

WATER RIGHTS PROGRAM

SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	Joanne Kopp	FROM:	Karen Schlaak
COMPANY:	Open Bible Church	DATE:	June 9, 1999
FAX NUMBER:	605 342-0865	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:		SENDER'S TELEPHONE NUMBER:	(605) 773-3352
RE:	Notice of Transfer Form	SENDER'S FAX NUMBER:	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Enclosed is the Notice of Transfer Form. It needs to be signed, notarized and returned with a \$2.50 fee. Please include your phone number on the form.

If you have questions, please call.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1576-2

Date: 6-9-99

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

formerly owned by: Variety Sales, Hank Thompson, President

Christian Center
be transferred to: (name & address) Open Bible Church, 2225 E St Patrick St, Rapid City SD 57703

Telephone: No. 605-342-4496

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

NW 1/4 NE 1/4 Section 8-T1N-R8E, Pennington County

I/We understand that the validity of Water 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 with the Water Rights Program, 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 Pennington)

I/We Leslie P. Peltz, Pastor, Open Bible Church, Christian Center 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.

Leslie P. Peltz, Pastor, Open Bible Church, Christian Center
(Signed)

Subscribed and sworn to before me this 9th day of June, 1999

Joanne Kopp
(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 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

№ 416138

Pierre, June 14, 1999

RECEIVED OF Open Bible Christian Center, 2225 E. St. Patrick, 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 _____		
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 Right No. 1576-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John M. Mader



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

AUG 5 1999

Open Bible Christian Center
Leslie P Potts, Pastor
2225 E St. Patrick
Rapid City SD 57703

Dear Pastor Potts:

Enclosed is Water License No. 1576B-2, receipt for payment of the transfer fee and a sample copy of an irrigation questionnaire. 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.

As long as you use the water beneficially, as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the reissued license, please contact us.

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1576B-2
DIVISION OF NO. 1576-2 INTO 1576A-2 AND 1576B-2

(1) Valley Green Sod Farms, Rapid City SD was issued Water License No. 1576-2, February 2, 1978 for a water right to appropriate 0.43 cubic feet of water per second (cfs) from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Water License No. 1576-2, with a priority date of March 22, 1977 was issued with construction of the described water supply system completed and the application to beneficial use of said water completed.

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.

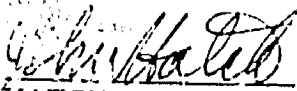
No. 1576B-2, Open Bible Christian Center: irrigation of 17 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E with diversion of 0.24 cfs from Rapid Creek.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.24 cubic feet of water per second for beneficial use. The location of the diversion point is 1,150 feet south and 650 feet east of the north quarter corner of Section 8-T1N-R8E (NW $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

17 acres - NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8-T1N-R8E

(4) Pursuant to South Dakota Water Law 46-5-30.1 Open Bible Christian Center, 2225 E St Patrick, Rapid City SD 57703 the holder and/or owner of Water Right No. 1576B-2 is issued a license to appropriate water, the right to use 0.24 cubic feet of water per second from Rapid Creek with a priority date of March 22, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1576-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 5 1999
date





1576B-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: OPEN BIBLE CHRISTIAN CENTER, LESLIE P POTTS, PASTOR, 2225 E ST. PATRICK,
RAPID CITY, SD 57703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1576B-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1576B-2 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Lloyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1576B-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1576B-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OPEN BIBLE CHRISTIAN CENTER
LESLIE P POTTS, PASTOR
2225 E ST. PATRICK
RAPID CITY SD 57703

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

11-15-1999

C. Signature

X *Leslie Potts*

☒ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

5. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227670493

PS Form 3811, July 1999

Domestic Return Receipt

102591-99-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 24, 2000

1576B-2

Leslie P Potts, Pastor
Open Bible Christian Center
2225 E St Patrick
Rapid City, SD 57703

Dear Pastor:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 1576-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 1576B-2, Open Bible Christian Center

ADDRESS: COUNTY: Pennington

DATE: June 5, 2002 TELEPHONE:

RE: Call from Randy Brock with the Christian Center

COMMENTS:

Mr. Brock called regarding the water right they hold for 0.24 cfs from Rapid Creek for irrigation of 17 acres. He inquired about the water right becoming subject to forfeiture for 3 years of nonuse. He indicated they do not want to jeopardize the water right as they plan to construct some type of sports complex in the future. He realized the value of a water right from Rapid Creek and wanted to ensure they protect it the future sports complex (ie. soccer-baseball fields).

I explained the statute regarding forfeiture for nonuse. I also explained the legal excuse rule.

This water right originated from Valley Green sod farms and was transferred to Variety Sales in 1991. The Open Bible Christian Center purchased the land and transferred Water Right No. 1576B-2 to their name in 1999.

Mr. Brock indicated their intention to rent a pump and irrigate the acres at least once this summer to ensure they protect the water right from forfeiture.

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:

Eric Henderson



1576B-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 18 2005

1576B-2
2487-2

Pastor Leslie Potts
Open Bible Christian Center
2225 E St Patrick
Rapid City SD 57703

David D Snyder
2100 Sedivy Ln
Rapid City SD 57703

Dear Pastor Potts and Mr. Snyder:

Enclosed is Water License No. 2487-2. The license incorporated the applicable portions of Water Right No. 1576B-2. Also enclosed is a map prepared by the staff engineer who conducted the field investigation.

Water License No. 2487-2 is the final document which completes the process of obtaining a water right. 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,

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

enclosures