NE¼ Section 9, NW¼SE¼ Section 8, and SW¼SW¼ Section 3; all in TIN-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 6,033 acre-feet from Rapid Creek located in the SE¼NE¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN IN EFFECT for 4,362 acre-feet annually and 6,033 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 a.m. on December 2, 2004, at the Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, South Dakota.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352), and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for the petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605-773-3352), by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future use permits. The request for a delay must be filed with the Chief Engineer by November 22, 2004.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 17, 20 04

RECEIVED OF City of Rapid City, Rapid City SD

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	145	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1088-2</u> 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 _____		
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. _____	145.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

000004

By

Stanley Albrecht
Chief Engineer
gm



December 6, 2004

1088-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 2004 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 4,362 acre-feet of water annually and 6,033 acre-feet of water annually, respectively. The future use permits will be subject to another review in seven years.

Our records indicate that the fee for maintaining the effectiveness of Future Use Permit Nos. 439-2 and 1088-2 has already been submitted.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

1088-2

I hereby certify that on December 6, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 6, 2004 regarding Notice canceling Water Right No. 5557-3, 5810-3, 4029-3, 2660-3, 2183-3, 3884A-3 and Future Use Permit Nos. 439-3 & 1088-2, 1833-2, 1688-3 addressed as stated below:

5557-3

James Knadle
41258 SD Hwy 22
Hayti SD 57241

5810-3

Don Siebrasse
PO Box 26
Lebanon SD 57455-0026

4029-3

Randy Vance Chairman
Oahe Plains Systems Corporation
102 Stewart Place
Pierre SD 57501

2660-3

Dean Erickson
28659 461st Ave
Davis SD 57021-6510

2183-3

William P Dolan
514 N 1st
Beresford SD 57004

3884A-3

Leslie Rau
PO Box 384
Eureka SD 57437

Future Use #439-2 & 1088-2

John Wagner Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Future Use # 1833-2

Weston Heights Homeowners Association
% Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Future Use # 1688-3

Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328



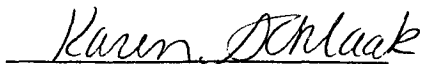
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)

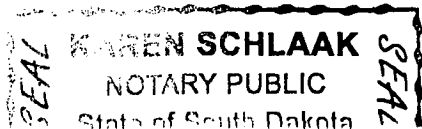
COUNTY OF HUGHES)

) SS

Sworn to, before me, this 7th day of December, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





1088-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 19, 2011

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Wagner:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 439-2 and 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under these future use permits, respectively.

Please respond in writing by October 15, 2011, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of the review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet authorized by Permit No. 439-2, remains in reserve, the fee will be \$345.00. If the entire 4,830 acre-feet authorized by Permit No. 1088-2, remains in reserve, the fee will be \$465.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

Water Division

300 Sixth Street

Telephone: (605) 394-4162 FAX: (605) 394-6624

Web: www.rcgov.org

October 4, 2011

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 Capitol
Pierre, SD 57501-3182

RECEIVED

OCT - 6 2011

**WATER RIGHTS
PROGRAM**

Re: Future Use Water Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak:

This letter is in response to your letter dated September 19, 2011 regarding Rapid City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the City's intent to retain these water permits for future water needs of the City of Rapid City.

In 2005, the City contracted with Burns & McDonnell consulting firm to update Rapid City's Utility Master Plan. The Burns & McDonnell report was published in April of 2008. Included in this request to retain and keep active our future use permits 439-2 and 1088-2 are two sheets taken by permission from the Burns & McDonnell Utility Master Plan report. Sheet ES-2 shows the projected populations per service area and potential service area. Sheet ES-3 show the past and projected total water demands. According to the population and water demand projections, Rapid City wishes to keep these two future use permits active.

On March 10, 2010 the Water Management Board granted the City use from these two permits for the Jackson Springs membrane filtration plant currently under construction.

Over the years, Rapid City has made it a point to diversify the sources of water to meet its needs. The City will continue to utilize the Madison aquifer and surface water sources as well as pursue willing sellers of senior downstream natural flow water rights.

I have also included the City's water production records for your review.

If you have any questions or need additional information, please contact me at (605) 394-4165. Thank you for your assistance with these permits.

Sincerely,

Dale Tech, PE/LS
Acting Public Works Director
City of Rapid City

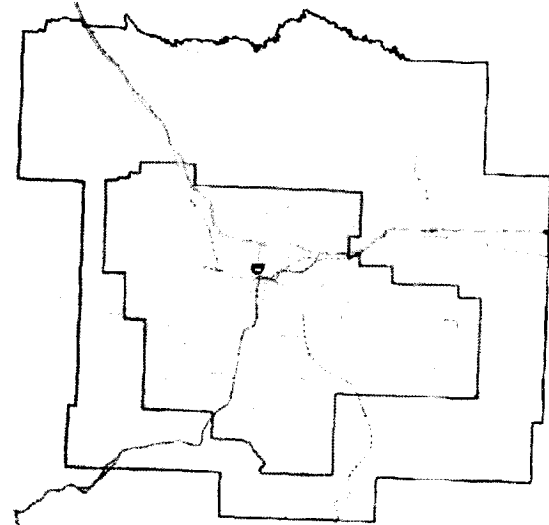
cc: John Wagner, Water Superintendent



EQUAL OPPORTUNITY EMPLOYER

STUDY AREA CHARACTERISTICS

The study area for the *Utility System Master Plan* has two areas: Tier 1 (green line) and Tier 2 (red line) are shown in Figure ES.1. The Tier 1 boundary represents an estimate of how the City of Rapid City (City) may expand in approximately the next 22 years (by the year 2030). Tier 1 will primarily use the City's water and wastewater services. The Tier 2 boundary represents a long range potential service area including the City and surrounding areas and is intended to allow the City to look into the future and plan for source water and system capacities beyond the 22-year time frame. Figure 2.1 in the Report also shows the study area map.



**Figure ES.1-Tier 1 and Tier 2
Boundaries**

The *Utility System Master Plan* population projections were developed from the *Rapid City Area Future Land Use Plan* and the *Rapid City Area 2030 Long Range Transportation Plan*. Table ES.1 gives the actual population in 2000 and projected *Utility System Master Plan* populations for Tier 1 and Tier 2.

**Table ES.1
Past and Projected Total Populations**

Area	2000 ⁽¹⁾	2025	2030
Tier 1	75,800	98,400	103,000
Tier 2	11,500	18,400	19,800
Total	87,300	116,800	122,800

Note:

1. Based on actual population, *Rapid City Area Future Land Use Plan*, and U.S. Census Bureau

WATER DEMANDS

Most of the City's water demands are from its retail customers, raw water (non-potable) customers, and unmetered City parks or other City uses. Wholesale water customers are metered separately. For the purposes of this study, customer groups were divided into separate groups: retail, wholesale and non-potable users. Historical trends for each category were analyzed to project future customer numbers, usage rates and total future water demand. Projections account for reduced water demands from Rapid Valley Sanitation District and potential new wholesale demands based on future customer numbers.

Figure ES.2 shows the past and projected total water demands for all water customers. From 2000 to 2006 the maximum day demands ranged from 24.7 MGD to 31.8 MGD, and the ratio of maximum day to average day ranged from 2.01 to 2.48. The maximum day to average day ratio has not exceeded 2.5. Future year maximum day demands are projected by applying a 2.4 design factor to the projected average day demands.

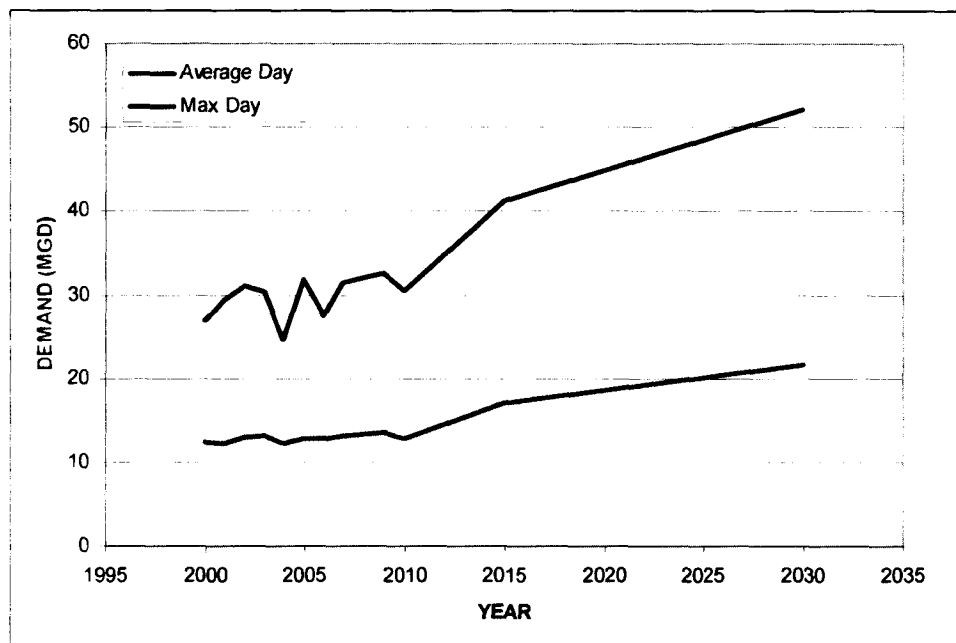
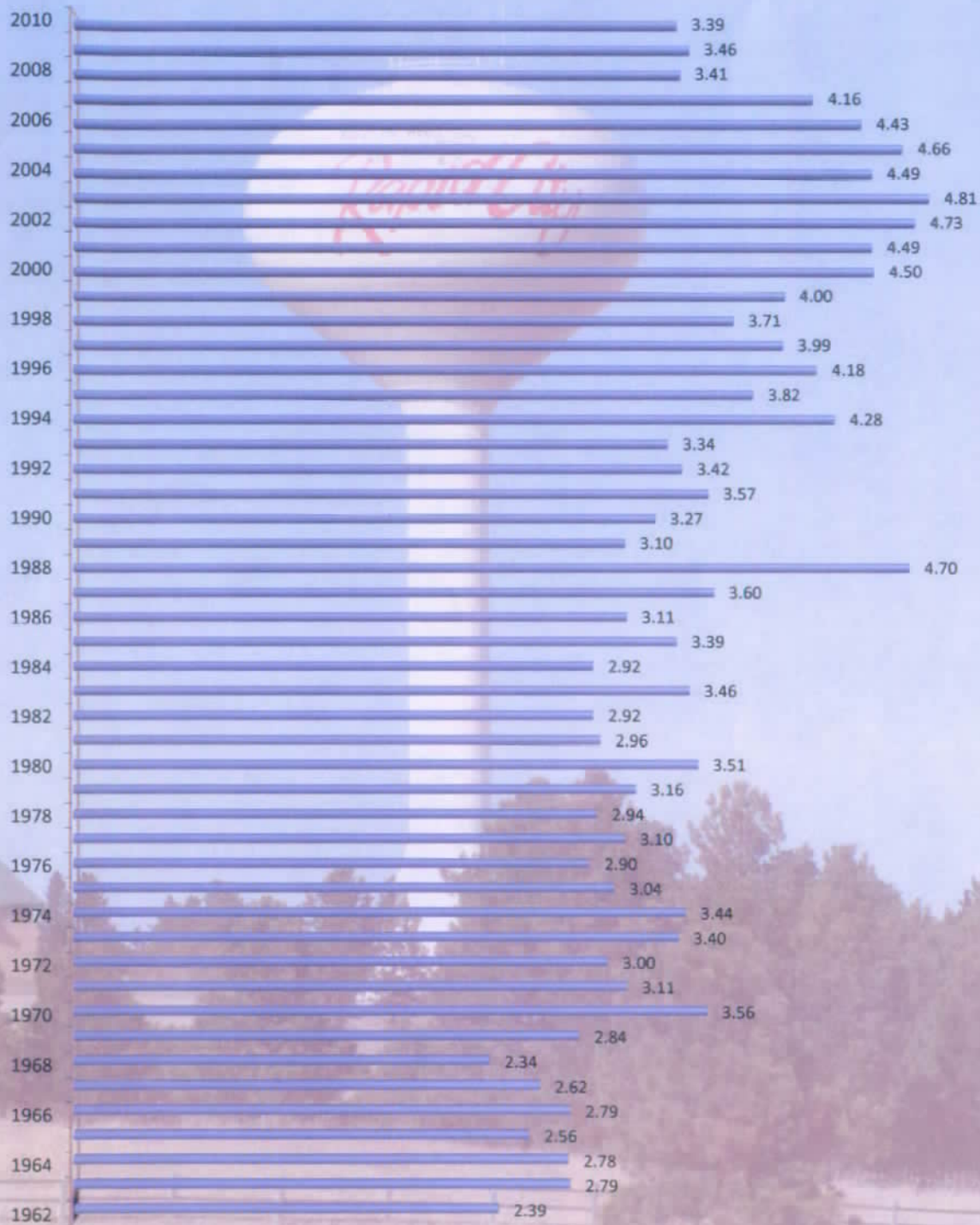


Figure ES.2
Past and Projected Total Water Demands

Annual Water Production

■ Billion Gallons





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City SD**

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 Future Use Water Permit No. 439-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 3,367 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 24, 2011



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2011

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

City of Rapid City
Terry Wolterstorff, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8300). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 2011

Rapid City Journal
c/o Legal Advertising
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 to be published twice. Please publish the first notice on November 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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 the City of Rapid City, Public Works Department, 300 6th St, Rapid City SD 57701.

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-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 24, 2011 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 2, 2011 with 2nd publication 7 days later. The City of Rapid City is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Terry Wolterstorff, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltrations galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE ¼ NE ¼ Section 9, NW ¼ SE ¼ Section 8 and SW ¼ SW ¼ Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-²~~1~~ was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE ¼ NE ¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am, November 30, 2011 at Pierre Chamber of Commerce Meeting Room, 800 W Dakota, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 21, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

Nov. 2, 9 L20635085
**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 439-2 and 1088-2**

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Terry Wolterstorff, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltrations galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am, November 30, 2011 at Pierre Chamber of Commerce Meeting Room, 800 W Dakota, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect; 2) amend the permits by adding qualifications; 3) cancel the permits for no development or no planned future development; or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Granlund, Water Rights Program, (605 773-3352) by November 21, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 21, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice, at the total approximate cost of \$182.12.

RECEIVED

NOV 15 2011

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Carina Tyler being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each Week for two successive Weeks, the first publication there of being on the Second day of Nov. 21, that the fees charged for the publication there of are One hundred eighty two dollars and twelve cents.

Subscribed and sworn to before me this 10th day of November, 2011.

Lorraine K. Cummings

Notary public

Dec. 18, 2016

My commission expires



**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 1, 2011

NOTICE

City of Rapid City
Terry Wolterstorff, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

I am writing in response to action taken by the Water Management Board at the hearing on November 30, 2011 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed Permit No. 439-2 to remain in effect for 3,367 acre-feet of water annually and Permit No. 1088-2 to remain in effect for 4,830 acre-feet of water annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of No. 439-2 is \$345.00 and the fee for No. 1088-2 is \$465.00 (\$810.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

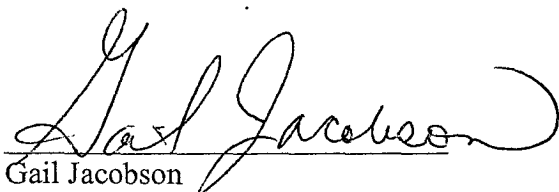
Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 1, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 1, 2011 regarding Future use permits addressed as stated below:

Weston Heights Home Owner's Assn., Robert Olson, 6524 Beverly Dr., Rapid City SD
57701 # 1833-2

City of Rapid City, Terry Wolterstorff, 300 6th St. Rapid City SD 57701 #'s 439-2 & 1088-2



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

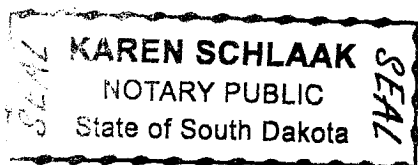
Sworn to, before me, this 1st day of December, 20 11.



Karen Schlaak

Notary Public

My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/19, 20 12

RECEIVED OF City of Rapid City 300 6th St Rapid City SD 57701

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	465	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1088-2</u> 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 _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	465 00

No. **05262**

By [Signature]
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Thursday, January 02, 2014 8:05 AM
To: Schlaak, Karen
Subject: FW: Rapid City's Future Use Permit No. 1088-2 from Rapid Creek
Attachments: 1088-2.pdf; Pages from 1088-2.pdf

Yes – John is aware of the need to readvertise. See below

From: Wagner John [<mailto:John.Wagner@rcgov.org>]
Sent: Thursday, December 19, 2013 3:05 PM
To: Gronlund, Eric
Cc: Wolterstorff Terry
Subject: FW: Rapid City's Future Use Permit No. 1088-2 from Rapid Creek

Eric,

Sorry I am getting back to you so late on this. Please go ahead and re-advertise and publish the correct legal. I will call the journal when it is ready. Please bill us for the necessary charges for re-issuing the permit. Thanks Eric.

John

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, December 12, 2013 12:39 PM
To: Wagner John
Cc: Rath, Mark; Schlaak, Karen
Subject: Rapid City's Future Use Permit No. 1088-2 from Rapid Creek

John:

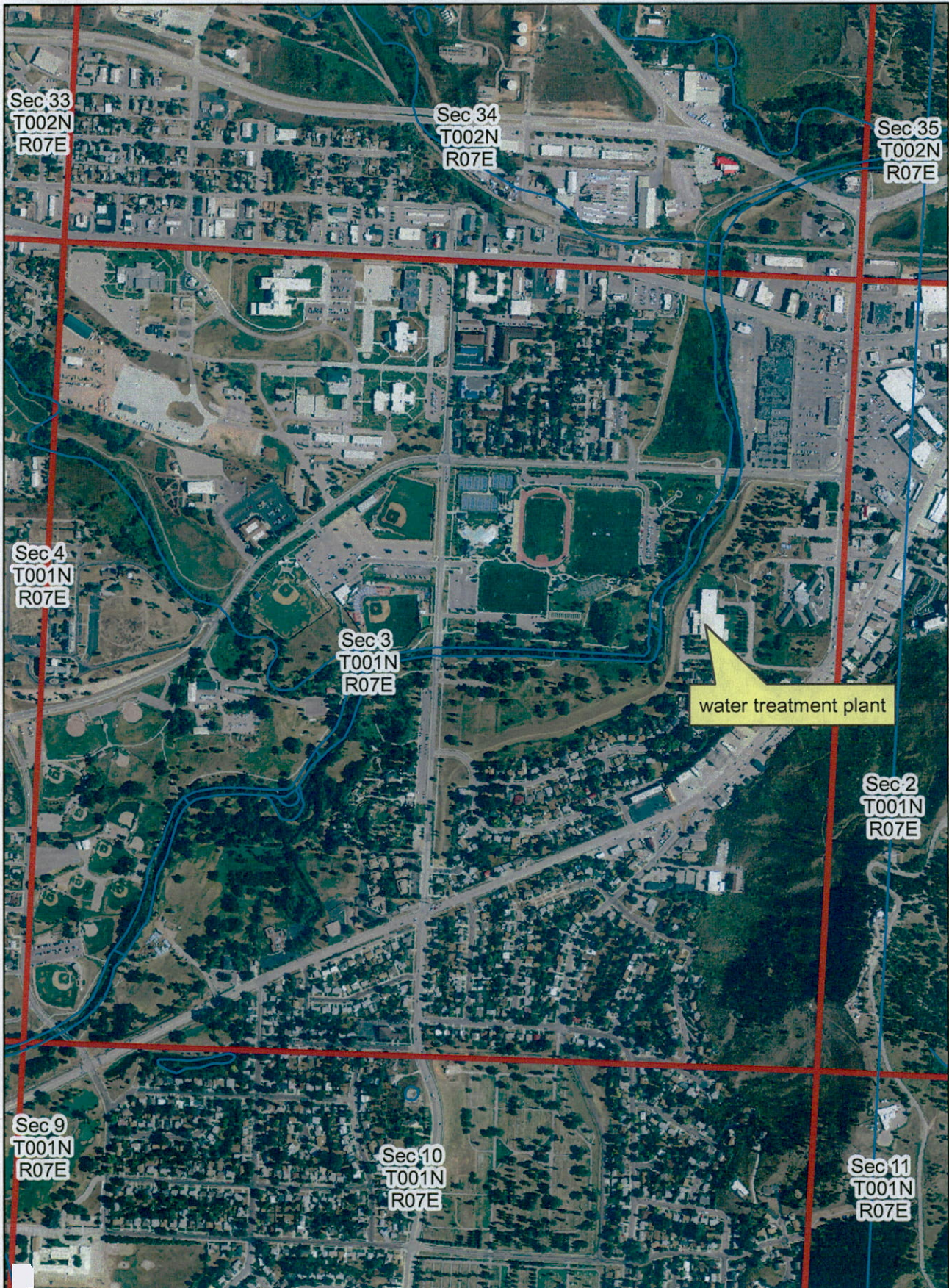
DENR is going through all future use permit in SD for the purpose of putting together shape files of the future use areas for GIS purposes. That exercise found a long standing discrepancy (since 1971) in the legal description for the diversion under Future Use Permit No. 1088-2. This future use permit reserved Rapid Creek water and describes the water treatment plant diversion at Clarkson near Baken Park as its diversion location. The application, original public notice and all subsequent future use reviews have defined the legal location using the wrong township designation as the NE ¼ Section 3, T2N, R7E. This legal location actually is for about 6 miles north and in Meade County. The actual legal location of the Clarkson water treatment plant is the NE ¼ Section 3, T1N, R7E. Attached is the originally filed application and a map.

Applications that were obtained over the years by the city to construct and place to beneficial use water reserved by Future Use Permit No. 1088-2 were also reviewed. While it does not appear that all those permits used the precise legal description at the water treatment plant, they all did correctly locate where the actual diversion from the creek take place. The most notable are the two permits for the Executive Golf Course which is in the SE ¼ Section 35, T2N, R7E. I do not see that presenting any problem.

The logical course of action is to readvertise the future permit to correct the legal location. But I first wanted to contact the city to make you aware of the issue.

Eric Gronlund

Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 2, 2014

City of Rapid City
c/o John Wagner, Water Superintendent
3006th St
Rapid City SD 57701

Dear Mr. Wagner:

Future Use Permit No. 1088-2 currently reserves 4,830 acre-feet of water from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use. As stated in my email conversation, readvertisement the permit is necessary to correct the legal description of the Rapid Creek diversion point. The legal description was incorrectly advertised in 1971 as being located in Section 3-T2N-R7E. This readvertisement does not authorize any increase in the 4,830 acre-feet of water from Rapid Creek remaining in reserve.

For your information, a copy of the notice and the recommendation of the Chief Engineer are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The Water Rights Program will pay for the cost of the publication.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 02, 2014 10:57 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: Notice of Future Use Permit No. 1088-2
Attachments: 1088-2public.short.docx

Attached is a notice for the City of Rapid City to be published on January 10, 2014.

Please send the affidavit and bill the cost of publication to: Water Rights Program, 523 E Capitol, Pierre SD 57501

Please acknowledge receipt of this email.

If you have questions, please let me know.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

Instruction to Newspaper - Publish the Notice on January 10, 2014. Please bill the Water Rights Program the cost of publication.

Readvertisement of Notice of Future Use Permit No. 1088-2

Notice is given of readvertisement of Future Use Permit No. 1088-2 held by the City of Rapid City, c/o John Wagner, Water Superintendent, 300 6th St, Rapid City SD 57701. Future Use Permit No. 1088-2 currently reserves 4,830 acre-feet of water from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use. Readvertisement is necessary to correct the legal description of the Rapid Creek diversion point. The legal description was incorrectly advertised in 1971 as being located in Section 3-T2N-R7E. This readvertisement does not authorize any increase in the 4,830 acre-feet of water from Rapid Creek remaining in reserve.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Future Use Permit No. 1088-2 with conditions because 1) the reserved water may be developed, 2) there is a need for the reserved water, 3) existing rights will not be unlawfully impaired, 4) it is a beneficial use of water, and 5) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this readvertisement, as recommended, unless a petition is filed opposing the readvertisement or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertised permit. Notice of the hearing will be given to the City of Rapid City and any person filing a petition.

Any person interested in opposing or supporting this readvertisement or recommendation must file a written petition with BOTH the city and Chief Engineer. The city 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 city's mailing address is given above. A petition filed by either an interested person or the city must be filed by January 20, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement, 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 readvertisement. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

JAN 17 2014

WATER RIGHTS
PROGRAM

Jan. 10
L20638502

READVERTISEMENT OF NOTICE OF FUTURE USE PERMIT No. 1088-2

Notice is given of readvertisement of Future Use Permit No. 1088-2 held by the City of Rapid City, c/o John Wagner, Water Superintendent, 300 6th St, Rapid City SD 57701. Future Use Permit No. 1088-2 currently reserves 4,830 acre-feet of water from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use. Readvertisement is necessary to correct the legal description of the Rapid Creek diversion point. The legal description was incorrectly advertised in 1971 as being located in Section 3-T2N-R7E. This readvertisement does not authorize any increase in the 4,830 acre-feet of water from Rapid Creek remaining in reserve.

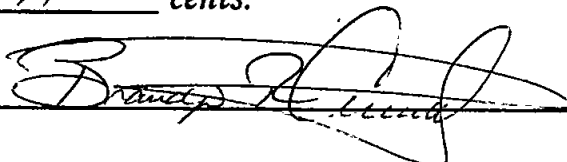
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Future Use Permit No. 1088-2 with conditions because 1) the reserved water may be developed, 2) there is a need for the reserved water, 3) existing rights will not be unlawfully impaired, 4) it is a beneficial use of water, and 5) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this readvertisement, as recommended, unless a petition is filed opposing the readvertisement or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertised permit. Notice of the hearing will be given to the City of Rapid City and any person filing a petition.

Any person interested in opposing or supporting this readvertisement or recommendation must file a written petition with BOTH the city and Chief Engineer. The city 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 city's mailing address is given above. A petition filed by either an interested person or the city must be filed by January 20, 2014.

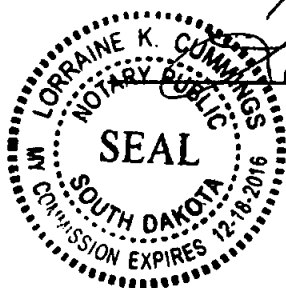
The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this readvertisement. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

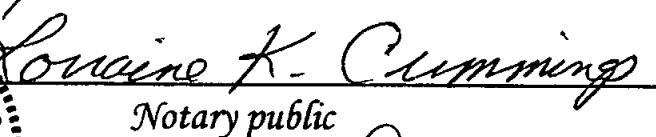
(Published once at the total approximate cost of \$35.44).

Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week for one successive weeks, the first publication there of being on the 10th day of January that the fees charged for the publication there of are 55 dollars and 44 cents.



Subscribed and sworn to before me this 10th day of January, 2014.




Notary public

Dec. 18, 2016
My commission expires

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20_____

Attorney for _____





Classified Advertising Invoice

RECEIVED

JAN 17 2014

WATER RIGHTS
PROGRAM

Rapid City Journal &
Black Hills Weekly Group
PO Box 31238
Billings, MT 59107-1238
(877) 510-6397

S.D. DENR
WATER RIGHTS PROGRAM
523 E. CAPITOL AVE.
PIERRE SD 57502-3182

Customer: 60045495
Phone: (605) 773-3352
Date: 01/10/2014

Date	Order #	Type	Order Amt
01/10/14	20838502	INV	55.44

Amount Paid: _____

Card #: _____

Check Number: _____

Signature: _____



Exp Date: _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Lee Enterprises no longer accepts credit card payments sent via e-mail. Emails containing credit card numbers will be blocked. Please use the coupon above to send a credit card payment to remittance address located in the upper right corner. You may also send the coupon to a secure fax at 406-657-1442.

Date	Order #	Type	Description	Lines	Times Run	Order Amount	Net Amt Due
01/10/14	20838502	INV	PERMIT No. 1088-2 Start 01/10/14 End 01/10/14 Rapid City Journal	99.00	1.00	55.44	55.44

Please return invoice or put order number on check. Thank You.

Remarks

Total Due: 55.44

RAPID CITY JOURNAL &
BLACK HILLS WEEKLY GROUP
PO BOX 31238
Billings, MT 59107-1238
(877) 510-6397

Rapid City Journal - Patriot - Meade County Times
Lawrence County Journal - Butte County Post
Hot Springs Star - Chadron Record

January 17, 2014

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
PO Box 31283
Billings MT 59107

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

re-advertisement on 1088-2 -city of Rapid Ciity # 20838502

AMOUNT: \$55.44

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

Gail Jacobson 1-17-14

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
FUTURE USE PERMIT NO. 1088-2, City of Rapid City**

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 readvertised Future Use Permit No. 1088-2, city of Rapid City, c/o John Wagner, Water Superintendent, 300 6th Street, Rapid City SD 57701.

The Chief Engineer is recommending APPROVAL of readvertised Future Use Permit No. 1088-2 because 1) the reserved water may be developed, 2) there is a need for the reserved water, 3) existing rights will not be unlawfully impaired, 4) it is a beneficial use of water, and 5) it is in the public interest.

1. There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior downstream water rights shall be by-passed under this permit. Water Rights, covering storage of water in Deerfield and Pactola Reservoirs, were acquired by the United States (U.S. No. 509-2 and U.S. No. 581-2, respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation). To the extent that water is available under these contracts, it may be use under this Permit to served, replace or supplement withdrawals from the natural flows of Rapid Creek, or these flows remaining (which may be zero flows) after water is by-passed as need for the downstream prior water rights.
2. This is a permit to withdraw water for future use, and specific application for all or any part of this appropriation must be submitted at such time as the works are to be constructed.
3. Permit No. 1088-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.


Jeanne Goodman, Chief Engineer
January 2, 2014

**REISSUED
SOUTH DAKOTA
FUTURE USE PERMIT NO. 1088-2**

Date of first receipt of application June 28, 1971.

The Chief Engineer, on behalf of the Water Management Board, reissues Future Use Permit No. 1088-2 to the City of Rapid City, 300 6th St, Rapid City SD 57701 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 1088-2 currently reserves 4,830 acre-feet of water from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E.
2. The water appropriated shall be used for the purpose of municipal use 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 Reissued Future Use Permit No. 1088-2 is January 20, 2014.
5. The date from which applicant may claim right is June 28, 1971.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior downstream water rights shall be by-passed under this permit. Water Rights, covering storage of water in Deerfield and Pactola Reservoirs, were acquired by the United States (U.S. No. 509-2 and U.S No. 581-2, respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation). To the extent that water is available under these contracts, it may be use under this Permit to served, replace or supplement withdrawals from the natural flows of Rapid Creek, or these flows remaining (which may be zero flows) after water is by-passed as need for the downstream prior water rights.
2. This is a permit to withdraw water for future use, and specific application for all or any part of this appropriation must be submitted at such time as the works are to be constructed.
3. Permit No. 1088-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAR 10 2014

date





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov



MAR 10 2014

City of Rapid City
c/o John Wagner, Water Superintendent
300 6th St
Rapid City SD 57701

Dear Mr. Wagner:

Enclosed is Reissued Future Use Permit No. 1088-2, as approved by the Chief Engineer on behalf of the Water Management Board. The permit currently reserves 4,830 acre-feet of water from Rapid Creek and is being reissued to correct the legal description of the Rapid Creek diversion point.

When plans for facilities are prepared to put any portion of the water granted in the future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



1088-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 4, 2018

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 439-2 and 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under the future use permits, respectively. The permits were last reviewed in 2011.

Please respond in writing by November 1, 2018 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet authorized by Permit No. 439-2 remains in reserve, the fee will be \$345.00. If the entire 4,830 acre-feet authorized by Permit No. 1088-2 remains in reserve, the fee will be \$465.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org

October 24, 2018

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

OCT 26 2018

WATER RIGHTS
PROGRAM

Ref: Future Use Water Permit Nos. 439-2 and 1088-2; City of Rapid City, SD

Dear Ms. Schlaak,

This letter is in response to your letter dated October 4, 2018 regarding Rapid City's Future Water Permit Nos. 439-2 and 1088-2. It is the City of Rapid City's (City) intent to retain this water permit for future water needs of the City.

Attached for your information and use are graphs illustrating the City's water accounts and water production over the last several decades. Both graphs show steady overall growth. During the City's last renewal request in 2011 the City had 21,780 water accounts, and at the end of 2017 the City had 25,369 water accounts which is an increase of 14%.

Rapid City's population has and is expected to grow at approximately 1.5 % to 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. Attached is Rapid City's population growth since 2000, and population projections from our Comprehensive Plan.

Although existing sources can supply current demands, future water sources will be needed to meet future needs. Rapid City is currently in the process of updating our Water Utility Master Plan. Therefore, a current needs assessment is not available. However, as Rapid City is a vibrant growing community we expect water resource needs to continue to grow at or above the previous pace.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

Sincerely,

Dale Tech, P.E.
Public Works Director

Cc: Jeff Crockett, Water Division Superintendent



CITY OF RAPID CITY

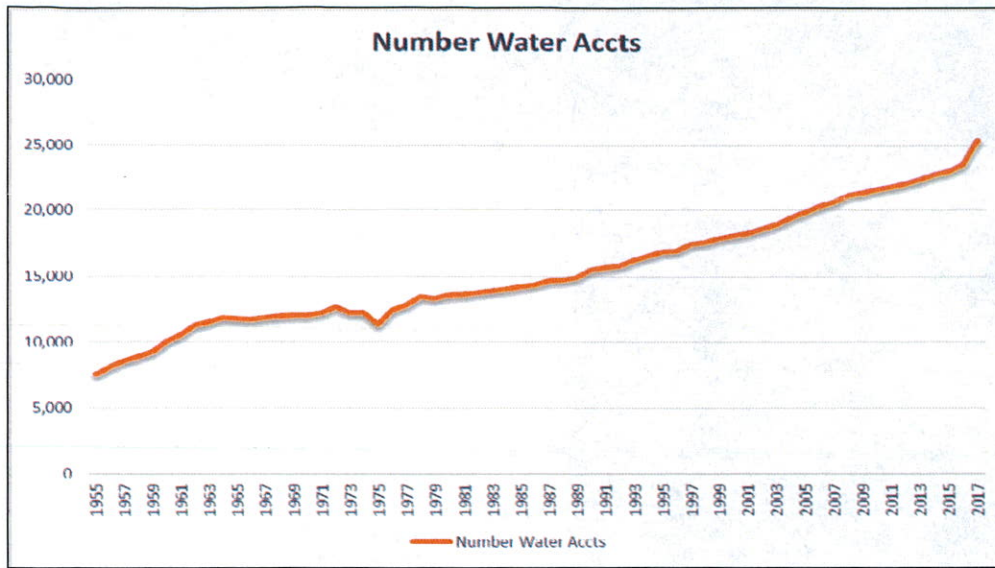
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

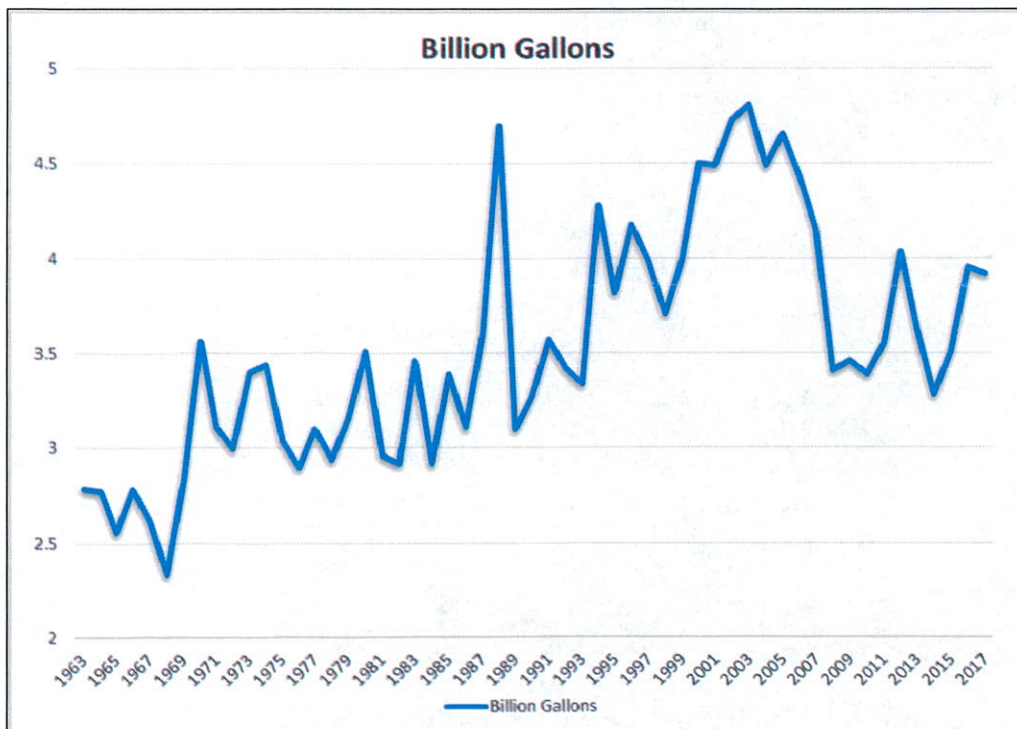
300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org



Rapid City Water Division 2017



Rapid City Water Division 2017



CITY OF RAPID CITY

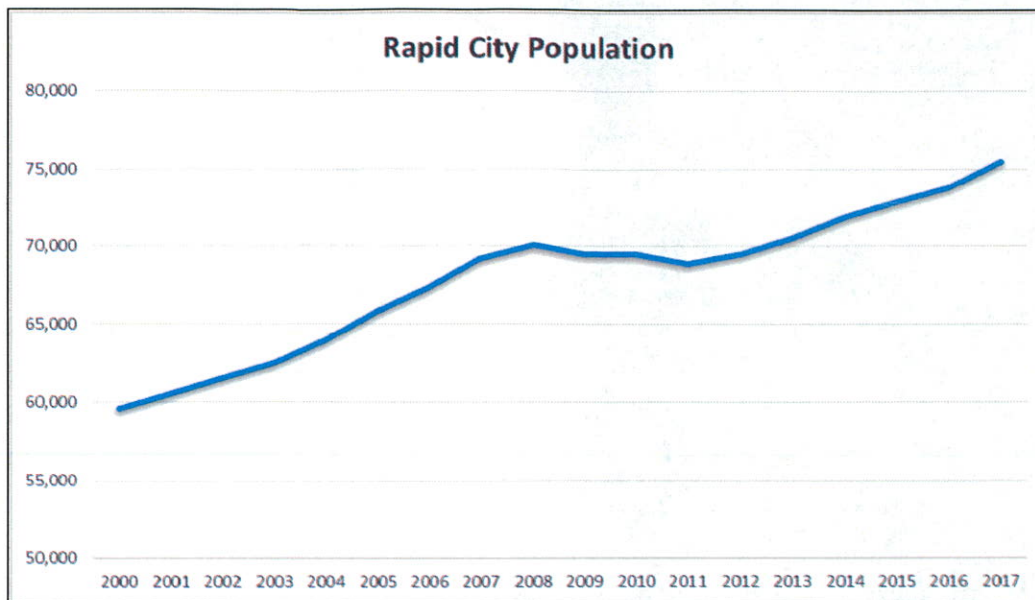
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org



Rapid City Community Development 2018

Population Growth

- Rapid City's population is expected to continue to grow in the upcoming decades. By 2035, Rapid City's population could grow to more than 85,000 people (see the Housing section for more information about future growth projections).²
- The amount of population growth depends on myriad factors such as household sizes, vacancy rates, and housing and employment growth, but in a high-growth scenario, Rapid City's population could reach nearly 97,000 people by 2035.

2035 Forecast	2010 Population	2035 Projected Population	Change 2010-2035
Rapid City Low	67,956	85,378	17,422
Rapid City High	67,956	96,630	28,674

Source: Clarion Associates and Economic and Planning Systems, 2013

Population Projection, Rapid City Comprehensive Plan 2014



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 31, 2018

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

City of Rapid City
c/o Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the Rapid City Journal (605 394-8300). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publisher has been instructed to publish this notice on November 7, 2018. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Jeff Crockett, Water Division Supt.

Instruction to Newspaper - Publish the following Notice on November 7, 2018. The City of Rapid City is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development and future plans for the development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City**

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 Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,830 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$465.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
October 31, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 31, 2018

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

City of Rapid City
c/o Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the Rapid City Journal (605 394-8300). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publisher has been instructed to publish this notice on November 7, 2018. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Jeff Crockett, Water Division Supt.

Instruction to Newspaper - Publish the following Notice on November 7, 2018. The City of Rapid City is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development and future plans for the development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above.

The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 31, 2018 8:19 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 439-2 & 1088-2, City of Rapid City
Attachments: 439-2and1088-2notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 7, 2018.

The City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 (605 394-4165) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Affidavit of Publication

RECEIVED

NOV 13 2018

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

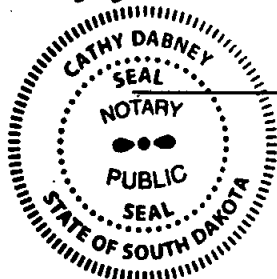
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 7th day of Nov 2018 that the fees charged for the publication there of are 69 dollars and 54 cents.

Sheri Sponder

Subscribed and sworn to before me this 7th day of November, 2018.



Cathy Dabney
Notary public

4-16-2024

My commission expires

Nov 7 121099689

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development and future plans for the development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN IN EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018.

Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

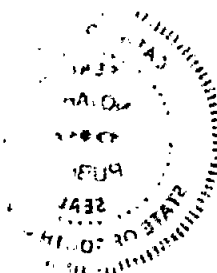
(Published once at an approximate cost
of \$69.54)

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20 _____

Attorney for _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 6, 2018

NOTICE OF ENTRY OF ORDER

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 2018 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 3,367 acre-feet and 4,830 acre-feet of water annually, respectively. Future Use Permit Nos. 439-2 and 1088-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 439-2 is \$345 and the fee for Future Use Permit No. 1088-2 is \$465 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$810 within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 6, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated December 6, 2018 addressed as stated below:

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

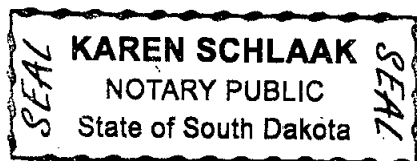
Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of December, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 2019

RECEIVED OF City of Rapid City 300 Sixth ST Rapid City, SD 57701

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	465	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 Future Use Review Fee #1088-2		
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. _____	465	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	465	00

No. **08893**

By Janne Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 11, 2025

City of Rapid City
c/o Daniel Ainslie
300 6th Street
Rapid City SD 57701

Dear Mr. Ainslie,:

I am writing in regard to the seven-year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries, and Minnelusa, Madison formation wells and No. 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under these future use permits. The permits were last reviewed in 2018.

Please respond in writing by October 1, 2025, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet reserved by Permit No. 439-2, the fee will be \$345.00. If the entire 4,830 acre-feet reserved by Permit No. 1088-2, the fee will be \$465.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Martin Lindsey <Lindsey.Martin@rcgov.org>
Sent: Tuesday, September 23, 2025 11:04 AM
To: Rodriguez, Rachel; Quiett Brandon
Subject: RE: [EXT] Intent to Renew Water Rights Future Use 439-2 and 1088-2

Thank you!!

Lindsey Martin

Capital Improvement Program Manager
City of Rapid City | Public Works Department

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 23, 2025 10:03 AM
To: Quiett Brandon <Brandon.Quiett@rcgov.org>
Cc: Martin Lindsey <Lindsey.Martin@rcgov.org>
Subject: RE: Intent to Renew Water Rights Future Use 439-2 and 1088-2

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

I know, some newspapers have their online portal which doesn't seem to be user friendly for applicants. Yes, I can send the notice directly to Lindsey to publish under your account.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Quiett Brandon <Brandon.Quiett@rcgov.org>
Sent: Tuesday, September 23, 2025 9:42 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Martin Lindsey <Lindsey.Martin@rcgov.org>
Subject: FW: [EXT] Intent to Renew Water Rights Future Use 439-2 and 1088-2

Rachel,

It was a little messy last time with the State publishing the notice and the City trying to pay for it. If it's possible to send the notice to Lindsey, and we publish it under our account, that would be cleaner.

Here are the publishing deadlines for the Rapid City Journal:

Publish on Tuesday, deadline previous Wednesday at 3pm (MT)
Publish on Thursday, deadline previous Friday at 3pm (MT)
Publish on Saturday, deadline previous Tuesday at 3pm (MT)

Brandon Quiett

Operations Engineering Manager
City of Rapid City
605-394-4154

From: Quiett Brandon

Sent: Monday, September 22, 2025 3:38 PM

To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Cc: Boyda Eric <Eric.Boyda@rcgov.org>; Martin Lindsey <Lindsey.Martin@rcgov.org>

Subject: Intent to Renew Water Rights Future Use 439-2 and 1088-2

Rachel,

Attached is a copy of our intent to renew future use permits 439-2 and 1088-2. A hard copy of the letter was mailed today. I will be on vacation October 6-17. Eric (Cc'd) is the best contact in my absence. Lindsey (Cc'd) will handle payment for the required publication.

Thanks,

Brandon Quiett

Operations Engineering Manager
City of Rapid City
605-394-4154



Public Works Department

Administration

300 6th Street Rapid City, SD 57701-5035

Telephone: (605) 394-4165

www.rcgov.org

RECEIVED

SEP 29 2025

OFFICE OF
WATER

September 19, 2025

Department of Environment and Natural Resources
Water Rights Program
Attn: Rachel Rodriguez
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Subject: Intent to Retain Future Use Water Permit Nos. 439-2 and 1088-2 for Future Water Demands

Dear Ms. Rodriguez,

In response to your letter dated September 11, 2025, the City of Rapid City confirms its intent to retain Water Permit Nos. 439-2 and 1088-2. These permits are crucial for securing the City's future water supply.

Attached for your review are graphs from our master planning documents. The graphs illustrate anticipated steady growth in both population and water demand. The City's population growth rate from 2023-2024 was 3.05%. Rapid City's population is expected to be over 100,000 by 2034. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. These future use permits are an important tool for our water system because they not only reserve the necessary water but also secure our priority date.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

Sincerely,

Daniel Ainslie
Interim Public Works Director

Cc: Stacey Titus, Assistant Public Works Director
Eric Boyda, Water Division Superintendent
Brandon Quiett, Operations Engineer

Attachments:

- 2024 End of Year Population Projection
- Water Utility System Master Plan Update 2024
 - Figure 2-6 Rapid City Historical and Projected Population
 - Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projection.



Department of Community Development

300 6th St | Rapid City, SD 57701 | 605-394-4120
cpweb@rcgov.org | www.rcgov.org

Kelly Brennan, Long Range Planner III
Department of Community Development
Long Range Planning

Phone: 605-394-4120
Email: kelly.brennan@rcgov.org

RECEIVED

SEP 29 2025

OFFICE OF
WATER

MEMORANDUM

TO: Metropolitan Planning Organization Committee Members
FROM: Kelly Brennan, Long Range Planner III
DATE: May 23, 2025
RE: **25TP009 – Rapid City Year End 2024 Population Estimate**

Every year the Long Range Planning Division prepares a population estimate for Rapid City using a methodology approved by the United States Census Bureau. These estimates are based on approved building permits, housing demolitions, the 2020 Census occupancy rate and the 2020 Census persons per household rate for Rapid City and Pennington County. The 2024 year end Rapid City population estimate is 84,930. This is a 3.05% increase from 2023.

STAFF RECOMMENDATION: Staff recommends approval of the Rapid City Year End 2024 Population Estimate.

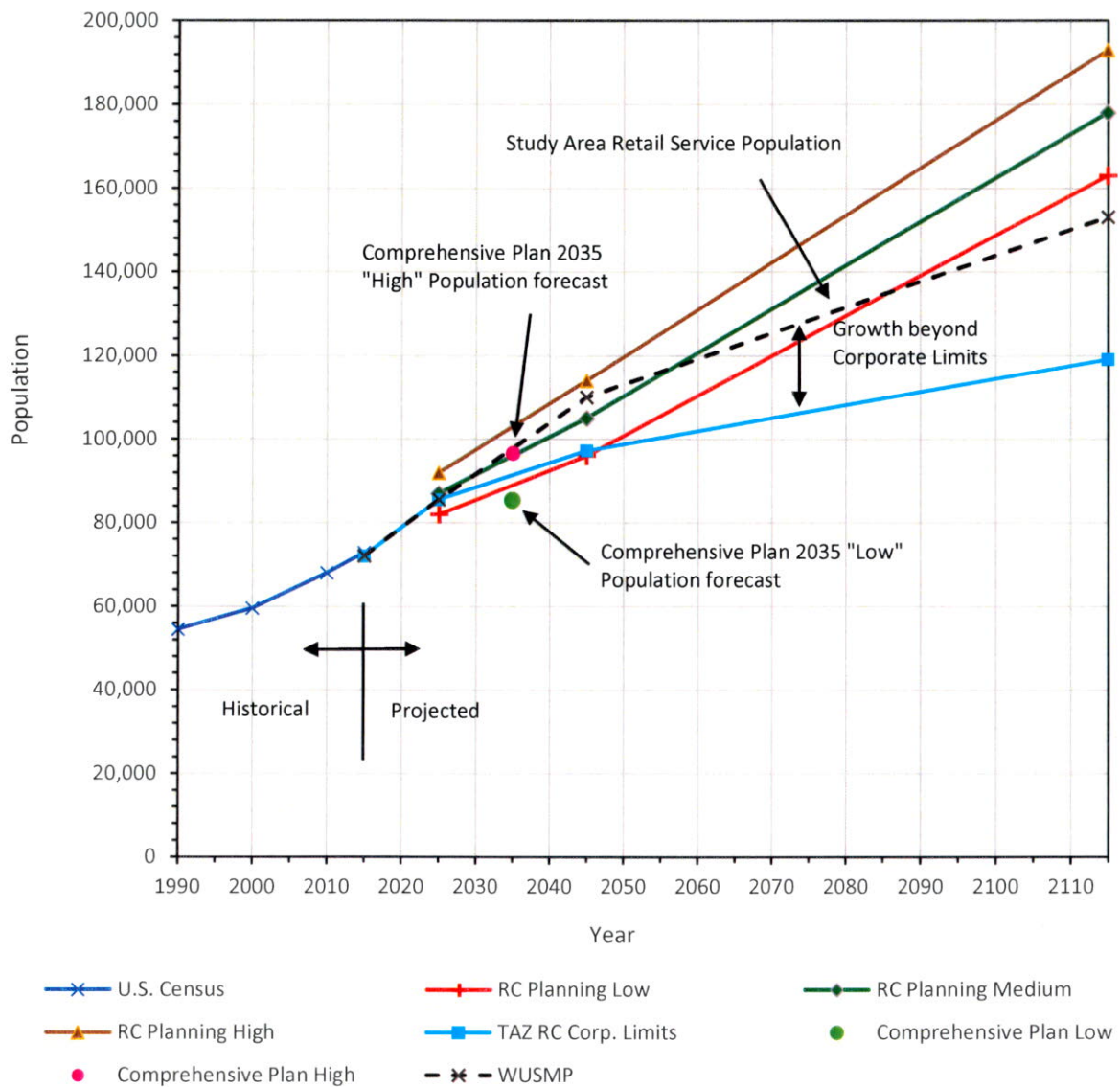


Figure 2-6 Rapid City Historical and Projected Population

A review of population information in Table 2-3 and Figure 2-6 is summarized as follows:

- Figure 2-6 illustrates that population growth will occur both inside the Rapid City 2025 Corporate Limit Expansion (cyan color line) and outside of that boundary line (black dashed line). The gap between the two lines represents the population growth that will occur outside to the Rapid City 2025 Corporate Limit Expansion and up to the USB service area boundary for 2045 and the Tier 1 service area boundary for 2115.
- The Rapid City TAZ based 2015 population is 71,988 which is close to and a good match with the 2015 U.S. Census population estimate of 72,817.

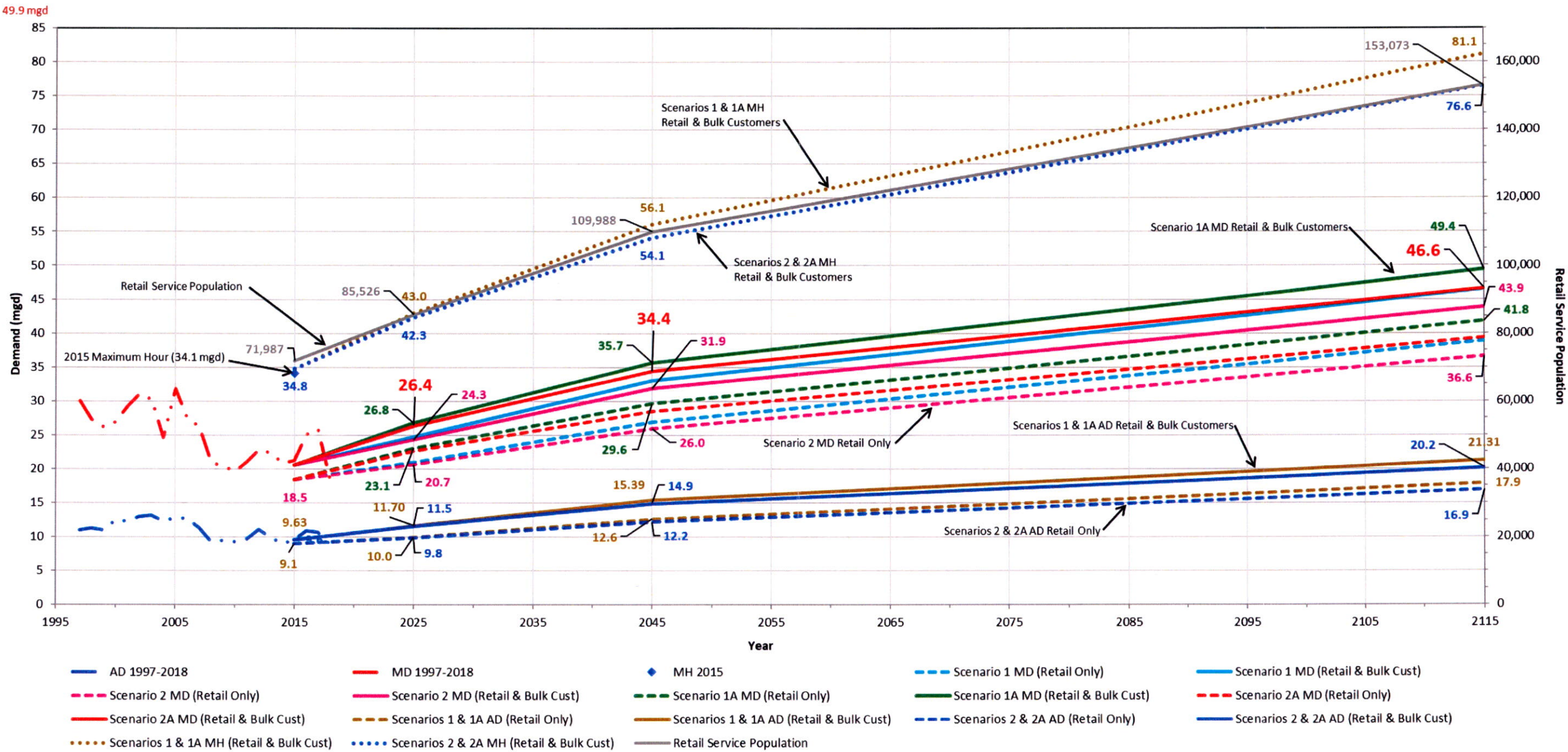


Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projections (Demand Scenarios)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 3,367 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$ 345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
October 1, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,830 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$ 465.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
October 1, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 16, 2025

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701

Dear Ms. Martin:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Per Mr. Quiett's request, the City of Rapid City will submit the public notice using the city's account with the Rapid City Journal. For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 on December 3, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of these future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by November 3, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of these future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by November 3, 2025.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is future use permit renewals and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 16, 2025 2:37 PM
To: Martin Lindsey
Subject: 439-2 & 1088-2 Public Notice for Future Use Review
Attachments: 439-2 & 1088-2 Rec.pdf; 439-2 & 1088-2 Ltr.pdf; 439-2 & 1088-2 PubNotice.pdf; 439-2 & 1088-2 FU REVIEWpubnotice_final.doc

Good Afternoon Lindsey,

Attached is a copy of the acting chief engineer's recommendation and public notice for future use permits 439-2 and 1088-2. I have attached both a PDF and Word format. The notice is dated for next Thursday, October 23. The deadline to submit is Friday at 3pm to the Rapid City Journal. I apologize for the late email; I was out last week due to a family emergency and have been trying to get caught up.

This information is also being mailed to you today.

Let me know if you have questions. Please confirm receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

City of Rapid City
300 6th Street
RAPID CITY South Dakota 57701

State of New Jersey, County of Camden, ss:

I, Deidre Stevens-DiGiovanni, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Oct 23, 2025

NOTICE ID: frCxietu3iMoayyf62b5

NOTICE NAME: FUTURE USE WATER PERMIT 439-2/1088-2

TOTAL AD COST: \$148.59

Deidre Stevens-DiGiovanni

Agent

VERIFICATION

State of New Jersey
County of Camden

Signed or attested before me on this: 10/24/2025



Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 on December 3, 2025, at 9:30 AM (Central Time) . Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of these future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL

RECEIVED

OCT 28 2025

Water Rights
Program

SHARONN E THOMAS-POPE

NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires January 23, 2027

by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 " or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by November 3, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of these future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by November 3, 2025.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2025.

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controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is future use permit renewals and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

(Published October 23, 2025 for a total approximate cost of \$148.59 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-3493

RECEIVED

OCT 28 2025

Water Rights
Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 4, 2025

NOTICE OF ENTRY OF ORDER

City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701

Dear Ms. Martin

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2025, to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 3,367 acre-feet and 4,830 acre-feet of water annually respectively. Future Use Permit Nos. 439-2 and 1088-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 439-2 (\$345.00) and 1088-2 (465.00) is a grand total of \$810.00 pursuant to SDCL 46-2-13(2). **Please make the check payable to the Water Rights Program and remit the fee within 60 days.**

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Mark Mayer, PE
Director of Office of Water

CERTIFICATION

I hereby certify that on December 4th 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated December 4th, 2025 involving action taken by the Water Management Board hearing on December 3rd, 2025:

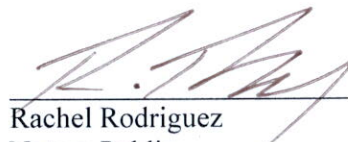
City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701



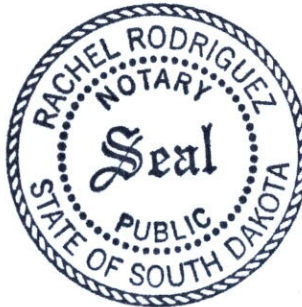
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of Dec, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 26, 2026

RECEIVED OF City of Rapid City 300 6th Street Rapid City SD 57701

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	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>439-2</u> after period of seven years.	<u>\$345.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$345.00</u>

By 
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 26, 2026

RECEIVED OF City of Rapid City 300 6th Street Rapid City SD 57701

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	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>1088-2</u> after period of seven years.	<u>\$465.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$465.00</u>

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 1088-2

Name of Applicant: City of Rapid City, c/o Daniel Ainslie

Date of Posting: 10/20/2025

Date of Removal: 12/4/2025

Ron Duvall, Engineer III

12/4/2025

Date

Subscribed and sworn to before me, a notary public, this 3rd day of Oct, 2025.

Notary Public - South Dakota
My commission expires:

Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

