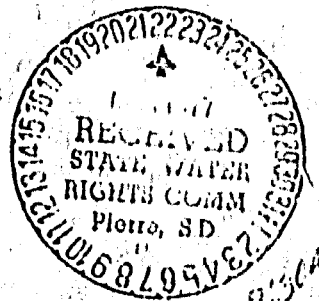


Water Right Number 1576-2

1. Considered 5-25, 1977
2. Name of Applicant VALLEY GREEN S&D FARMS
3. Post Office Address RAPID CITY
4. Amount of Water claimed 43
5. Source of Water supply RAPID CREEK
6. Water to be used for IRRIGATION
7. Acres to be irrigated 30
8. Water to be diverted and used in FENNINGTON County
about 2E miles of RAPID CITY
9. Proof of Publication
Received 5-4-77
Not Received
10. Application
Approved
Subject to
Not Approved
Action Deferred
11. Remarks

No. 1576-2

Map No. 1344-2 Water Division No. 2 RAPID CREEK District _____
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant Raymond J. Mors DBA Valley Green Sod Farms
Postoffice address 708 St. Charles Rapid City, State South Dakota 57701
- If corporation, show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
- Name of diversion work VALLEY GREEN #1
- Amount of water claimed (cubic feet per second) 43.3 cubic foot per second.
- Source of water supply Rapid Creek
(Location of point of diversion) 1150'S & 650'E OF THE N¹/₄ CORNER SECTION 8, T1N, R3E
- County Pennings
- Annual period or periods during which water is to be used March to December
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 30 acres

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.
<u>East Side of Creek Area 1-30</u>	
<u>N¹/₄ NE¹/₄</u>	<u>14</u>
<u>N¹/₄ SW¹/₄ NE¹/₄</u>	<u>16</u>
<u>ALL IN SECTION 8, T1N, R3E</u>	

Land Description	No. Acres Irr.

- Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use 2 weeks _____ years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal
- Principal Features of the Proposed Water Supply System:

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

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

Electrical Pumping Station

C. Works proposed to apply water to beneficial use.

Set Line sprinkler system

Estimated Total Cost \$ 25,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

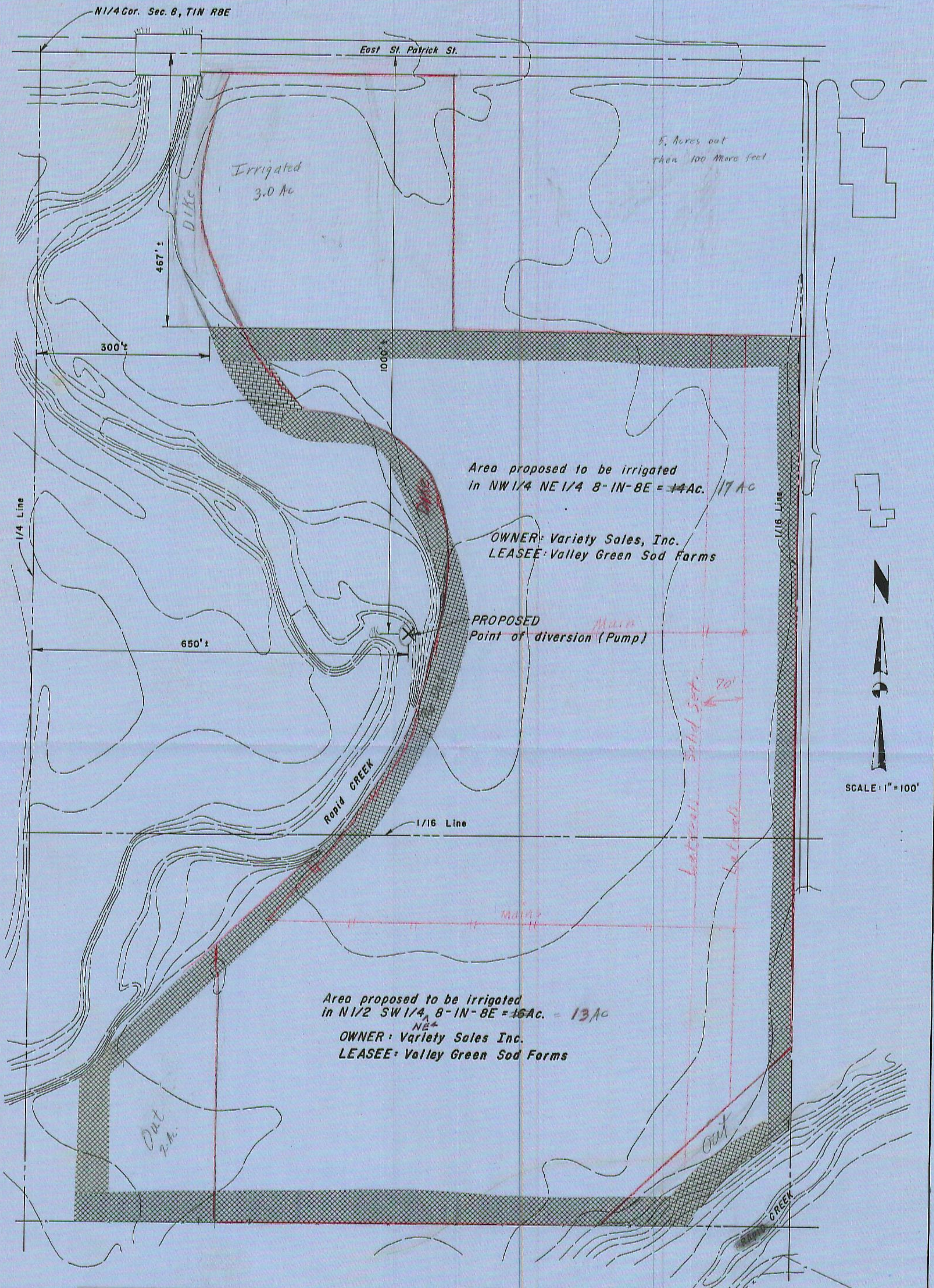
County of Pennings

I, Raymond J. Mors, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Raymond J. Mors

Subscribed and sworn to before me this 21st day of March 1977

Notary Public (or other qualified officer)



SURVEYOR'S CERTIFICATE

I, Robert H. Dominick, a Registered Professional Engineer and Land Surveyor within the State of South Dakota, do hereby certify that I have, at the request of Valley Green Sod Farms, prepared the above map showing lands proposed to be irrigated within the NW 1/4 NE 1/4 and the N 1/2 SW 1/4 NE 1/4 of Section 8, Township 1 North, Range 8 East, Black Hills Meridian, and have located the proposed point of diversion as shown thereon.

In Witness Whereof, I have hereunto set my hand and seal this 1st day of April, 1977.

Robert H. Dominick



PROPOSED IRRIGATION
AREA AND DIVERSION
NW 1/4 NE 1/4 & SW 1/4 NE 1/4
SECTION 8, T1N R8E BHM
VALLEY GREEN SOD FARMS
RAPID CITY, SOUTH DAKOTA

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1576-2
VALLEY GREEN SOD FARMS 7013 ST. CHARLES, RAPID CITY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57701 With the following modifications:
 (State)

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 THRU CONTRACT BETWEEN THE RAPID VALLEY CONSERVANCY DISTRICT AND BUREAU OF RECLAMATION COVERING RELEASES FROM DEERFIELD & FACTOLA RESERVOIRS.

Date of first receipt of application MARCH 22 19 77
 Date of return to applicant for correction, amendments or changes required MARCH 25 19 77
 Date of receipt of corrected application APRIL 4 19 77
 Approved MAY 25 19 77, Recorded in Book 18 Page 156

WATER RIGHT PERMIT NO. 1576-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1576-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 22 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25 19 77
3. The whole of said work is to be completed on or before MAY 25 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25 19 79
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 injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .43 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, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-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 MAY 25 19 79 said water to be used during the following described annual period: MARCH - DECEMBER

Witness my hand this 2ND day of JUNE 19 77

WATER RIGHTS COMMISSION

By:

John A. Aiken
 Chief Engineer, Executive Officer

Date of Construction Issued FEBRUARY 2 19 78
 Date Issued FEBRUARY 2 19 78

WATER LICENSE NO. 1576-2

(1) WHEREAS, On the 22nd day of March A. D. 19 77

Valley Green Sod Farms

made Water Right Application No. 1576-2 for a permit to use .43 cubic feet per second of the waters

of Rapid Creek

County of Pennington

State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 2nd day of June A. D. 19 77

Permit No. 1576-2 with a date of priority of March 22, 1977

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the 25th day of May A. D. 19 78 and for the

application to beneficial use of said water on or before the 25th day of May A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .43 cubic feet per second of water for beneficial use and.

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

for irrigating the following land in Section 8, T1N, R8E

NW 1/4 NE 1/4 17 acres

SW 1/4 NE 1/4 13 acres

Total 30 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Valley Green Sod Farm

_____ of Rapid City

the holder _____ and owner _____ of said permit No. 1576-2 a water right, dating from March 22, 1977

_____ to use of .43 cubic feet per second of the waters

of Rapid Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 1150'S and 650'E of the N1/4 corner,
Section 8, T1N, R8E

and conduct to and upon portions of Section 8, T1N, R8E, described on the face
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1576-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of February A. D.
Seventy-eight
Nineteen Hundred and _____

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Form 15.

Permit No. 157C-2

Water Diversion No 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Valley Green Sod Farm

_____ the holder _____ of
Permit No. 1576-2, issued upon Application No. 1576-2, bearing date of priority of March 22,
1977 authorizing the diversion of .43 cu. ft. per second of the waters of _____
Rapid Creek County of DeWitt, State of South Dakota at
a point 1150'S and 650'E of the NE corner, Section 8, T1N, R2E

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .78 cu. ft. per second of water.

q

Date February 2, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Helena M. Bauer 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:

April 22, 1977

April 29, 1977

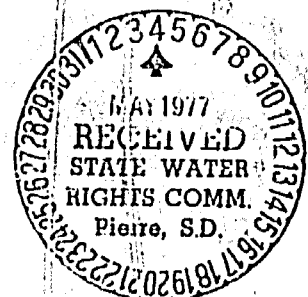
Helena M. Bauer
(Signature)

Bookkeeper
(Title)

May 2, 1977

(Date Signed)

April 22, 1977
L131
No. 1576-2
INTENT TO APPROPRIATE WATER
Notice is hereby given that Valley
Green, S&S Farms, whose post office
address is Rapid City, South Dakota, has
made an application in accordance with
the provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 0.43 cubic feet of water per
second of time from the Rapid Creek
through the Valley Green No. 1, the point
of diversion of which is to be located in
the NW 1/4 NE 1/4 of Section 8, Twp. 1N,
Range 8E, S&S water to be used for the
purpose of providing irrigation on
portions of the following described land:
NW 1/4 NE 1/4, N 1/2 SW 1/4 NE 1/4, Section 8,
T1N, R8E, S&S.
This application No. 1576-2 will be
considered by the Water Rights Commission
at their office at Pierre upon the 25th
day of May, 1977, at 10:00 A.M. All inter-
ested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: JAMES WINTERSTON
Water Rights Specialist



Form 6 - Notice of Intent to Appropriate Water

No. 1576-2

Publish first publication, on or before May 12, 19 77

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 11, 19 77

Notice is hereby given that Valley Green Sod Farms
whose post office address is Rapid City, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
0.43 cubic feet of water per second of time from the Rapid Creek through the
Valley Green, the point of diversion of which is to be located in the

NW 1/4 NE 1/4
of Section 6, Twp. 1N, Range 2E. Said water to be used for the purpose
of providing irrigation on portions of
the following described land:

NW 1/4 NE 1/4, N 1/2 NE 1/4, Section 6, T1N, R2E

This application No. 1576-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 19 77 at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Valley Green Sod Farms, 708 St. Charles, Rapid City, SD 57701

Form 10.

No. _____



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Rapid City A.D.

Date 8-1-77

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1576-2

Water Right Permit No. 1576-2 states that the diversion system is to be constructed by May 27, 19 77 and that the water is to be put to beneficial use by May 27, 19 77.

The diversion system was completed on May 25, 19 77.
Applying the water to beneficial use was completed on May 27, 19 77.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Raymond J. Morf
(Signature)

Wally Lee Jones

DATE MICROFILMED

DATE MICROFILMED

1576-1 Valley Spr. to Reno

10-21-77 70 ft spacing - 2" line + 3" line
50% 2" - 50% 3"

60 ft spacing

1 3/4" riser

solid set

underground main 4" PVC 16" PVC

Motor W5E 40 HP.

UID# R-9099-01-907

RPM 3540

Pump - Jacuzzi

Model HO GM4-T/E

ser 7072301

Pumping 350 GPM

Permit No. 1576-2Water Division 2 Rapid Creek Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Valley Green Sod Farms, of 708 St Charles, Rapid City, S. Dak 57701 holder of Permit No. 1576-2, bearing date of priority of March 22, 1977 authorizing the diversion of .43 cu. ft. per second of the waters of Rapid Creek for Irrigation purposes, in Pennings County.

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

The Water Use System consists of,

A. Works used to divert the water:
Motor: US Electrical; 1/2" R-9099-01-907; 40 HP; 3540 RPM.
Pump: Jacuzzi, Model 40GM4-T/E, Ser# 70722301.
Pumping 350 gpm.

B. Works used to transport water to place of use,
6" dia and 4" dia PVC underground mains

C. Works used to apply water to beneficial use.
Solid set sprinkler system. 2" dia and 3" dia laterals
spaced 70 ft apart (8000 ft 2" dia and 8500 ft 3" dia)
sprinkler spacing 60 ft on lateral. Rained sprinklers 1/4" dia.

The system is in the following condition: Excellent

The point of diversion is located 1150 ft South and 650 ft East of the N 1/4 corner,
Section 8, T1N, R8E

The works are capable of diverting and conveying to the place of use .78cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 8, T1N, R8E
NW 1/4 NE 1/4 - 17 1/2 ; SW 1/4 NE 1/4 - 13 Ac.

comprising a total of 30 acres of land.Date November 16, 1977

LeRoy J. Mernaugh
(Signature)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 18, 1988

1576-2
1632-2
1684-2

Louis Freiberg
PO Box 1159
Rapid City, SD 57701-1159

Dear Mr. Freiberg:

With regard to your letter of October 11, 1988 and our telephone conversation of October 13th, enclosed are copies of the following:

- 1) Water License No. 1576-2 Valley Green Sod Farms;
- 2) Water License No. 1632-2 Perrigo Hire and Sales;
- 3) Water License No. 1684-2 Blanche Sedivy;
- 4) the 1982 irrigation questionnaire for 1684-2 (forms were not returned for 1632-2 and 1576-2);
- 5) the 1983, 1984, 1985, 1986 and 1987 irrigation questionnaires for Water Right Nos. 1576-2, 1632-2 and 1684-2.

I included a copy of Water Right No. 1632-2, Perrigo Hire and Sales and copies of the questionnaires because the system is operated by Valley Green Sod Farms. The irrigation questionnaires indicate the land authorized for irrigation under Ms. Sedivy's Water Right No. 1684-2, has been irrigated continuously.

If you have any questions, please contact us.

Sincerely,

Seney McMATH

SEN. J. MCMAH
Natural Resources Analyst
605 773-3352

enclosures



NOTICE OF TRANSFER OF OWNERSHIP

No. 1576-2

TO: Chief Engineer
Water Rights Division, DWRB
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I/We request that Water Permit/Right No. 1576-2

formerly owned by: Valley Green Sod Farms

be transferred to: (name & address) VARIETY SALES, INC.
3725 E. Hwy 44, R.C., SD 57201 (telephone No.) 393-1992

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

W1, NE1 Section 8, T1N, R9E (30 acres)

I/We understand that the validity of Water Permit/Right No. 1576-2 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 at the Division of Water Rights, as evidence of the change of ownership.

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

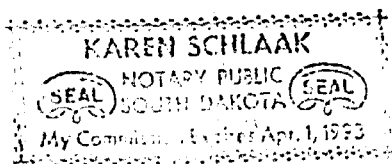
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Variety Sales Inc.
Henry M. Thompson
(Signed)

Subscribed and sworn to before me this 31st day of January, 1991.



Karen Schlaak
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____
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 _____		
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 H. Hoken
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 14, 1991

1576-2

Henry Thompson
Variety Sales, Inc.
3725 E Hwy 44
Rapid City, SD 57701

Dear Thompson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1576-2.

Our records now show you as the owner of Water 1576-2.

Sincerely,

Jaci R. Konop

JACI R. KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

DIVISION OF NO. 1576-2 INTO 1576A-2 AND 1576B-2

On January 31, 1991, Water Right No. 1576-2 was transferred to Variety Sales, Inc. On June 2 and 14, 1999, transfers of ownership were received, for portions of the water right. Water Right No. 1576-2 is being reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 1576A-2, Sylvia Conrad: irrigation of 13 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.19 cfs from Rapid Creek.

No. 1576B-2, Open Bible Christian Center: irrigation of 17 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.24 cfs from Rapid Creek.