

No. 1983X2	Hydrologic Unit	10120110
Map No. Same	Basin	Upper Cheyenne
Newspaper	R.C. Journal	Box 450

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

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☒ Application to amend Permit No. 1461-2 with old priority date retained☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. 1461-2☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant WARREN-LAMB LUMBER CO Phone No. 348-6999Post Office Address PO Box 8032 RAPID CITY State SOUTH DAKOTA
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) .75 Total acres irrigated 563. Source of Water supply Rapid Creek4. Location of point of diversion Center of the NW 1/4 of the NW 1/4 of
Sec 15 T1N R2ECounty Deuel5. Counties where water will be used Deuel6. Annual period during which water is to be used April 1 to June 1

7. 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.
56 AC IN NW 1/4 of	56
Sec 15 T1N R2E Q11	
South of Rapid Creek	
As shown on Attached Map	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

To install 30 H.P. Pumping station to irrigate Sod production fields to be operated by Valley Green Sod Farms

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Deuel)^{ss}I, Warren-Lamb Lumber Co by V L W Lamb Pres. the applicant, certify that I have read the foregoing application, 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 Warren-Lamb Lumber Co
V L W Lamb Pres.Subscribed and sworn to before me this 16 day of May 1985

My Commission Expires December 31, 1985

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1461A-2
Warren Lamb Lumber Co. P.O. Box 8032 Rapid City
(Applicant) (Post Office Address)
South Dakota _____ With the following qualifications.
(State) (Zip Code)

See attachment

Date of first receipt of application May 17, 1985.
 Date of return to applicant for correction, amendments or changes required _____, 19____.
 Date of receipt of corrected application _____, 19____. Approved July 10, 1985.

The Water Management Board hereby approves this Water Permit No. 1461A-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 26, 1914.
2. One-fifth of the work is to be completed on or before December 10, 1987.
3. The whole of said work is to be completed on or before July 10, 1990.
4. The time limit for proof of beneficial use of water is July 10, 1994.
5. The water appropriated shall be used for the purpose of Irrigation.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.75 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 uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before July 10, 1994; said water to be used during the following described annual period: April 1 to October 31.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

SEP 11 1985, 19____

ATTACHMENT

1. This Permit No. 1461A-2 adds a new diversion point to Permit No. 1461-2 and changes the point of diversion for irrigation of 56 acres from Murphey Ditch to pumping from Rapid Creek. An August 26, 1914 priority date was established by Water Right No. 212-2. The applicable portions of No. 212-2 were incorporated into No. 1461-2. Approval of Permit No. 1461A-2 retains the August 26, 1914 priority date, reduces the cfs of water diverted from Murphey Ditch under Permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The diversion rate from the new point of diversion under Permit No. 1461A-2 will be 0.75 cfs. The total cfs authorized and the lands irrigated are not changed.
2. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. Unappropriated water is available in Rapid Creek to reasonably satisfy this application only through contract between the Rapid Valley Conservancy District and Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

RECEIPT

Division of Water Rights

No 4 10053

South Dakota Department of Water and Natural Resources

Pierre, May 28, 19 85

RECEIVED OF Valley Green Lawn & Garden Center, 1996 Sedivy Lane, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law. (For Warren Lamb Lumber Co.)

Fee for Application for Permit No. <u>1461A-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

Water Rights Division
605 773-3352

April 26, 1985

Valley Green Sod Farms
Ray Mors
708 St. Charles
Rapid City SD 57701

Mr. Mors:

I apologize for the delay in responding to your questions. I spoke with Jim Winterton and you will need to file for a change in diversion point. I have enclosed the necessary forms and instruction sheet. The filing fee required is \$50.00. The next Water Management Board meeting for consideration of new permits is July 10 & 11, 1985. The complete application must be in our office by the week of May 20, 1985 as advertising must be mailed May 24, 1985. If you have any questions or require assistance please call our office.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1461A-2

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 Water Permit Application No. 1461A-2, Warren Lamb Lumber Company, P.O. Box 8032, Rapid City, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1461A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. This Permit No. 1461A-2 adds a new diversion point to Permit No. 1461-2 and changes the point of diversion for irrigation of 56 acres from Murphey Ditch to pumping from Rapid Creek. An August 26, 1914 priority date was established by Water Right No. 212-2. The applicable portions of No. 212-2 were incorporated into No. 1461-2. Approval of Permit No. 1461A-2 retains the August 26, 1914 priority date, reduces the cfs of water diverted from Murphey Ditch under Permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The diversion rate from the new point of diversion under Permit No. 1461A-2 will be 0.75 cfs. The total cfs authorized and the lands irrigated are not changed.
2. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. Unappropriated water is available in Rapid Creek to reasonably satisfy this application only through contract between the Rapid Valley Conservancy District and Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See attached report for additional information.


JOHN HATCH, Chief Engineer
May 27, 1985

REPORT ON APPLICATION NO. 1461A-2
Warren Lamb Lumber Co.

May 24, 1985

Introduction

Application No. 1461A-2 requests a change in the point of diversion of a portion of Permit No. 1461-2 on Rapid Creek from the Murphey Irrigation Ditch to a direct diversion by pumping from Rapid Creek.

Discussion

The proposed change of the point of diversion will reduce the amount to be carried by the Murphey Ditch under permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The land will be leased to Valley Green Sod Farms for the production of sod. The lands involve 56 acres in the NW $\frac{1}{4}$ of Section 15, T1N, R8E. The diversion rate is proposed to be 0.75 cfs. The new location will be moved downstream of the present location.

Conclusion

The proposed change in the point of diversion will not adversely affect existing water rights. Approval will reduce Water Permit No. 1461-2 by 0.75 cfs and reduce the acreage by 56 acres. No new appropriation of water is requested. I recommend that application number 1461A-2 be approved with the following qualifications:

1. This Permit No. 1461A-2 adds a new diversion point to Permit No. 1461-2 and changes the point of diversion for irrigation of 56 acres from Murphey Ditch to pumping from Rapid Creek. An August 26, 1914 priority date was established by Water Right No. 212-2. The applicable portions of 212-2 were incorporated into No. 1461-2. Approval of Permit No. 1461A-2 retains the August 26, 1914 priority date, reduces the cfs of water diverted from Murphey Ditch under Permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The diversion rate from the new point of diversion under Permit No. 1461A-2 will be 0.75 cfs. The total cfs authorized and the lands irrigated is not changed.

2. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. Unappropriated water is available to reasonably satisfy this application only through contract between the Rapid Valley Conservancy District and Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.



James Winterton
Natural Resources Engineer

Instruction to Newspaper - Publish first publication of the following Notice on or before June 3, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1461A-2 to ~~Appropriate Water~~
~~and/or to Amend Water Permit or Water Rights~~ No. 1461-2

Notice is hereby given that Warren Lamb Lumber Co. whose mailing address is P.O. Box 8032, Rapid City, South Dakota has made an application for a permit add a new diversion point to Permit No. 1461-2 and to change the diversion point for irrigation of 56 acres in NW $\frac{1}{4}$ Section 15, T1N, R8E from the Murphey Ditch to pumping from Rapid Creek in the center of the NW $\frac{1}{4}$ Section 15, T1N, R8E. Approval of Permit No. 1461A-2 will reduce the cubic feet per second (cfs) of water diverted from Murphey Ditch under Permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The diversion rate from the new point of diversion will be 0.75 cfs. The total cfs authorized and the lands irrigated will not change.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1461A-2 because 1) ~~unappropriated water is available,~~
 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense
Room, Basement, Capitol Building, Pierre, SD, July 10 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application 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 Applicant and the Chief Engineer by June 28, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant 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 the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 28, 1985.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garness hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Rapid City Journal

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

City of Rapid City

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

June 3, 1985

June 10, 1985

Mary K. Garness
(Signature)

Bookkeeper
(Title)

June 10, 1985
(Date Signed)

Cost of Printing: Ran 8 8/16 inch legal advertising
in the Rapid City Journal on June 3 & 10 @ \$4.20
per inch = \$71.40



June 3, 1985 L218
NOTICE OF HEARING
ON APPLICATION NO. 1461A-2
TO AMEND WATER PERMIT
NO. 1461-2

Notice is hereby given that Warren Lamb Lumber Co. whose mailing address is P.O. Box 8032, Rapid City, South Dakota has made an application for a permit to add a new diversion point to Permit No. 1461-2 and to change the diversion point for irrigation of 56 acres in NW 1/4 Section 15, T1N, R8E from the Murphey Ditch to pumping from Rapid Creek in the center of the NW 1/4 NW 1/4 Section 15, T1N, R8E. Approval of Permit No. 1461A-2 will reduce the cubic feet per second (cfs) of water diverted from Murphey Ditch under Permit No. 1461-2 from 2.0 cfs to 1.25 cfs. The diversion rate from the new point of diversion will be 0.75 cfs. The total cfs authorized and the lands irrigated will not change.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1461A-2 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, Basement of Capitol Building, Pierre, SD, July 10, 1985 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 make a determination on this application 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 Applicant and the Chief Engineer by June 28, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31, 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant 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 the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNRR, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 28, 1985.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

SEP 11 1985

Warren Lamb Lumber Co.
PO Box 8032
Rapid City SD 57701

Dear Sir:

Enclosed herewith is your Water Permit No. 1461A-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1461A-2.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



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

March 26, 1986

NOTICE

Warren Lamb Lumber Co.
RR 2, Box 160
Rapid City, SD 57701

Re: Violation of Water Permit No(s). 1461-2 A, 1461-2

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 1461-2 A, 1461-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1461-2 A, 1461-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1461-2 A, 1461-2 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner 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 the State Supreme Court as provided by law.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

May 26, 1986

Permit No. 1461-2 & 1461A-2

Warren-Lamb Lumber Co.

%Richard Lamb

PO Box 8032

Rapid City SD 57709

Dear Mr. Lamb:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1461-2
1461A-2

December 16, 1986

Richard Lamb
PO Box 8032
Rapid City, South Dakota 57709

Dear Mr. Lamb:

Please find enclosed ^{copies} ~~a copy~~ of a Notice of Transfer of Water Permit forms. These ~~this~~ forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. for each, total of \$5.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$5.00 the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410671

Pierre, December 29, 1986

RECEIVED OF Warren Lamb Lumber Co., 190 Bear Gulch Dr, Portola Valley CA

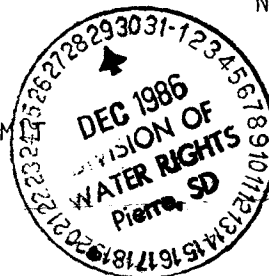
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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 _____ for Permit No. 1461A-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

JOHN HATCH (ks)

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 15, 1986

This is to notify you that the title to the lands described as follows:

NW 1/4 Section 15, T1N-R8E

formerly owned by Warren Lamb Lumber Co. (a corporation)
has been transferred to Warren Lamb Lumber Co. (a partnership) 190 Bear Gulch Dr.
(please include complete mailing address) Portola Valley, CA
together with any rights to the beneficial use of water thereon as evidenced by 94025
Water Right Permit No. 1461A-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF CALIFORNIA)
~~SOUTH DAKOTA~~) ss.
County of SANTA CLARA)

I, C. Theodore Lamb being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, (and managing partner) the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Warren Lamb Lumber Co.

by: C. Theodore Lamb Managing Partner
(Signed)

Subscribed and sworn to before me this 24th Day of December, 19 86

Betty A. Souders
(Notary Public)





Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

No. 1461-2
1461A-2

December 31, 1986

Warren Lamb Lumber Company
190 Bear Gulch Drive
Portola Valley, California 94025

Dear Sir:

Enclosed are receipt Nos. 410671 and 410672 in the amount of \$2.50 each which you paid for Water Right Nos. 1461-2 and 1461A-2.

Our records now show Warren Lamb Lumber Company (a partnership) as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



No. 1461A-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 28, 1990

This is to notify you that the title to the lands described as follows:

The NW $\frac{1}{4}$ of Section 15, T1N, R8E Black Hills Meridian,
Pennington County, South Dakota,

formerly owned by Warren Lamb Lumber Company, a general partnership, has been transferred to David S. Lamb, Route 2, Box 160, Rapid City, South Dakota 57701, together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1461-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Division of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13(4).

STATE OF SOUTH DAKOTA:

SS.

COUNTY OF PENNINGTON :

I, David S. Lamb, being first duly sworn, on oath depose and state:

That my relation to the above-described undertaking is that of Owner, that I have read the above and foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

David S. Lamb
DAVID S. LAMB

Subscribed and sworn to before me this 28th day of February, 1990.

Heroldine A. Beard
Notary Public, South Dakota
My commission expires: 10/23/92

(SEAL)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 2, 1990

RECEIVED OF Bangs, McCullen Butler, Foye & Simmons, 818 St. Joe, Rapid City SD 57709
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 _____		
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 <u>Water Permit No, 1461A-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Welch
Chief Engineer

SOUTH Dakota Department of
Water & Natural Resources

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

March 29, 1990

No. 1461-2
1461A-2

Terry L Hofer, Attorney
PO Box 2670
Rapid City SD 57709

Dear Mr. Hofer:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1461-2 and 1461A-2.

Our records now show David S. Lamb as the owner of these Water Permits.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

cc: David S. Lamb

Conversation or File Documentation

NAME OF PERSON OR FILE: DAVID LAMR
ADDRESS: Rapid City, SD COUNTY PENNINGTON
DATE: 8/22/91 TELEPHONE _____
RE: Application To Amend 1461-2 & 1461A-2

COMMENTS:

Mr LAMR CALLED AND ASKED WHAT WAS NEEDED ON
THE MAP THAT HE WOULD SUBMIT WITH HIS APPLICATION.
HE ALSO ASKED ABOUT THE RECREATION AND INDUSTRIAL
USE WHICH WAS ON THE ORIGINAL APPLICATION BUT WAS
LEFT OFF THE PERMIT. I TOLD HIM I WOULD CHECK
INTO IT AND MAYBE I SHOULD DO AN INSPECTION OF
HIS SETUP. HE ALSO INDICATED THAT HE HAD
SOME SMALL DAMS WHICH CATCHES SOME OF THE RUNOFF
WATER THAT HE USES FOR LIVESTOCK AND SOME OTHER USES
I TOLD HIM THAT THE LIVESTOCK WATER COMES
UNDER DOMESTIC USE BUT ANYTHING ELSE MAY NEED A
NEW PERMIT. I ALSO TOLD HIM AN ~~OTHER~~ APPLICATION
FOR ANY NEW DIVERSION FROM RAPID CREEK WOULD PROBABLY
BE DEFERRED BUT FOR CHANGE OF USE FOR
WATER THAT HAS ALREADY BEEN APPROPRIATE ~~WATER~~ WOULD
PROBABLY NOT BE DEFERRED

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Walt R. Smith

Conversation or File Documentation

NAME OF PERSON OR FILE: DAVID LAMRADDRESS: RADIO CITY SD COUNTY PENNINGTONDATE: 10/11/91 TELEPHONE _____RE: MISTAKE ON THE ATTACHMENT ON THE WATER PERMIT

COMMENTS:

I FOUND THAT QUALIFICATION 1 LISTED ON THE ATTACHMENT
TO THE WATER PERMIT SHOULD REDUCE WATER PERMIT NO. 1461-2
FROM 30 CFS TO 2.25 CFS INSTEAD OF THE REDUCTION
OF 2.0 CFS TO 1.25 CFS LISTED

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Summary on the Status of Water Permit Nos. 1461-2 & 1461A-2
January 16, 1992

Water Permit No. 1461-2, Warren - Lamb Lumber Company, was approved on April 7, 1982 for the irrigation of 659 acres in Sections 15 and 22 T1N-R8E from Rapid Creek water through Cyclone ditch and Murphy ditch. The original application was received on September 13, 1976 to change the use of Rapid Creek water from industrial to irrigation and/or industrial/recreation. The water was originally appropriated under Water Right No. 212-2, The Warren - Lamb Lumber Company, for 3 cfs with a priority date of August 14, 1914. Application No. 1461-2 requested the water to be used to irrigate approximately 410 acres in parts of Sections 14, 15, 22, 27, 34 and 35 all in T1N-R8E. The advertisement published November 3 and 10, 1976 in the Rapid City Journal stated there was to be changes in the diversion point and the use of water for the purpose of providing irrigation to approximately 400 acres in Sections 14, 15, 22, 27, 34, and 35 T1N-R8E. The application was deferred at the November 17, 1976 Water Rights Commission meeting for staff investigation.

A note dated December 17, 1976 by Leroy Mernaugh indicates a personal contact with Carl Ham and Walter Taylor concerning Richard Lamb's use of ditches for delivering water. They believed that Lamb would need to get approval from the directors of the ditch companies to use the ditches to deliver an additional 3 cfs of water. Another note with no date by Leroy Mernaugh indicates a personal contact with Richard Lamb and references the December conversation with Carl Ham and Walter Taylor. Leroy Mernaugh told Richard Lamb that Walter Taylor thought that something could be worked out using Murphy and Cyclone Ditch to carry water to his land. Richard Lamb wanted to know if he should change the use to industrial at that time. Leroy Mernaugh told him that he would need to put the water to beneficial use within the time limit or lose it. Leroy Mernaugh also told Mr. Lamb that he could make an application when the time came to change all or part from irrigation to industrial use. Leroy Mernaugh told him that the water rights staff would have to investigate his application because it was quite involved. He also told Mr. Lamb that we did not have a map. Mr. Lamb agreed to send a map.

An unsigned map was received by the Division of Water Rights on March 19, 1982. The boundaries outlined on the map indicate land in Sections 15 and 22 and possibly Section 10 T1N-R8E. An undated attachment to Application No. 1461-2 was developed by Jim Winterton, possibly from the map. It listed 413.5 acres in Section 15 and 245.5 acres in Section 22 for a total of 659 acres. The file for Water Permit No. 1461-2 does not indicate that there was any advertisement for the irrigation of these acres.

A report for application No. 1461-2, dated April 1, 1982 was

written by Jim Winterton. The report stated that the application proposed to irrigate an additional 245.5 acres in Section 22 and provide supplemental irrigation to 413.5 acres in Section 15.

The report addressed the legality of transferring water from industrial use to irrigation use, stating that it appeared to be legal. The carrying capacity of the two ditches was also covered, stating that they may or may not have enough capacity for the increased water.

The Water Management Board approved Water Permit No. 1461-2. Although the Board subsequently cancelled Water Permit No. 212-2 on April 7, 1982, the applicable portions were included in No. 1461-2. The "cancellation" action by the Board did not cancel any water rights that were still valid.

Water Permit Application No. 1461A-2 was received by the Division on May 17, 1985. The application requested a change in diversion point for 0.75 cfs to irrigate 56 acres located in the NW1/4 of Section 15 T1N-R8E. The new diversion point was to be directly out of Rapid Creek. The notice was advertised on June 3 and 10, 1985. The Water Management Board approved Water Permit No. 1461A-2 on July 10, 1985.

Water Permit Nos. 1461-2 and 1461A-2 were transferred from Warren - Lamb Lumber Company to David S. Lamb on March 29, 1990.

David Lamb has submitted a new application to add 75.5 additional acres he claims was incorrectly omitted from the Water Permit No. 1461-2. He also proposes to add diversion points such that water may be taken from either Murphy Ditch, Cyclone Ditch or Rapid Creek to irrigate any of the acres. No increase in the annual volume or diversion rate is requested. The Division of Conservation is requiring a soil/water compatibility permit because the distances between the new diversion points and the original diversion points is too great and since all the land is to be irrigated from all of the diversion points.



Mark D. Rath
Natural Resources Engineer II



April 1, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Valley Green Sod Farms
Attn: Raymond Morf
1996 Sedivy Lane
Rapid City, SD 57701

Dear Mr. Morf:

I am writing in regard to Water Permit No. 1461A-2, David Lamb, for irrigating 56 acres located in NW1/4 of Section 15 T1N-R8E directly from Rapid Creek. A qualification on this permit states that unappropriated water from Rapid Creek is reasonably available only through the contract between Rapid Valley Conservancy District and the Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.

It is my understanding that this land is not included in the Rapid Valley Water Conservancy District. The District has advised that it will not supply purchased water for your project without an agreement to include the land in the District. Pumping of unappropriated Rapid Creek natural flows is allowed only when these flows are available. Usually, unappropriated natural flows from Rapid Creek will not be available for Water Right No. 1461A-2 due to the diversion rates required to supply senior water rights.

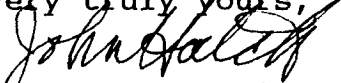
A temporary contract for the use of stored water can be obtained through the Bureau of Reclamation until an agreement to include the land in the District is reached. You should contact:

Craig Kjar
US Bureau of Reclamation
Belle Fourche Project Office
PO Box 226
Newell, SD 57760
Phone (605) 456-2695

The Rapid Valley Water Master, Duane Scott, is being provided a copy of this letter for his information. Your use of water from Rapid Valley Water Company (Murphy Ditch) authorized by Water Permit No. 1727-2 is not affected.

If you have any questions, please contact Mark Rath with the
Division of Water Rights. Phone (605) 773-3352.

Very truly yours,


John Hatch, Chief Engineer
Division of Water Rights
(605) 773-3352

cc: Duane Scott
Jerry Hammerquist
David Lamb
Craig Kjar

Water Rights Division - DWNR
Conversation or File Documentation

File No. 2214-2
1461-2
1461A-2

NAME OF PERSON OR FILE: DAVID LAMB

ADDRESS: RAND CITY COUNTY PENNINGTON

DATE: 4/3/92 TELEPHONE 393-0093

RE: DEFERRED RECOMMENDATION

COMMENTS:

MR LAMB CALLED CONCERNING THE DEFERRED
RECOMMENDATION.

I TOLD HIM THAT WE WERE RECOMMENDING DEFERRED ~~AND~~
TO BE ABLE TO MAKE AN ANALYSIS OF ~~THE~~ ~~AT~~
CHANGE IN DIRECTION POINT EFFECTS AND TO ALLOW
FOR AN INSPECTION OF THE IRRIGATED LAND. I ALSO TOLD
HIM THAT WE WOULD NEED TO READVORTIZE NO 1461-2
SINCE IT HAD BEEN COME WRONG. I ALSO INFORMED HIM
OF THE LETTER WE SENT RAY MOFF (VALLEY GREEN S&D FARM)
CONCERNING THE NEED TO PURCHASE STORED WATER

MR LAMB REQUESTED COPIES OF THE DOCUMENTS IN
FILES NO'S. 1461-2 & 1461A-2

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Mark D. Ralls



May 15, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS
Terry L. Hofer
PO Box 2670
Rapid City, SD 57709-2670

Dear Mr. Hofer:

This letter is in reference to your request for copies of the files for David Lamb's Water Permits. I have enclosed copies of the files for Water Permit Nos. 1461-2 and 1461A-2 and Deferred Water Permit Application No. 2214-2.

In regard to the inspection of Mr. Lamb's irrigation project, I am planning to make an inspection some time in June. I will be accompanied by a staff member from the Division of Conservation and possibly a staff member from the US Bureau of Reclamation. I will contact you prior to the inspection trip.

If have any questions, feel free to contact me.

Sincerely,

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

enclosure

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

818 St. Joe Street

Mailing Address P. O. Box 2670

Rapid City, South Dakota 57709-2670

605-343-1040

Telecopier 605-343-1503

May 18, 1992

George A. Bangs
W. A. McCullen (1943-1987)
Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley

Michael M. Hickey
Mark F. Marshall
Terry L. Hofer
Patrick K. Duffy
Rebecca A. McMahon
Rodney W. Schlauger*
Matthew V. Ressegieu**

* Also admitted in
Minnesota, North Dakota
and Nebraska

** Also admitted in
Wyoming and Nebraska

Recycled Paper



Mr. Mark Rath
Department of Environment
& Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181



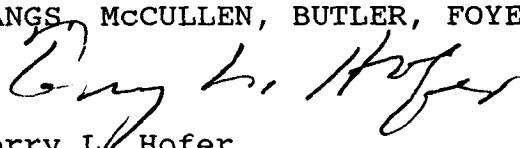
Re: David S. Lamb

Dear Mr. Rath:

Thank you for your May 15, 1992 letter and copies of the files for Dave Lamb's water permits. I look forward to your contact prior to your inspection trip. Again, thank you for your professional courtesy.

Sincerely,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


Terry L. Hofer

TLH:gb
cc: client

NAME OF PERSON OR FILE: DAVID LAMB

ADDRESS: RAND CITY SD COUNTY PENNINGTON

DATE: 6/16/92 TELEPHONE 393. 0093

RE: DEPLETED WATER PERMIT NO 2214-2

COMMENTS:

JIM STUKEL (DEPT of AG), CRAIG KLAR (USBOR), AND MYSELF
MET WITH DAVID LAMB AND HIS ATTORNEY, TERRY HOFER.
I TOLD MR HOFER & MR LAMB THAT WAS ISSUED IN
1982 FOR 3CFS & 659 ACRES. THE WATER PERMIT HAD NOT BEEN
PROPERLY ADVERTISED FOR THE LISTED ACREAGE AND IT HAD NOT
HAD THE REQUIRED SOIL/WATER COMPATIBILITY PERMIT ISSUED.
I ALSO TOLD THEM THAT ~~THE~~^A QUALIFICATION ON THE PERMIT
STATED WATER IS ONLY REASONABLY AVAILABLE TO SATISFY THIS
PERMIT ONLY THROUGH CONTRACT WITH THE RVWCD & USBOR
COVERING RELEASES FROM DEPLETED & PROTECTOR RESERVOIRS.
AND AS OF THIS TIME MR LAMB HAD NOT PURSUED GETTING
ENCUMBERED INTO THE DISTRICT IN ORDER TO USE STORED WATER.
ALTHOUGH, BASED ON INFORMATION FROM THE IRRIGATION
QUESTIONNAIRES, THE LAND HAD BEEN IRRIGATED BY THIS
PERMIT EVERY YEAR SINCE 1983. MR LAMB INDICATED
HE USE NATURAL FLOW WATER WHICH IS AVAILABLE WHEN
IT IS RAINING AND NO OTHER USERS NEED IT.

I TOLD THEM THE SOIL/WATER PERMIT REQUIRED
FOR APPLICATION NO 2214-2 COVER THE LAND TO BE
IRRIGATED. JIM STUKEL THAT THE LAND REQUESTED FOR
IRRIGATION IS ALLOWED AS LONG AS THE BORDER STRIPS

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

COY

NAME: Paul D. Keith

Water Rights Division - DWNR
Conversation or File Documentation

2/2

File No. 2214-2

NAME OF PERSON OR FILE: DAVID LAMB CONTINUED

ADDRESS: _____ COUNTY _____

DATE: 6/16/92 TELEPHONE _____

RE: Continued From Previous Page

COMMENTS:

ARE MAINTAINED. I TOLD THEM THAT AT THIS TIME
THE DIVISION IS RECOMMENDING DEFERRAL FOR THE
ADDITION OF NEW LAND REQUIREMENT ~~RED~~ STORED WATER
TO IRRIGATE UNTIL AFTER THE CONTRACT NEGOTIATIONS FOR PACTOLA
BY THE CITY OF RENO CITY AND RIVIERA IS COMPLETED.

I TOLD THEM THAT TO CHANGE OF DIVERSION POINTS
WOULD REQUIRE THE ANALYSIS FOR POSSIBLE IMPAIRMENTS
OF OTHER WATER RIGHTS. I ALSO TOLD THEM THAT A POSSIBLE
QUALIFICATION TO THE PERMIT MAYBE THE USE OF
MEASURING DEVICES FOR HIS DIVERSIONS.

I TOLD THEM I WOULD LOOK AT THE PERMIT APPLICATION
AND WOULD BE IN TOUCH WITH THEM

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: M. D. Smith



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 1992

Mr. David Lamb
RR 2 Box 160
Rapid City, SD 57701

Dear Mr. Lamb:

This letter is in regard to our telephone conversation concerning the including of land within a water conservation district. I am enclosing copies of South Dakota Codified Law (SDCL) 46A-9-20, 46A-9-21, 46A-9-22 and 46A-9-23 that deals with the extension of a district. The procedure requires the filing of a petition and a map with the district board of directors and publishing of the petition in a county newspaper. Then the petition, bearing the approval resolution from the district board, will need to be filed with the Department of Environment and Natural Resources (DENR). After filing with DENR, the Board of Water and Natural Resources shall act upon the petition.

If you have any questions concerning this procedure, you should contact either Greg Powell or Laurie Gates with the Division of Water Resources Management, phone 773-4216.

Sincerely,

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

enclosure



1461A-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 1992

1461-2
1461A-2

David Lamb
RR 2 Box 160
Rapid City, SD 57701

Dear Mr. Lamb:

I am writing to acknowledge receipt of your letter concerning withdrawal of Application No. 2214-2. As we understand your letter, you have requested the Water Management Board to withdraw this application from further consideration when it meets December 2, 1992, here in Pierre. You will need to submit a new application, if you want the Water Management Board to consider additional proposals.

Currently, you are the holder of Water Permit Nos. 1461-2 and 1461A-2. Water Permit No. 1461-2 authorizes the irrigation of 603 acres located in W1/2, S1/2 NE1/4 and SE1/4 of Section 15 and the NW1/4, N1/2 NE1/4 and N1/2 SW1/4 of Section 22 all in T1N-R8E. Water for irrigation is from Rapid Creek with a diversion rate of 1.00 cfs at the Cyclone Ditch headgate located in SE1/4 SE1/4 of Section 8 and a diversion rate of 1.25 cfs at the Murphy Ditch headgate located in SW1/4 of Section 8 all in T1N-R8E. Water Permit No. 1461A-2 authorizes irrigation of 56 acres located in the NW1/4 of Section 15 with a diversion rate of 0.75 cfs directly from Rapid Creek with the diversion point located in NW1/4 NW1/4 of Section 15 all in T1N-R8E.

The qualifications placed on Permit Nos. 1461-2 and 1461A-2 when they were approved, require irrigation water to be obtained through a contract with the Rapid Valley Water Conservancy District. You have not complied with the requirement to contract for stored water. Without a contract, irrigation of the land described in Nos. 1461-2 and 1461A-2 is not authorized. Nor do these water permits authorize irrigating of the additional 75.5 acres or use of

any combination of the three diversion points for irrigating
all of the land as requested by Application No. 2214-2.

If you have any questions, please contact Mark Rath, (605)
773-3352.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "John Hatch". The signature is written in dark ink and is positioned above the printed name and title.

John Hatch, Chief Engineer
Division of Water Rights

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

George A. Bangs
W. A. McCullen (1943-1987)
Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley

818 St. Joe Street
Mailing Address P. O. Box 2670
Rapid City, South Dakota 57709-2670
605-343-1040
Telecopier 605-343-1503

Michael M. Hickey
Mark F. Marshall
Terry L. Hofer
Patrick K. Duffy
Rodney W. Schlauger*
Matthew V. Ressegieu**
Daniel F. Duffy
Jeffrey G. Hurd

Recycled Paper



December 17, 1992

* Also admitted in
Minnesota, North Dakota
and Nebraska

** Also admitted in
Wyoming and Nebraska

Mr. John Hatch
Chief Engineer
Division of Water Rights
Dept. of Environment and
Natural Resources
523 East Capitol
Pierre, SD 57501-3181



Re: David S. Lamb

Dear John:

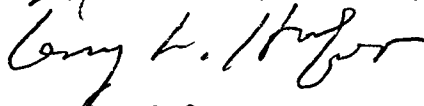
David Lamb provided me with a copy of your December 1, 1992 letter to him, and some prior reports and correspondence.

I continue to try to understand the issues here. As I understand it, Dave has paid fees, per acre, to Rapid Valley Water Conservancy District, but through certain of the ditch companies. As I further understand it, the ditch companies had contracts with the conservancy district. Apparently, most of Dave's land was included, but some may not have been, and the time frames of such inclusions are illusive to me.

Procedurally, my question is how to correctly and appropriately contract with the district, given the ditch companies' past and/or present involvement. Can you help me?

Sincerely,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


Terry L. Hofer

TLH:gb
cc: Client



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1993

Terry L. Hofer
Bangs, McCullen, Butler, Foye and Simmons
PO Box 2670
Rapid City, SD 57709-2670

Dear Mr. Hofer:

I am writing in response to your letter concerning David Lamb. The water permits that are in question are Permit Nos. 1461-2 and 1461A-2, which are held privately by Mr. Lamb. These permits, combined, authorize the irrigation of 659 acres in the W1/2, S1/2 NE1/4 and SE1/4 of Section 15 and the NW1/4, N1/2 NE1/4 and N1/2 SW1/4 of Section 22 all in T1N-R8E. The majority of this land is also irrigated by either the Cyclone Ditch Company Water Right No. 1736-2 or the Rapid Valley Water Company, a.k.a. Murphy Ditch, Water Right Nos. 1727-2 and 2240-2. The Cyclone Ditch Company is a member of the Rapid Valley Water Conservancy District and its land is included within the District, but Murphy Ditch is not a member and its land along with some land privately irrigated by Mr. Lamb is excluded. Mr. Lamb's private water permits are separate from the ditch water rights and a separate water use contract with the District is required for him to be able to utilize the water.

The procedure to include the land within a water user district is specified in SDCL 46A-9-20, 46A-9-21, 46A-9-22 and 46A-9-23. The steps are as follows:

1. Draft a petition containing a description of the land to be included and the signatures of at least 25% of the landowners in the area to be included (i.e. David Lamb since he is the only land owner). The petition needs to be certified by the circulator of the petition.
2. Accompanying the petition should be a map showing the location of the land to be included and any additional information needed to fully describe the project.
3. The certified petition needs to be presented to the board of directors of the water user district. The petition shall

U be published in the county newspaper once a week for two consecutive weeks.

4. After complying with all the requirements, the petition, bearing the approval by resolution of a majority of the board of directors of the water user district should be filed with the Department of Environment and Natural Resources. The Board of Water and Natural Resources shall then act upon the petition as specified in SDCL 46A-9-12 to 46A-9-16 and 46A-9-18.

If you have any additional questions, please contact Mark Rath with the Division of Water Rights, phone (605) 773-3352.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

John Hatch, Chief Engineer
Division of Water Rights

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

George A. Bangs
W. A. McCullen (1943-1987)
Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley

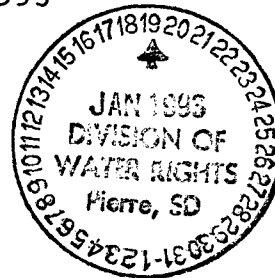
818 St. Joe Street
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Michael M. Hickey
Mark F. Marshall
Terry L. Hofer
Patrick K. Duffy
Rodney W. Schlauger*
Matthew V. Ressegieu**
Daniel F. Duffy
Jeffrey G. Hurd

Recycled Paper 

January 15, 1993

Mr. Jerry Hammerquist
President,
Rapid Valley Water
Conservancy District
Box 26
Caputa, SD 57725



* Also admitted in
Minnesota, North Dakota
and Nebraska

** Also admitted in
Wyoming and Nebraska

Re: David S. Lamb

Dear Mr. Hammerquist:

I represent David Lamb. I have corresponded with John Hatch, Chief Engineer, Division of Water Rights, Department of Environment and Natural Resources.

Mr. Hatch informed me that David holds private water permits and water rights through the Cyclone Ditch Company and the Rapid Valley Water Company (Murphy Ditch). Mr. Hatch further informed me that, although Cyclone Ditch Company is a member of the Rapid Valley Water Conservancy District and, although its land is included within the District, Murphy Ditch is not a member and its land, along with some land privately irrigated by David, is excluded.

Accordingly, Mr. Hatch informed me that a separate water user contract with the District is required for Dave to be able to use the water. We, therefore, intend to act on Mr. Hatch's information and do what is necessary to obtain a separate water use contract with the District. Would you please send me the District's form water use contract?

Also, David seeks to follow Mr. Hatch's information and do what is necessary to include his land within a water user district (Rapid Valley Water Conservancy District), by following South Dakota statutes, SDCL 46A-9-20, -21, -22, and -23. My question to you is whether the Rapid Valley Water Conservancy District has any particular forms or procedures of which David and I should be aware as we begin this process locally and through the state.

Page Two
January 15, 1993

As I read the statutes, we need to draft a petition. Does the District have a form petition it likes to see used?

We must supply a map with the petition, showing the location of the land to be included. Does the District require any particular type of map?

The certified petition needs to be presented to the Board of Directors of the water user district (Rapid Valley Water Conservancy District). The petition must be published in the county newspaper once a week for two consecutive weeks. Does the District have any particular local procedure it implements pursuant to these statutory requirements?

Also, when and where does the Board of Directors meet? Could you send me the Board's schedule of meetings for January-March 1993? Could you also send me a list of the board members, their addresses and telephone numbers?

I wish to make sure I am communicating appropriately and following correct procedures. I will await your response. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS

Terry L. Hofer

TLH:gb
cc: Client
John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1993

1461-2
1461A-2

David S Lamb
4555 E 53rd Street
Rapid City, SD 57701

Dear Mr. Lamb:

I am contacting you in regard to your 1993 irrigation questionnaires for Water Permit Nos. 1461-2 and 1461A-2.

Water Management Board Rule 74:02:01:14.02 states that all irrigation permit owners except water spreading permit owners shall submit **completed** irrigation questionnaires on the forms mailed to them each year by the chief engineer. With the information you included on your questionnaires, it is not possible for us to calculate how much water you used during 1993.

You will need to make an estimate of how many days and hours per day you pumped for each of the months. If the days, hours per day and the pump rate is known, the amount of water used can be completed and filled in by our office. I realize obtaining this information may be difficult, but without the information the forms can not be considered complete.

I am enclosing two blank irrigation questionnaire forms. Please complete and return them to our office by January 14, 1994. I have also enclosed a postage paid envelope for convenience in returning them.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 17, 1993

CITY OF PIERRE WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE



1451A-2
DAVID S LANE
RR 2 BOX 108
RAPID CITY
SD 57701

PE/UC

4555 E 53RD Street

S

1. SURFACE WATER ☒ GROUNDWATER ☐

2. Did you irrigate during 1993? Yes ☒ No ☐
(if no, please include reason(s) in comment section)

3. Number of acres irrigated in 1993 59

4. Has your system been constructed? Yes ☒ No ☐

5. Are chemicals, including fertilizer, applied through your irrigation system? Yes ☐ No ☒

Telephone No. _____

Type of Power	No. of acres Irrigated
1. Electric	<u>59</u>
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____
Type of System	
1. Hand moved sprinklers	☒
2. Portable booms	☐
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheels	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April	<u>N/A</u>	<u>N/A</u>	<u>300</u>	<u>Corn, Soybeans and Alfalfa</u>	<u>59</u>	<u>Unknown</u>			
May	<u>N/A</u>	<u>"</u>	<u>300</u>						
June	<u>N/A</u>	<u>"</u>	<u>300</u>						
July	<u>N/A</u>	<u>"</u>	<u>300</u>						
August	<u>N/A</u>	<u>"</u>	<u>300</u>						
Sept.	<u>N/A</u>	<u>"</u>	<u>300</u>						
Oct.	<u>N/A</u>	<u>"</u>	<u>300</u>						
Other Months	<u>0</u>								

Owner or address change, if any:

4555 E 53RD Street

COMMENTS:

Since multiple types of irrigation were used and varied crops produced, this form may reflect duplicate entries. Also, specific quantities cannot be determined.

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
(605) 773-3352

Harney Peak Ranch



4555 Reservoir Road, Rapid City, SD 57703-9637 (605) 393-0093 Fax (605) 393-0044

December 2, 2004

Notes For the South Dakota 2004 Irrigation Report Form:

Water Rights 1461-2 and 1461A-2

Note: The figures used in this form do not include irrigation water usage from other water rights and sources that are not reported on this form. Some figures may be estimated or approximate.

The complex and integrated conservation delivery, storage, distribution, and reuse systems in use on the Harney Peak Ranch result in the intermingling of water from a number of different water rights in uses on the property in some cases.

Recent irrigation studies by independent private water engineering firms have indicated that there are some discrepancies between the acres historically irrigated on the Harney Peak Ranch and the legal descriptions recorded in the water rights records currently in use to define those areas.

The nature of these discrepancies would tend to suggest that they are based upon recording errors or omissions when the figures were entered in recent efforts to refine the water records.

It is possible that these discrepancies might have caused the acreages used in these annual reports to be inaccurate in some cases.



4555 Reservoir Road, Rapid City, SD 57703-9637 (605) 393-0093 Fax (605) 393-0044

November 18, 2005

Notes For the South Dakota 2005 Irrigation Report Form:

Water Rights 1461-2 and 1461A-2

RECEIVED

DEC - 5 2005

WATER RIGHTS
PROGRAM

Note: The figures used in this form do not include irrigation water usage from other water rights and sources that are not reported on this form. Some figures may be estimated or approximate.

The complex and integrated conservation delivery, storage, distribution, and reuse systems in use on the Harney Peak Ranch result in the intermingling of water from a number of different water rights in uses on the property in some cases.

Recent irrigation studies by independent private water engineering firms have indicated that there are some discrepancies between the acres historically irrigated on the Harney Peak Ranch and the legal descriptions recorded in the water rights records currently in use to define those areas.

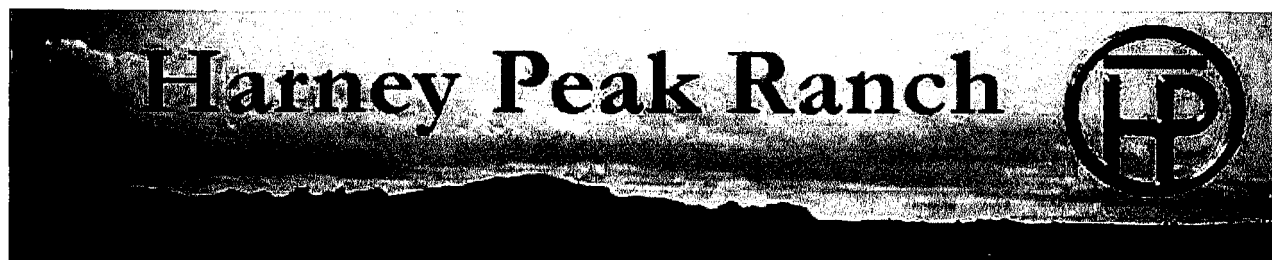
The nature of these discrepancies would tend to suggest that they are based upon recording errors or omissions when the figures were entered in recent efforts to refine the water records. Harney Peak Ranch re-submitted maps to the SD DENR Water Rights Division in 2005 with the same lands identified as have always been submitted over the years to identify irrigated lands. To date, the SD DENR irrigated acreage corrections have not been made, to the extent that we have been informed.

SD DENR Water Rights authorities were to meet with David Lamb, owner of Harney Peak Ranch, in 2005 to mark specific boundaries with Global Positioning Equipment as well. This has not yet taken place.

It is possible that these discrepancies might have caused the acreages used in these annual reports or other Rapid Valley water rights activity to be inaccurate.

David S. Lamb

Harney Peak Ranch



4555 Reservoir Road, Rapid City, SD 57703-9637 (605) 393-0093 Fax (605) 393-0044

November 30, 2006

Notes For the South Dakota 2006 Irrigation Report Form:

Water Rights 1461-2 and 1461A-2

RECEIVED

DEC - 5 2006

**WATER RIGHTS
PROGRAM**

Note: The figures used in this form do not include irrigation water usage from other water rights and sources that are not reported on this form. Some figures may be estimated or approximate.

The complex and integrated conservation delivery, storage, distribution, and reuse systems in use on the Harney Peak Ranch result in the intermingling of water from a number of different water rights in uses on the property in some cases.

Recent irrigation studies by independent private water engineering firms have indicated that there are some discrepancies between the acres historically irrigated on the Harney Peak Ranch and the legal descriptions recorded in the water rights records currently in use to define those areas.

The nature of these discrepancies would tend to suggest that they are based upon recording errors or omissions when the figures were entered in recent efforts to refine the water records. Harney Peak Ranch re-submitted maps to the SD DENR Water Rights Division in 2005 with the same lands identified as have always been submitted over the years to identify irrigated lands. To date, the SD DENR irrigated acreage corrections have not been made, to the extent that we have been informed.

SD DENR Water Rights authorities were to meet with David Lamb, owner of Harney Peak Ranch, in 2005 to mark specific boundaries with Global Positioning Equipment as well. This has not, to our knowledge, taken place.

It is possible that these discrepancies might have caused the acreages used in these annual reports or other Rapid Valley water rights activity to be inaccurate.

David S. Lamb

Harney Peak Ranch

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 2586-2, RAPID)
VALLEY SANITARY DISTRICT)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to transfer Vested Water Right No. 1727-2, held by Rapid Valley Water Company, to Rapid Valley Sanitary District.

2. Vested Water Right No. 1727-2 authorizes the irrigation of 368 acres of the David Lamb property. The Vested Water Right has a priority of April 6, 1878.

3. The application proposes to transfer this Vested Water Right and an annual volume of 867 acre feet of water from irrigation use by the Water Company to municipal, common distribution system, rural water system, suburban housing and domestic uses by the Sanitary District.

4. The source of water for the proposed transfer is natural flows of Rapid Creek, when available, through Murphy Ditch. No part of the right proposed to be transferred includes stored water or stored water releases from Deerfield-Pactola Reservoirs.

5. The Rapid Valley Sanitary District seeks to upgrade a facility built in the 1960s so that it may treat up to two million gallons of water per day at a facility on Rapid Creek.

6. The diversion rate which may, under statute, be transferred must be calculated based on water beneficially used.

7. The first step is to determine carriage loss. The Rapid Valley Water Company holds Vested Water Rights Nos. 1727-2, 2239-2, 2240-2, 2241-2 and 2242-2. Water subject to these rights flows in the ditch maintained by Rapid Valley and is shared by users as needed. There is, however, a loss of water in the ditch to the carriage system. The actual loss has been calculated at eleven percent.

8. The diversion rate which may be transferred therefore must be reduced by eleven percent to 5.05 cfs.

9. Next to be calculated is the actual use of water for crops. This is accomplished by means of a water budget which tracks historical water supply available to the ranch, the consumptive water use of the crops, the precipitation contribution and the return flows to Rapid Creek.

10. The amount of water consumed by the crops was determined by use of the Modified Blaney-Criddle method, adjusted for elevation. The method utilizes historical climatic data, crop type and elevation to calculate the volume of water

consumed by the crop on a monthly basis. The crops at issue in this controversy are alfalfa and hay.

11. The potential consumptive use as determined by use of the Modified Blaney-Criddle method is then compared to the water that was actually available for the crops use based on historical ditch diversions, transportation losses, irrigation efficiency and the total acreage irrigated annually from the ditch. The actual use of water on a monthly basis is then calculated.

12. For this proposed transfer, the average amount of water calculated to have been consumed by the crop is 563.6 acre feet of water annually.

13. A substantially higher amount of water was diverted than was utilized by the crop. The portion of the water historically diverted to the property but not utilized by the crop was returned to Rapid Creek either as direct surface runoff from the field or underground percolation through the alluvium. The amount of return flow was calculated at 303.5 acre feet annually.

14. The amount of water proposed to be transferred to Rapid Valley Sanitary District and diverted at its intake is 867 acre feet annually, the sum of 563.6 acre feet of water utilized by the crops and the return flow of 303.5.

15. The table set forth immediately below sets forth the monthly and annual volume limitations which are justified by the calculations identified above:

Month	Volume Limitations (ac-ft)
April	42
May	105
June	118
July	158
Aug	199
Sept	147
Oct	98
Total	867

16. The Board next considers the rights of downstream water users who historically have used the water returned by the irrigation activities to Rapid Creek. It is proposed that the same amount of water which historically had been returned to Rapid Creek through the irrigation activities will now be returned to Rapid Creek through the Rapid City Waste Water System.

17. The mechanism by which this is proposed to be accomplished is as follows: the Rapid Valley Sanitary District presently contracts with Rapid City to treat the Sanitary District's effluent at the City's sewage treatment facility. Rapid City has, by Resolution of its governing body, committed to continue to discharge the Sanitary District's treated effluent to Rapid Creek downstream of the proposed project. The

Board finds that, because the amount of water to be released in this process is the same as has been returned to Rapid Creek by the irrigation activities, the process will adequately protect the rights of existing downstream water users.

18. The Board also finds that if, in the future, the Rapid Valley Sanitary District, through the City of Rapid City, stops returning effluent to Rapid Creek in quantities sufficient to protect the rights of downstream users to the extent that they were protected before the transfer approved today, then the diversion proposed by this water permit is required to be recalculated to reflect this condition and the permit may otherwise be amended.

20. Some controversy has arisen with regard to the application of SDCL 46-5-34.1. This statute provides generally that lands which had an irrigation right transferred from them pursuant to this section cannot qualify for another irrigation right from any other water source. Mr. Lamb has two existing water permits other than that at issue here which cover some of the same irrigated land. These two water permits have a priority of August 5, 1914, and provide for supplemental irrigation from Rapid Creek to the land irrigated by the 1878 right at issue and to other land. Because the 1914 water rights

predate SDCL 46-5-34.1, that statute does not affect their validity.

21. After considering the submissions of the Division, the Board makes three additional Findings regarding the overlapping irrigation rights.

22. This transfer involves 25 acres historically irrigated in SW1/4 SW1/4 Section 10, T1N, R8E and 343 acres historically irrigated in Section 15, R8E, T1N, for a total of 368 acres. The irrigation right transferred in this proceeding has historically overlapped with two water permits (Water Permit Nos. 1461-2 and 1461A-2).

23. Water Permit Nos. 1461-2 and 1461A-2 originated with a 1914 permit for use at the Warren Lamb Lumber Co. mill. Subsequently, in 1976 the Lambs sought authority to change the use of the 1914 water right to provide irrigation for various property including 413.5 acres in Section 15, R8E, T1N. The change in use was approved. Of those 413.5 acres in Section 15, 334 acres are involved in this transfer.

24. To the extent that Water Permit Nos. 1461-2 and 1461A-2 applied to the same property (334 acres in Section 15) as the water right sought to be transferred here, the combined use from all three rights is necessarily constrained by SDCL 46-5-6 which limits the maximum annual volume of water for each

irrigated acre. In 1976 when the transfer of use occurred and the water rights coverage doubled up, SDCL 46-5-6 provided that the maximum annual volume for each acre of irrigated land was 3 acre feet per acre. Thus, the beneficial use of water for all permits combined for the 334 acres had been capped at 3 acre feet for approximately 30 years; there can be no claim to continuous use or other legal claim to a greater quantity now. This application seeks to transfer 867 acre feet to the Sanitary District or 2.36 acre feet per acre for the 368 acres involved. This leaves the irrigation of 334 acres of the Lamb property in Section 15 with a maximum volume limitation of .64 acre feet per year once the 2.36 acre feet has been transferred from the property. This was explained at the hearing and no objections were made.

25. The District intends to phase in the proposed transfer over approximately 6 years. During this 6-year time period, Mr. Lamb will phase out irrigating his hay land through a lease back agreement with the District.

26. To ensure that the monthly amount of water diverted does not exceed the monthly allowable volume limitation, the permit should contain an appropriate qualification, by month, setting forth a monthly volume limitation as set forth in the Final Decision.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Applicant's request for a change in use can be made without detriment to or impairment of existing rights when developed as set forth in the Findings, especially Findings 16-18, and when accomplished as set forth in the Final Decision.
3. The uses proposed by the Sanitary District are beneficial uses and the proposed change is in the public interest.
4. The priority date of April 6, 1878, which is the priority date of Vested Water Right No. 1727-2, is retained for the transferred water right.
5. The diversion rate to be transferred is 5.05 cfs.
6. Additional information may be made available to the Board with regard to seepage rates, hydrology, the matters referred to in Findings 16-18 or other matters within the jurisdiction of the Board which may require adjustment of monthly or total annual volume for diversion rates authorized by this permit. Therefore, the Board should retain jurisdiction to make these and other appropriate adjustments to the permit.
7. Water Permit Nos. 1461-2 and 1461A-2 have priority dates of August 5, 1914. The operation of SDCL 46-5-34.1 was not intended to, and does not, affect these water rights.

8. SDCL 46-5-34.1 prohibits the granting of any new water permit applications for irrigation of the land transferred in this transfer after the date of the approval of this permit.

9. As set forth in the foregoing Findings of Fact, the irrigation right sought to be transferred in this proceeding has historically overlapped with two other water permits (Water Permit Nos. 1461-2 and 1461A-2) for 34 acres in Section 15. Like any other water rights for irrigation, the 334 acres were limited by the water use restrictions in SDCL 46-5-6 which limits the maximum annual volume of water for each irrigated acre. This Board concludes that the maximum annual volume for each acre of irrigated land involved in this matter has historically been 3 acre feet per acre and pertained to the combined use for all three of the water permits applying to the 334 acres. Because the beneficial use of water for all these permits has been capped at 3 acre feet for many years for the 334 acres, there can be no claim to continuous use or other legal claim to a greater quantity now. Thus, the total combined volume allowed by law for all these permits is still capped by the total volume limitation of 3 acre feet per acre annually. After subtracting the 2.36 acre feet per acre involved in this transfer that is now severed from the property for use by Rapid

Valley Sanitary District, this leaves .64 acre feet per acre annually for the 334 acres in Section 15.

10. Approval of this application approves only the transfer of natural flow water and does not include any rights to stored irrigation water.

11. The amount of water requested to be transferred, 867 acre feet annually, is reasonable.

FINAL DECISION

The Application for Water Permit No. 2586-2 is approved subject to the following qualifications:

1. Permit No. 2586-2 is limited to a diversion rate of 5.05 cfs for a total annual volume of 867 acre feet. The Rapid Valley Sanitary District shall measure diversions at the Lamb property farm turnouts located on Murphy Ditch and diversion at the District's water treatment plant. The total monthly diversion shall not exceed the amount listed in the following table:

Month	Volume Limitations (ac-ft)
April	42
May	105
June	118
July	158
Aug	199
Sept	147
Oct	98
Total	867

2. The Rapid Valley Sanitary District shall report to the Chief Engineer annually the amount of water withdraw each month at the Lamb property turnouts located on Murphy Ditch and diversion at the District's water treatment plant.

3. Permit No. 2586-2 authorizes diversion of only natural flow water by the Rapid Valley Sanitary District and does not include any right to stored irrigation water available under contract from Pactola Reservoir and Deerfield Reservoir.

4. The Water Management Board retains jurisdiction of Permit No. 2586-2 in the event that additional information shows that changes need to be made in the monthly or total annual volumes authorized by Permit No. 2586-2, or that other changes are required.

5. Diversion under Permit No. 2586-2 may not interfere with existing water rights in effect prior to approval of Permit No. 2586-2 or any domestic rights.

6. The amount of water with an April 6, 1878 priority date which may be appropriated under Vested Water Right No. 1727-2 is reduced by 5.05 cfs.

7. Upon termination of the lease back agreement, the 368 acres of Harney Peak Ranch property owned by David Lamb, which has been historically irrigated under the Vested Water Right No. 1727-2, located in portions of SW1/4 SW1/4 Section 10 and

1461A-2

RECEIVED

APR 16 2013

DEPT OF ENVIRONMENT & NATURAL
RESOURCES - RAPID CITY

April 15, 2013

To: State of South Dakota
Department of Environment and Natural Resources

The Cyclone Ditch Company will convey the 1914 Warren Lamb water right,
permit numbers 1461-2 and 1461A-2.

Sincerely,

Cyclone Ditch Co.
by Bill Kinghorn
president

Permit Nos. 1461-2 & 1461A-2
Upper Cheyenne River - Water District

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

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

I have on this day, 1/31/2014 thorough examination of the water use system constructed by David S. Lamb, 4555 Reservoir Rd, Rapid City, SD 57703 holder of Permit Nos. 1461-2 & 1461A-2, bearing the priority date of August 25, 1914. Permit Nos. 1461-2 & 1461A-2 are authorized to appropriate a total of 3.0 cfs from Rapid Creek for irrigation purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

David Lamb (Owner) & Andrea Anderson

A. Works used to divert the water:

Gravity is used to divert water by means of headgates located on Rapid Creek (Murphy and Cyclone Ditches).

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

The flood irrigation system consists of irrigation ditch laterals that utilize gravity to divert water from Murphy Ditch and Cyclone Ditch.

The system is in the following condition good. The point of diversion is located specifically at Lat/Lon – N44.058120/W-103.181680 which is approximately 1890 feet north and 2575 feet east of the SW corner of Section 8, T1N-R8E for the Murphy Ditch headgate and Lat/Lon – N44.055423/W-103.175804 which is approximately 1040 feet north and 1010 feet west of the SE corner of Section 8, T1N-R8E for the Cyclone Ditch headgate. The works are capable of diverting 3.0 cfs which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 15, T1N-R8E
 NW¼ NW¼ - 31.0 acres
 NE¼ NW¼ - 2.0 acres
 SW¼ NW¼ - 37.4 acres
 SE¼ NW¼ - 39.4 acres
 SW¼ NE¼ - 37.3 acres
 SE¼ NE¼ - 27.3 acres
 NW¼ SW¼ - 28.0 acres
 NE¼ SW¼ - 40.0 acres
 SW¼ SW¼ - 36.0 acres
 SE¼ SW¼ - 32.8 acres
 NW¼ SE¼ - 28.5 acres
 NE¼ SE¼ - 36.6 acres
 SW¼ SE¼ - 25.8 acres
 SE¼ SE¼ - 11.4 acres

Section 22, T1N-R8E
 NE¼ NW¼ - 40.0 acres
 SE¼ NW¼ - 40.0 acres
 NW¼ NE¼ - 20.7 acres
 NE¼ NE¼ - 4.8 acres
 NW¼ SW¼ - 30.0 acres
 NE¼ SW¼ - 30.0 acres

comprising a total of 579.0 acres of land and the license should be issued for 3.0 cfs.

All structures, wells and lands on map Y

Report of Examination of Works

Permit No. 1461-2 & 1461A-2

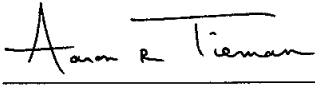
Exceptions to compliance are: **none**.

Comments:

At the request of the owner, the Rapid Creek diversion point for Water Permit No. 1461A-2 will be moved from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 to the Murphy Ditch diversion point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, all in T1N-R8E

The owner has received permission to utilize the ditches to convey water to the covered acreage as 2.0 cfs conveyed by the Murphy Ditch and 1.0 cfs conveyed by the Cyclone Ditch.

The applicable portions of Water Permit 1461-2 will be incorporated into 1461A-2.

A handwritten signature in black ink that reads "Aaron Tieman". The signature is written in a cursive style with a horizontal line underneath the name.

Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **July 22, 2014**

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 1461-2 & 1461A-2

DATE OF INVESTIGATION:	1/31/2014
NAME & ADDRESS OF PERMIT HOLDER	David S. Lamb 4555 Reservoir Rd Rapid City, SD 57703
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	David Lamb and Andrea Anderson (owner)
DIVERSION POINT LEGAL LOCATIONS	NE¼ SW¼ Section 8, T1N-R8E and SE¼ SE¼ Section 8, T1N-R8E
WATER SUPPLY SOURCE	Surface water, Rapid Creek

Other permit(s) associated with the project:

SYSTEM INFORMATION:

Gravity is used to divert water by means of two irrigation ditch headgates located on Rapid Creek:

Murphy Ditch diversion point located in the NE¼ SW¼ Section 8, T1N-R8E

Cyclone Ditch diversion point located in the SE¼ SE¼ Section 8, T1N-R8E

The gravity irrigation system consists of ditch laterals and underground PVC pipe that deliver water to the authorized acreage.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes

COMMENTS:

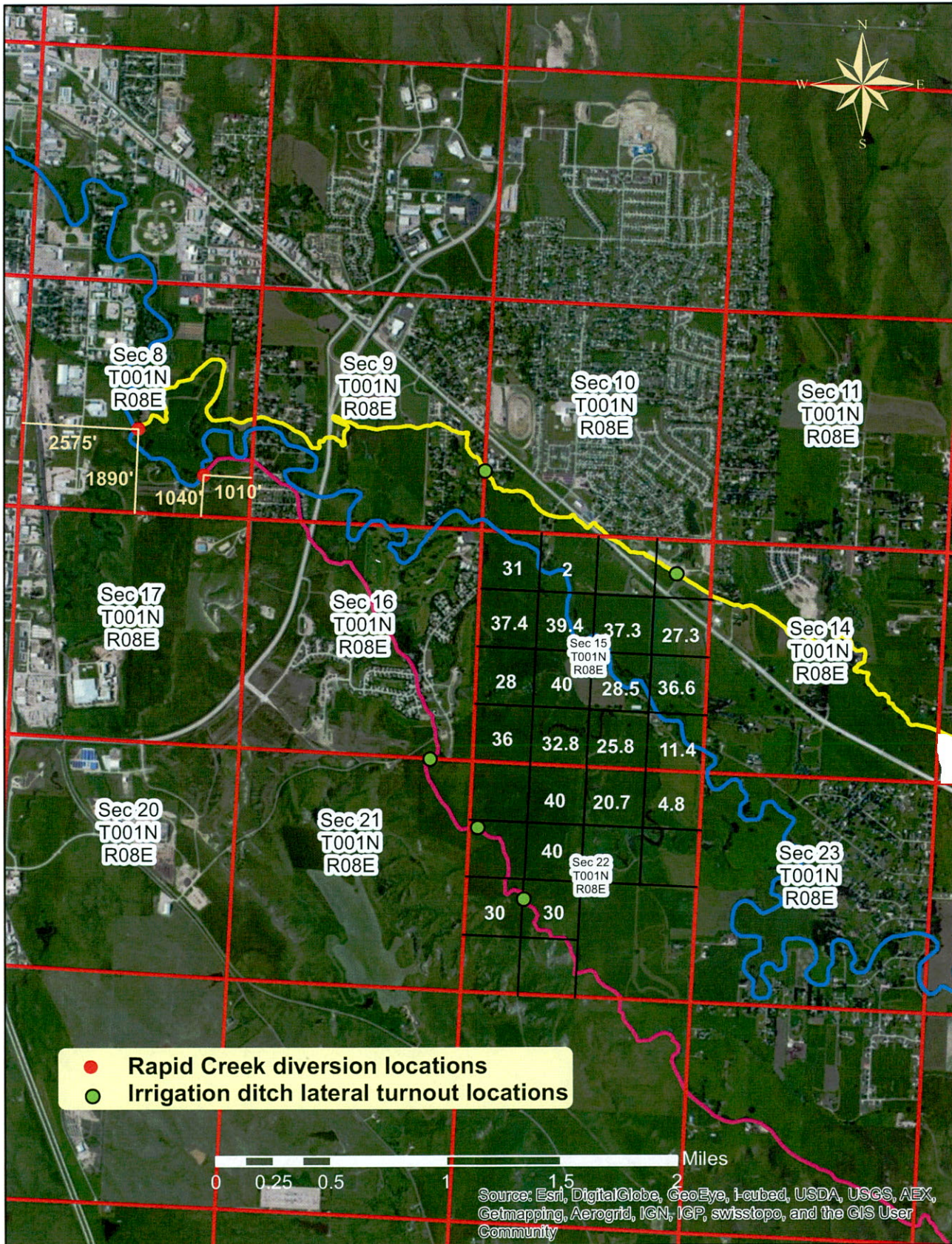
At the request of the owner, the Rapid Creek diversion point for Water Permit No. 1461A-2 will be moved from the NW¼ NW¼ Section 15 to the Murphy Ditch diversion point located in the NE¼ SW¼ Section 8, all in T1N-R8E.

Upon licensing, all applicable portions of Water Right No. 1461-2 will be incorporated into 1461A-2.

Water Right 1641-2 & 1461A-2

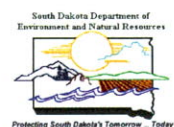
David S. Lamb

July 22, 2014



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



Approval of Location Change and/or Additional Diversion Point(s)

NAME: David Lamb

ADDRESS: 4555 Reservoir Rd, Rapid City, SD 57703

DATE: 07/21/2014 **COUNTY:** Pennington **TELEPHONE:** 605-393-0093

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Right No. 1461A-2 appropriates 0.75 cubic feet of water per second (cfs) directly from Rapid Creek to irrigate 56 acres. The request is to move the diversion point directly from Rapid Creek located in the NW¼ NW¼ Section 15, T1N-R8E to the headgate of Murphy Ditch on Rapid Creek located in the SW¼ Section 8, T1N-R8E.

- **If irrigation, no new land is irrigated**

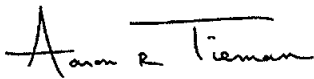
The total cfs authorized and the lands irrigated are not changed.

- **Review of Existing Diversions**

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. The diversion point will move approximately two miles upstream from its current location to Murphy Ditch headgate located on Rapid Creek. This move will not adversely affect existing downstream water rights.

RECOMMENDED ACTION

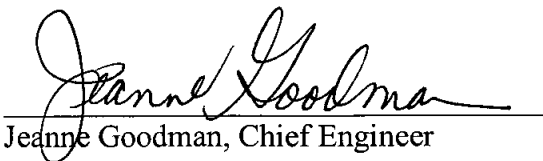
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Aaron Tieman, Natural Resources Engineer II
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



July 23, 2014

1461A-2

David S Lamb
4555 Reservoir Rd
Rapid City SD 57703

Dear Mr. Lamb:

On January 31, 2014 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 1461-2 and 1461A-2, was completed by Aaron Tieman, a staff engineer with our program. Your final water right document, the water license, can now be issued. The license will incorporate the applicable portions of Water Permit No. 1461-2 into Water Permit No. 1461A-2.

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

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements. If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/14, 20 14

RECEIVED OF David S Lamb Harney Peak Trading Post 4555 Reservoir Rd Rapid City SD
57703

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1461A-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06924**

By James Goodman
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



1461-2
1461A-2

AUG 28 2014

David S Lamb
4555 Reservoir Rd
Rapid City SD 57703

Dear Mr. Lamb:

Enclosed is your Water License No. 1461A-2. This is the final water right document completing your process of obtaining a Water Right.

Included with your license is a map prepared by the staff engineer who conducted the field investigation. Also enclosed is Receipt No. 06924 in the amount of \$50 which you paid for the investigation and issuance of the water license.

Upon licensing, the applicable portions of Water Permit No. 1461-2 were incorporated into No. 1461A-2. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1461A-2

(1) Warren-Lamb Lumber Company, Rapid City SD made Application No. 1461A-2, May 17, 1985 for a water permit to add a new diversion point to Water Permit No. 1461-2 and change the diversion point for irrigation of 56 acres from Murphy Ditch to pumping from Rapid Creek. Permit No. 1461A-2, with a priority date of August 25, 1914 was approved July 10, 1985 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 10, 1990 and for the application to beneficial use of said water on or before July 10, 1994.

Water Permit No. 1461-2 authorizes appropriation of 2.25 cubic feet of water per second (cfs) via gravity spreader system for irrigation of 523 acres located in Section 15 and Section 22, T1N-R8E. The source of water for irrigation is from Rapid Creek with a diversion rate of 1.00 cfs at the Cyclone Ditch headgate located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 and a diversion rate of 1.25 cfs at the Murphy Ditch headgate located in the SW $\frac{1}{4}$ of Section 8; all in T1N-R8E.

Water Permit No. 1461A-2 is authorized to appropriate 0.75 cfs via pump system to irrigate 56 acres located in the NW $\frac{1}{4}$ of Section 15, T1N-R8E. The source of water for irrigation is directly from Rapid Creek at a diversion point located in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15; all in T1N-R8E.

The permit holder has requested to move the diversion point from Rapid Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T1N, R8E to the head gate of Murphy Ditch on Rapid Creek located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T1N, R8E. The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

On March 2, 1990, Water Permit Nos. 1461-2 and 1461A-2 were transferred to David S Lamb.

The applicable portions of Water Permit No. 1461-2 have been incorporated into Water License No. 1461A-2. A priority date of August 25, 1914 is retained for the entire project.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 3.00* cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

- Murphy Ditch: approximately 1,890 feet N and 2,575 feet E of the SW corner of Section 8, T1N, R8E (NE $\frac{1}{4}$ SW $\frac{1}{4}$);
- Cyclone Ditch: approximately 1,040 feet N and 1,010 feet W of the SE corner of Section 8, T1N, R8E (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

*** The water right holder has received permission to utilize the ditches to convey water to the covered acreage of 2.00 cfs conveyed by the Murphy Ditch and 1.00 cfs conveyed by the Cyclone Ditch.**

Water License No. 1461A-2

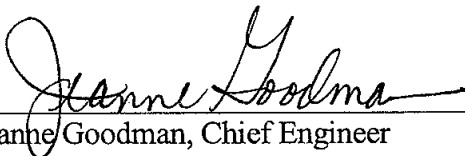
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate a total of a total of 579 acres located as follows:

Section 15, T1N, R8E				Section 22, T1N, R8E	
NW ¼ NW ¼	31.0 acres	SW ¼ NE ¼	37.3 acres	NE ¼ NW ¼	40.0 acres
NE ¼ NW ¼	2.0 acres	SE ¼ NE ¼	27.3 acres	SE ¼ NW ¼	40.0 acres
SW ¼ NW ¼	37.4 acres				
SE ¼ NW ¼	39.4 acres			NW ¼ NE ¼	20.7 acres
				NE ¼ NE ¼	4.8 acres
NW ¼ SW ¼	28.0 acres	NW ¼ SE ¼	28.5 acres		
NE ¼ SW ¼	40.0 acres	NE ¼ SE ¼	36.6 acres	NW ¼ SW ¼	30.0 acres
SW ¼ SW ¼	36.0 acres	SW ¼ SE ¼	25.8 acres	NE ¼ SW ¼	30.0 acres
SE ¼ SW ¼	32.8 acres	SE ¼ SE ¼	11.4 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 David S Lamb, 4555 Reservoir Rd., Rapid City SD 57703 the holder and/or owner of Incorporated Water Right No. 1461A-2 is issued a license to appropriate water, the right to use 3.00 cubic feet of water per second from Rapid Creek via Murphy and Cyclone Ditches with a priority date of August 25, 1914 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1461A-2 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed. Unappropriated water is available from Rapid Creek to reasonably satisfy this water right only through contract between the Rapid Valley Conservancy District and the Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.
- This water right is subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 28 2014

date



NOT TO SCALE



56 AC in the NW 1/4
Sec 15 T1N R8E

John M. Bolino
SCS Technician
Rapid City Field Office

App. # 1933-2

1461A-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 29, 2018

1461A-2
1736-2
2040-2

Andrea Andersen
4555 Reservoir Rd
Rapid City SD 57703

Dear Ms. Andersen:

Thank you for calling concerning the ownership changes. Water Right No. 1461A-2, listed under David S Lamb can be transferred to both of you however Vested Water Right Nos. 1736-2 and 2040-2 cannot be transferred because they are held by the individual ditch companies. I am enclosing copies of all three for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change with Water Right No. 1461A-2. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies for your records. The only items you need to return are the completed transfer form for No. 1461A-2 and the filing fee. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

SEP 06 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1461A-2

Date: September 4, 2018

I/We request that Water Right No. 1461A-2

formerly owned by: David S Lamb

be transferred to: (name & address) DAVID S. LAMB or Andrea Andersen
4555 RESERVOIR Rd, Rapid City, SD. 57703

Telephone No. 605-391-8302

Title to the following described land(s)/property has been transferred as described above:

579 acres – NW ¼, S ½ NE ¼, SW ¼ and SE ¼ Section 15, T1N, R8E;

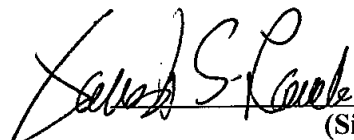
E ½ NW ¼, N ½ NE ¼, N ½ SW ¼ Section 22, T1N, R8E

I/We understand that the validity of Water Right No. 1461A-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We DAVID S. LAMB ; Andrea Andersen the new owner, certify that the above information is true and correct.

 Andrea Andersen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

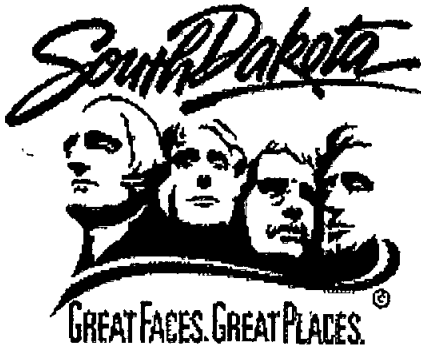
RECEIVED OF David Lam Harney Peak Trading Post 4555 Reservoir Rd Rapid City 57703-9637 Date September 6 2018

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1461A-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08755**

By Jeanne Goodman
Chief Engineer
1962



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 6, 2018

1461A-2

David S Lamb
Andrea Andersen
4555 Reservoir Rd
Rapid City SD 57703

Dear Mr. Lamb & Ms. Andersen:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1461A-2.

The ownership change has been completed. Water Right No. 1461A-2 is now listed in David S Lamb or Andrea Andersen.

If either of you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure: Receipt No. 08755



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2025

1461A-2

David Lamb & Andrea Andersen
4555 Reservoir Rd
Rapid City SD 57703

Dear Mr. Lamb & Ms. Andersen:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted online for Water Right No. 1461A-2.

Water Right No. 1461A-2 (copy enclosed) authorized diversion of 2.0 cfs (9000 gpm) from Murphy Ditch & 1.0 cfs (450 gpm) from Cyclone Ditch for irrigation of 579 acres located within portions of Sections 15 & 22; all in T1N-R8E.

On this year's questionnaire you reported the irrigation of 1279 acres. If additional acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosure