

Water Right Number 1602-2

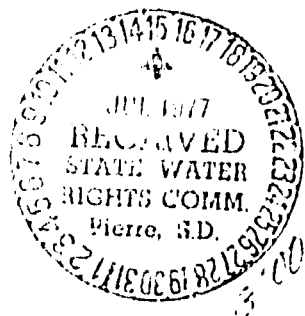
1. Considered 10-6, 1977
2. Name of Applicant ROY F. DAVIS
3. Post Office Address RAPID CITY
4. Amount of water claimed 1.0
5. Source of water supply DRY DRAW (30 AC FT STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 70
7. Water to be diverted and used in PENNINGTON County
about 3.5 Miles of RAPID CITY
8. Proof of Publication Received 9-19-77
9. Application

10. Remarks:

LANDS HAVE BEEN IRRIGATED
FOR SEVERAL YEARS - SEE
PERMIT NO 1145-2 -

COUNTY ROAD NOW CON-
STRUCTED, WHICH INCLUDES
STORAGE DAM - THIS
APPL IS FOR THE STORAGE
SAME SOURCE OF WATER.

WATER QUALITY NOT
REQUIRED

Map No. 1368-2 Water Division No. 2 RAPID CREEK District
 (Returns to be Filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

VESTED RIGHT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Roy F. Davis
 Postoffice address P. O. Box 1655 Rapid City State South Dakota 57709
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) County Road
3. Name of diversion work Davis Storage Dam #1
4. Amount of water claimed (cubic feet per second) 30 Ac. Ft.
5. Source of water supply Dry Draw Runoff
6. Location of point of diversion Existing System - NE "SW" Sec 24 T1N R7E
 _____ County Pennington
7. Annual period or periods during which water is to be used When available
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) 75% Irrigation 25% Domestic
9. For irrigation use, _____ Total number of acres to be irrigated Existing Right - 70 Ac.

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
See Permit #1145-2			
Area inside S ² Sec 24 T1N R7E - 70A			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Rapid City Journal
12. Principal Features of the Proposed Water Supply System: Existing System

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ N/A
 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 PenningtonI, Roy F. Davis

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

Subscribed and sworn to before me this

14

day of

July1977

Notary Public (or other qualified officer).

My Commission Expires 3-22-78

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1602-2ROY E DAVIS
(Applicant)Box 1655, RAPID CITY
(Post Office Address)SOUTH DAKOTA 57701
(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 30 ACRE FEET OF WATER ANNUALLY.

Date of first receipt of application JULY 15, 19 77Date of return to applicant for correction, amendments or changes required --, 19 --Date of receipt of corrected application JULY 26, 19 77Approved OCTOBER 6, 19 77, Recorded in Book 19 Page 98WATER RIGHT PERMIT NO. 1602-2The Water Rights Commission hereby grants and issues this Water Right Permit No. 1602-2 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 JULY 15, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 6, 19 78
3. The whole of said work is to be completed on or before OCTOBER 6, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 6, 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 30 ACRE FEET ~~estimated~~ per ~~season~~; 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 isactually and beneficially applied for irrigation on or before OCTOBER 6, 19 79; and water to be used during the following described annual period: WHEN AVAILABLEWitness my hand this 31ST day of OCTOBER, 19 77

WATER RIGHTS COMMISSION

By:

John Walsh
Chief Engineer, Executive OfficerCertificate of Construction Issued (11) 21, 19 77Water License Issued (11) 21, 19 77

Form 2A Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12 Principal Features of the Proposed Water Supply System (continued.)

D Well Information and Estimates

(1) Drill Hole: Diameter _____, Depth _____

(2) Casing: Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen

Type _____, Diameter _____, Length _____

(4) Gravel Pack: Thickness _____, Length of gravel pack _____

E Dugout Information and Estimates

(1) Surface Dimensions: _____, Depth _____

F Fill-out for Either a Well or a Dugout.

(1) Water-Bearing Materials: (Please attach a copy to test well log if available.)

Character of Water-bearing materials _____

Depth to top of water-bearing material _____

Depth to bottom of water-bearing material _____

Thickness of water-bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering well:

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height of Road fill	40'
Maximum Water Depth	20'
Surface Area	4 Ac.
Storage Capacity	30 Ac/Ft

Roy Davis
Signature of Applicant

Conservation
Commission
Form VI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

NAME: Roy F. Davis

ADDRESS: P. O. Box 1655, Rapid City, South Dakota 57709

COUNTY: Pennington



LEGAL DESCRIPTION

1. WELL LOCATION: N/A

2. AREA TO BE IRRIGATED: Existing permit = 70 Ac. in S² Sec 24 T1N R7E

NOTE: OPERATOR HAS AN EXISTING PERMIT, AND HAS BEEN IRRIGATING THIS LAND FOR MANY YEARS. THIS APPLICATION IS FOR A STORAGE DAM PROPOSED TO BE CONSTRUCTED IN CONNECTION WITH A ROAD FILL ON A COUNTY ROAD PROJECT.
TYPE OF IRRIGATION SPRINKLER (Indicate Type):

3. GRAVITY

4. CROPS TO BE IRRIGATED: Tame grasses, Alfalfa, and Native grass

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 2 - 1%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: According to 1948 Recon Survey by R.E. Radtke, soils are Dunes-Like Silt Loam.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: _____

8. SALINITY: _____

9. SODIUM: _____

WATER LICENSE NO. 1602-2

(1) WHEREAS, On the 15th day of July A. D. 1977

Roy F. Davis

made Water Right Application No. 1602-2 Vested Right for a permit to use 1.0 cubic feet per second of the waters of a dry draw County of Pennington, State of South Dakota, for irrigation

purpose and

(2) WHEREAS, On the 6th day of October A. D. 1977

Vested Right Permit No. 1602-2, with a date of priority of 1953 recognizing was issued to said applicant for the diversion of said water, and ~~xxxxxx~~ for the completion of construction of the water supply system therein described ~~xxxxxx~~ ~~xxxx~~ ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxx~~ ~~xxxxxx~~

and whereas, this Vested Right Permit No. 1602-2 was issued for a new diversion point, due to Highway Construction across applicant's land, the original Vested Right Permit No. 1145-2 is hereby cancelled.

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 1.0 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.

to irrigate the following described land in Section 24-T1N-R7E:

acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 14

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 11

TOTAL 70

(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 Roy E. Davis

_____ of Rapid City, South Dakota

the holder _____ and owner _____ of said Vested Right permit No. 1602-2 a water right, dating from 1953

_____ to use of 1.0 cubic feet per second of the waters of a dry draw

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 dam located in NE 1/4 NW 1/4 of Section 24-T1N-R7E, BHM.

and conduct to and upon portions of Section 24-T1N-R7E, more fully described on the face of this License.

for the purpose of irrigation

This Water License No. 1602-2 is based on a Vested Right claim recorded and filed by the Water Rights Commission.

Subject to any limitations listed in Water Right Permit No. 1602-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of August A. D.

Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:



Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 1602-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Poy F. Davis

Vested
Right

the holder _____ of
Permit No. 1602-2, issued upon Application No. 1602-2, bearing date of priority of 1953

authorizing the diversion of 1.0 cu. ft. per second of the waters of _____
a dry draw County of Pennington, State of South Dakota at _____
a dam located in NE 1/4 NW 1/4 SW 1/4 of Section 24-T1N-R7E, BHM

for irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are **recognized as**
~~XXXXXX~~ satisfactory ~~XXXXXX~~ for diverting and conveying to the place of intended use, 6.50 cu. ft. per second of water.

Date September 21, 1978

WJ

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:

Sept 8, 1977

Sept 15, 1977

Helena M. Bauer
(Signature)

Bookkeeper
(Title)

Sept 16, 1977
(Date Signed)

Sept. 8, 1977 L423
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
No. 1602-2
Pierre, South Dakota, 57501
August 30, 1977
Notice is hereby given that Roy F.
Davis whose post office address is Rapid
City, South Dakota, has made an applica-
tion in accordance with the provisions of
SDCL 46-1-1 thru 46-1-4; 46-2-1 thru 46-2-
11; 46-2-13; 46-3-1 thru 46-3-8; 46-5-10 thru
46-5-22; 46-5-41; 46-6-1; 46-6-5; 46-6-7, 46-6-
10; 46-6-14 and Commission Rules ARSD
52:01:01 thru 52:01:01:13, for a permit
to change the point of diversion and to
appropriate for beneficial use 30 acres of
of water per year of time from dry draw
runoff through the Davis Storage Dam
No. 1, the new point of diversion of which
is to be located in the NW1/4SW1/4 of Sec-
tion 24, Twp. 1N Range 7E. Said water to
be used for the purpose of providing
irrigation on portions of the following
described land: S1/2NW1/4, NW1/4SW1/4, NW1/4SE1/4,
NW1/4SE1/4, NE1/4SW1/4, SE1/4SW1/4, Sec-
tion 24, T1N, R7E.
This Application No. 1602-2 will be con-
sidered by the Water Rights Commission
at the Holiday Inn, Spearfish, S.D. upon
the 6th day of October, 1977 at 10 A.M.
The Commission is authorized to make a
determination on this application at the
hearing. All interested persons may
appear and be heard. Any person who
may be affected by a Commission deci-
sion who desires to present evidence or
cross-examine witnesses according to
SDCL 1-28 may notify the Commission in
writing prior to the hearing or orally at
the hearing.
WATER RIGHTS COMMISSION
JAMES WINTERTON
Water Rights Specialist



Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 30, 1977

Notice is hereby given that Roy F. Davis whose post office

address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 45-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to change the point of diversion and to appropriate for beneficial use 30 acre feet of water per year of time from dry draw runoff Davis Storage Dam #1 ^{new} through the _____, the point of diversion of which is to be located in the NW 1/4 SW 1/4

of Section 24, Twp. 1N Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/4 NE 1/4, N 1/4 SE 1/4, NW 1/4 SW 1/4, SE 1/4 SW 1/4, Section 24, T1N, R7E.

This Application No. 1602-2 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 5th day of October, 1977 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 2-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERKON
Water Rights Specialist

cc: Roy F. Davis
Rapid City, SD 57701

Form 10.

No. 1602-2

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

Post Office Rapid City S.D. 57709

Date JUNE 18 1978

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. 1602-2.

Water Right Permit No. 1602-2 states that the diversion system is to be constructed by October 6, 1978 and that the water is to be put to beneficial use by October 6, 1979.

The diversion system was completed on MAY 15, 1978.
Applying the water to beneficial use was completed on JUNE 17, 1978 (storage) from the new diversion dam. The old diversion dam which is now part of the new system, has been in continuous use when needed.

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.



Roy Davis
(Signature)

Permit No. 1602-2Water Division 2 RAPID CREEK Water DistrictREPORT 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 County Road F
Henry DAVIS of Rapid City, S.D. holder
of Permit No. 1602-2, hearing date of priority of 1953 pursuant to Water License No. 1145-2
authorizing the diversion of 1.0 cu. ft. per second of the waters of a dry draw
for irrigation and domestic purposes, in Pennington 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: A dam located in the NW¹NE⁴NW⁴SW⁴
of Sec. 24, T.1N, R.7E B.H.M. in Pennington Co.

Diversion from dam consists of a 12" (concrete) culvert through
County road to area of existing irrigation.

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

Spreader Ditches

C. Works used to apply water to beneficial use.

Flood Irrigation off Spreader DitchesThe system is in the following condition: GoodThe point of diversion is located in the NE⁴NW⁴SW⁴ of Sec. 24, T.1N, R.7E, B.H.M.The works are capable of diverting and conveying to the place of use 6.50 cfscu. ft. per second of water which is to be used for Irrigation and domestic purposesWater has been put to beneficial use to the maximum extent as follows: Stock dams located

in the SW⁴N⁴SW⁴ and in the NE⁴SW⁴EE⁴ of Sec.
24, T.1N, R.7E and for irrigation of the following described land:
NE⁴SW⁴ (4 acres) SE⁴SW⁴ (2 acres) NW⁴SE⁴ (19 acres) NE⁴SE⁴
(20 acres) SE⁴SE⁴ (14 acres) SW⁴SE⁴ (11 acres) ALL IN
SEC. 24, T.1N, R.7E, B.H.M.
comprising a total of 70 acres of land.

REMARKS: This permit incorporates a new diversion
point for permit no 1145-2. The Water License for 1145-2
should be cancelled and the priority date transferred to
permit no. 1602-2 for the irrigated lands and water storage.

Date Aug. 3, 1978

James E. Hunter
(Signature)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1602-2 FOR IRRIGATION

Date of Receipt of Claim May 4, 1973.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1602-2 for irrigation purposes for Roy F. Davis, Box 1655, Rapid City, South Dakota, 57709 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1602-2 appropriates 1.0 cubic feet per second of water from a dry draw for domestic use and to irrigate 70 acres and also authorizes the storage of 30 acre feet of water annually. The point of diversion is located in the NW1/4 SW1/4, Section 24, T1N, R7E. The irrigated lands are located in the SE1/4 and in the E1/2 SW1/4 Section 24, T1N, R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for domestic purposes and for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is: January 1, 1953
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights gained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water License No. 1602-2 incorporates applicable portions of Water License 1145-2 and the abandoned portions of Water License 1145-2 have been cancelled. Low flows as needed for downstream domestic use, including livestock watering, must be by-passed. Validation of this vested right authorizes storage of 30 acre feet of water annually.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

MAR 12 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1602-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

Roy F. Davis
Box 1655
Rapid City SD 57709

Dear Mr. Davis:

The Water Management Board has validated the enclosed Vested Water Right No. 1602-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

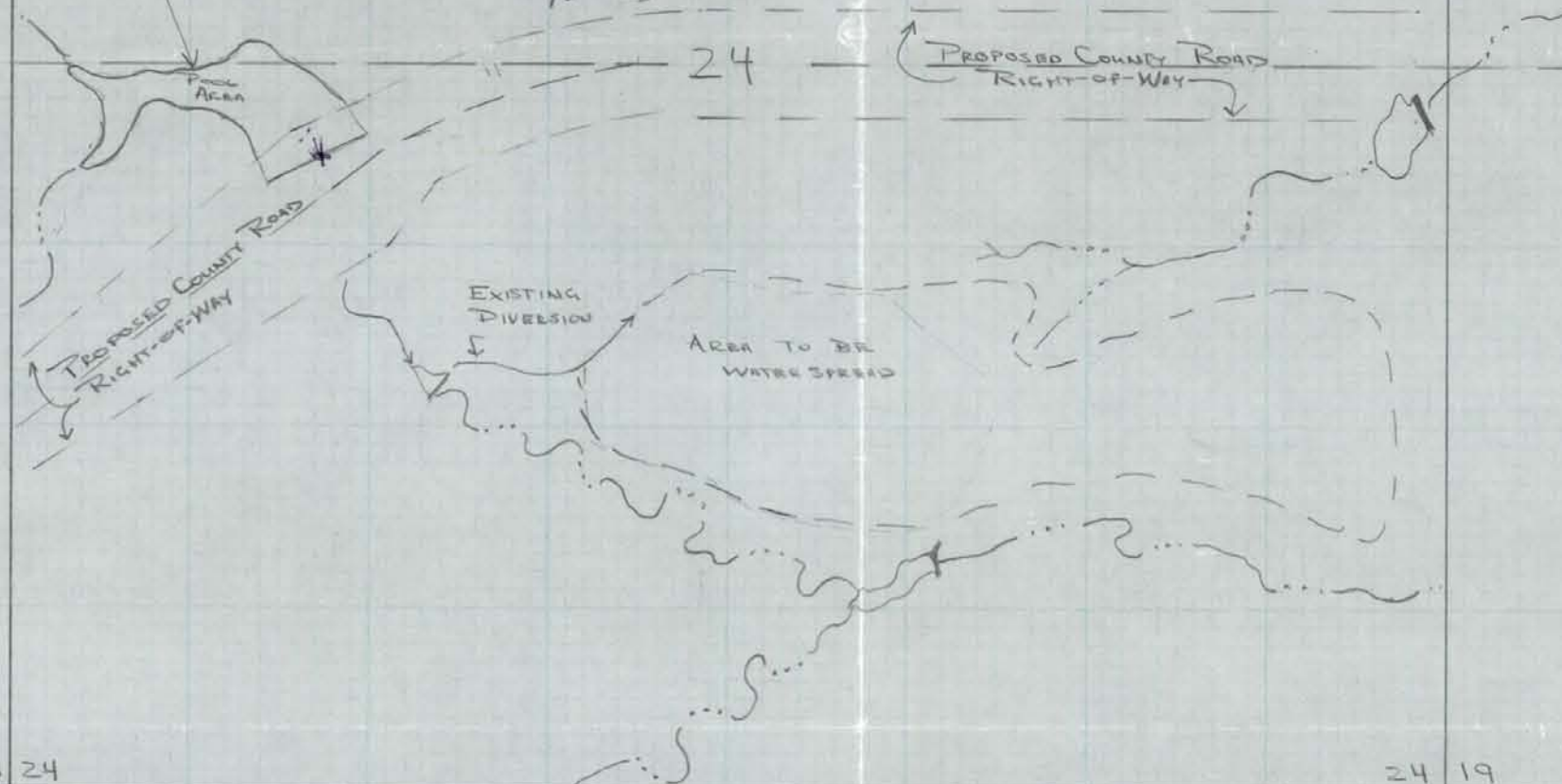
Very truly yours,

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

enclosure

*new division

PROPOSED DAM MADE BY ROAD FILL
DESIGNED BY BANNER ASSOCIATES INC. RC, SD
IN COOPERATION W/ PENN. Co.



NOTE: OPERATOR HAS AN EXISTING
IRR. PERMIT & HAS BEEN IRRIGATING
THIS LAND FOR MORE THAN 25 YEARS
THIS PERMIT APPLICATION IS FOR
STORAGE ON THE DAM PROPOSED
TO BE BUILT BY THE COUNTY
ROAD FILL.

Rick Marsh
SOIL CONSERVATIONIST

23 24
26 25

24 19
25 30

S² SEC 24 T 1 N R 7 E
PENNINGTON COUNTY

1948 RECON SURVEY MAPPED
BY RE. RADEKE & JONES
SOILS TO BE A DAVES-LIKE
SILT LOAM
CROP. CAPB. CLASS - III-2

SCALE
8" = 1 MILE

R.M.

ROY F. DAVIS
WATER RIGHT PERMIT MAP
PENNINGTON CONC DIST

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....	7/11/73	Title.....
Traced.....		Title.....
Checked.....		Sheet.....
		Drawing No.....
		No.....
		of.....