

10/20/10

Upper Cheyenne Water Right No. 1700-2

1. Considered _____ 19 ____
2. Name of Applicant JARVIS OLSON
3. Post Office Address P.O. Box 2470 - RAPID CITY, S.D.
4. Amount of Water Claimed 100 AC. FT. ANN.
5. Source of Water Supply SO. SLATE & SLATE CREEK
6. Water to be used for RECREATIONAL
7. Acres to be irrigated _____ maximum
acres feet _____
8. Water to be diverted and used in PENNINGTON County
about 6 W 5 miles NORTH of Hill City
9. PROOF OF PUBLICATION Received July 1, 1980
Not Received _____

Approved _____

Not Approved _____

Action deferred _____

Priority

Date

Received 3-11-80

Application Complete yes no

FEE 150.00

3-11-80

Remarks

School, Dam Safety Insp. Dam Statement inside.

Needed dam specs

Date information and/or

fee or corrected Application received 3-1-80

Period of Annual use CONTINUOUSLY

Received yes _____

no _____

APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application yes _____

no _____

Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

SW⁴ NW⁴ Section 1-15-3E

Land to be irrigated _____

Remarks 40' DAM - 34 ACRES SURFACE AREA

DRAINAGE ABOVE DAM 1,400 ACRES

Driller _____

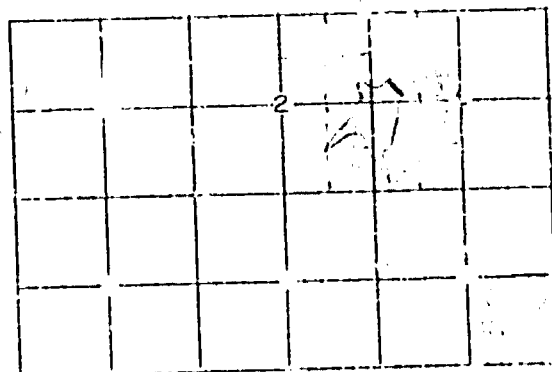
Licensed yes _____ no _____

Depth _____

WELL
LOG

WATER
QUALITY

N/A



MAP

Map No. 1468-2 Map located in Water Right X Map file _____

Type of Map Drawn Prepared by 7 - Registered Surveyor

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-22-80.

Deita Whitlind
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____

OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____



No. 1709-2
 Map No. 1468-2 Water Division No. 2 UPPER CHEYENNE District
 Above for Office Use 12120110

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Jarvis Olson Phone No. 342-7310
 Post Office Address P. O. Box 2470, Rapid City State South Dakota
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) .. Contract3. Name of diversion work Olson Park4. Amount of water claimed (cubic feet per second) 100 acre/feet annually5. Source of water supply Slate Creek and Slate Creek

6. Location of point of diversion 750' N 200' E of SW Corner Section 1 T1S R3E MAIN
660' N 4620' E of SW Corner Section 36 T R3E METERING

County Pennington7. Annual period or periods during which water is to be used recreational lake-no consumption of water8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) recreational9. For irrigation use, none Total number of acres to be irrigated -0-

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 months years. Additional time required to complete application of water to the proposed beneficial use 1 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

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

Build an artificial lake

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 50,000.00

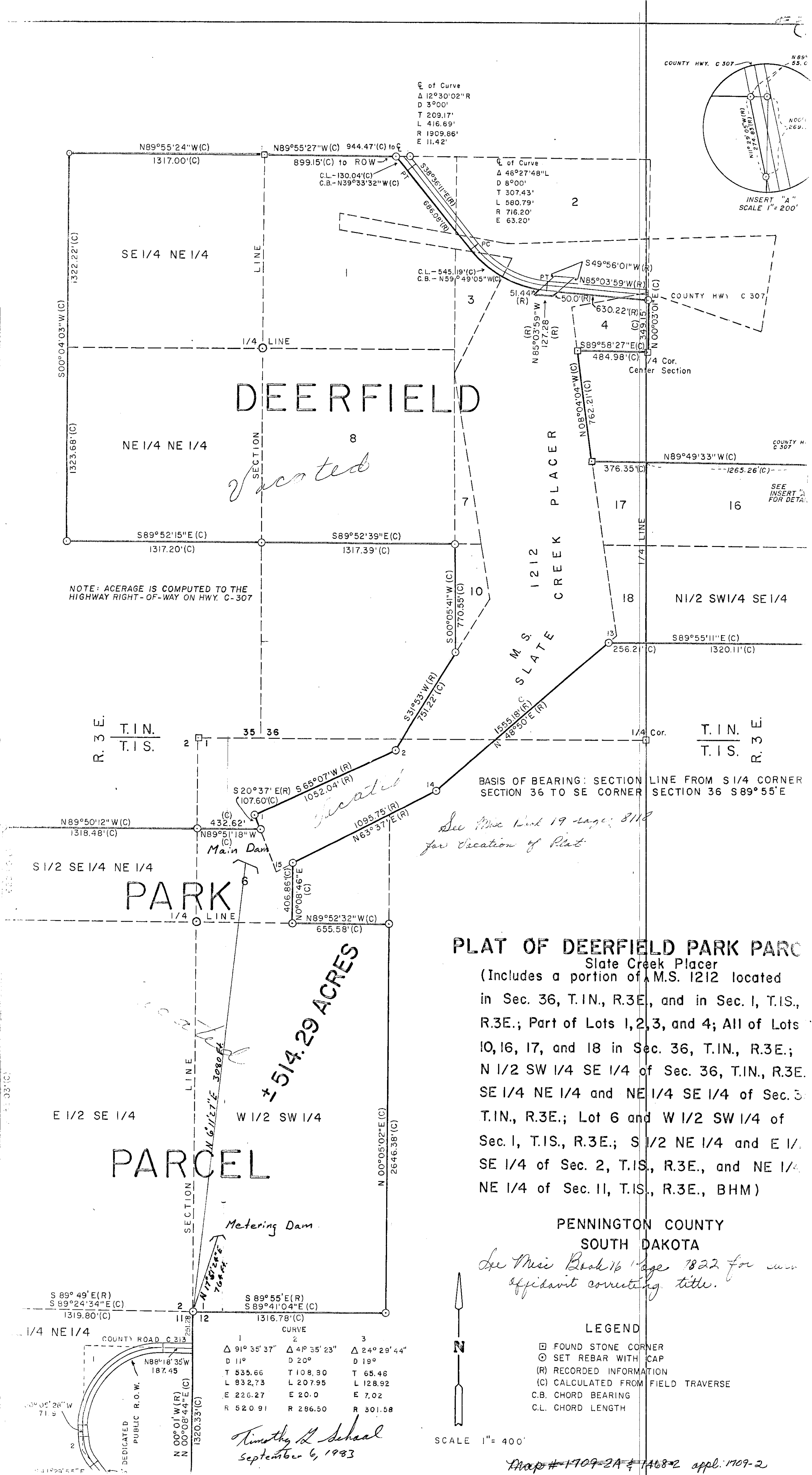
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
 County of Pennington)

I, Jarvis Olson 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 Jarvis J. OlsonSubscribed and sworn to before me this 28th day of April, 1980

Jayne M. Schaefer
 Notary Public (or other qualified officer)
 My commission expires: 8-13-87



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1709-2

JARVIS OLSON Box 2470, RAPID CITY
(Applicant) (Post Office Address)
SOUTH DAKOTA 57701 With the following qualifications.
(State)

THIS PERMIT AUTHORIZES STORAGE OF 100 ACRE FEET
 OF WATER ANNUALLY

Date of first receipt of application MARCH 11, 19 80
 Date of return to applicant for correction, amendments or changes required MARCH 11, 19 80
 Date of receipt of corrected application MAY 1, 19 80
 Approved JULY 24, 19 80, Recorded in Book 21 Page 220

WATER RIGHT PERMIT NO. 1709-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1709-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 11, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 24, 19 81
JULY
3. The whole of said work is to be completed on or before SEPTEMBER 24, 19 82
JULY
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 24, 19 83
JULY
5. The water appropriated shall be used for the purpose of RECREATION
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 100 ACRE ANNUALLY 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 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 USED FOR RECREATIONAL PURPOSES
for irrigation on or before SEPTEMBER 24 1983
JULY, said water to be used during the following described annual period CONTINUOUSLY

Witness my hand this 30th day of JULY, 19 80

THE WATER MANAGEMENT BOARD

By John H. Hald
 Civil Engineer, Water Rights

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

D Well Information:

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions, 34 acres _____, Depth Average 10 ft. MAIN
5 acres _____, Average 8 ft. METERING

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

(1) Water Bearing Materials. (Attach a copy of test well log)

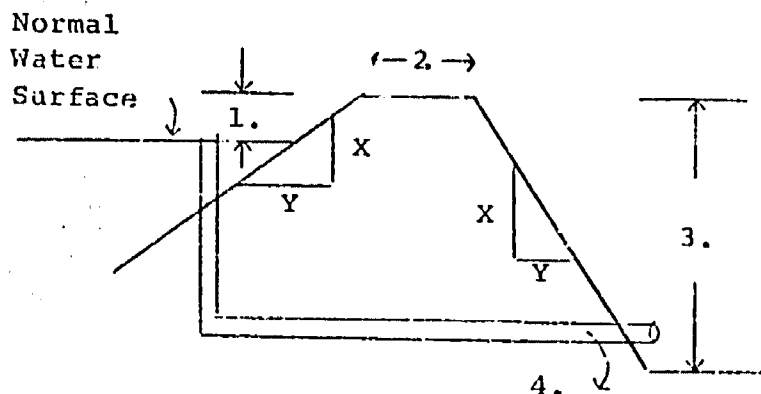
- Depth to top of water bearing material _____
- Depth to bottom of water bearing material _____
- Depth to water (ground surface to water level) _____

(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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



	MAIN	METERING
1. Freeboard	10'	5'
2. Crest width	20'	10'
3. Height of Dam	40'	15'
4. Outlet dimensions:		
Pipe diameter	12"	12"
Spillway width	12'	6'
X & Y slope:		
Upstream	4:1	1 1/2 : 1
Downstream	1:1	1 1/2 : 1
Surface area of impoundment:		
34 Acres		5 Acres
Drainage area above dam		
6,400 Acres		6,400 Acres

MATCH
LINE

5840
SLATE CREEK PLACER
5800
SUR. NO. 1212

S 1/2 SE 1/4 NE 1/4
SEC 2

6000

6

W 1/2 SW 1/4
SEC 1

6000

SOUTH
SLATE
CREEK

E 1/2 SE 1/4
SEC 2

6000

5880

5860

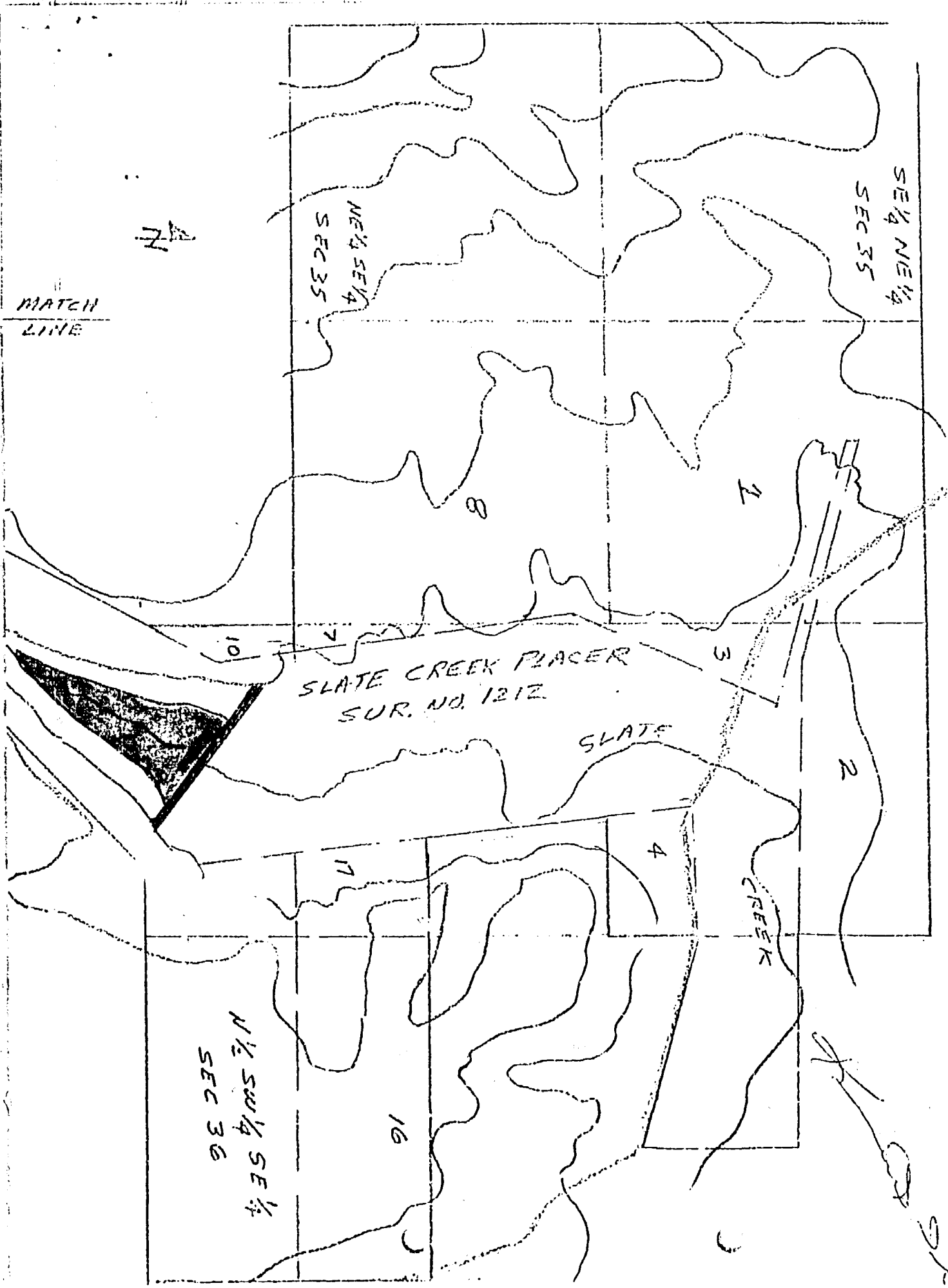
SLATE CREEK

NE 1/4 NE 1/4
SEC. 11

N
Z

Handwritten signature

Handwritten signature



MATCH
LINE

77

NE 1/4 SE 1/4
SEC 35

SE 1/4 NE 1/4
SEC 35

SLATE CREEK PLACER
SUR. NO. 1212

SLATE

CREEK

N 1/2 SW 1/4 SE 1/4
SEC 36

No. 1709-2

Publish first publication, on or before June 20, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 4, 1980

Notice is hereby given Jarvis Olson whose post office

address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 100 acre ~~xxxxxx~~ feet of

annually
water ~~xxxxxx~~ from xxxx South Slate Creek and Slate Creek through the

Olsen Park, the point ~~(xx)~~ of diversion of which is ~~(xxx)~~ to be located

in the SW 1/4 NW 1/4

of Section 1, Twp. 15, Range 3E. Said water to be used for the purpose of providing ~~xxxxxx~~

water for recreational purposes

This Application No. 1709-2 will be considered by the Water Management Board at Meeting Room #1, Knelp Building
Church & Illinois, Pierre, SD upon the 24th day of July, 1980

at 10 AM. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND

Water Rights Specialist

cc: **Jarvis Olson, & J Mark Nauwayr**
Box 2470, Rapid City, SD 57701

**Form 8 • Proof of Publication • Notice of
Intent to Appropriate Water**

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

1. Mary K. Garner 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 20, 1980

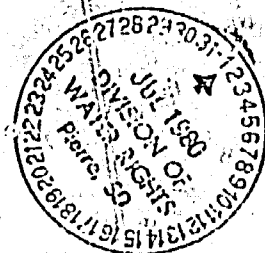
June 27, 1980

Mary K. Gurnee
(Signature)

Bookkeeper
(Title)

June 27, 1930
(Date Signed)

June 20, 1982. 11:00 A.M. L258
NOTICE OF HEARING
ON APPLICATION FOR
TO APPROPRIATE WATER RIGHTS
 Pierre, South Dakota 57501
 Notice is hereby given that the Board of Water Rights is hereby given Jarvis Olson whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-1 thru 46-2-3, 46-2-11, 46-2-13 thru 46-2-5, 46-2-10 thru 46-2-12, 46-2-15 and Board Rules ARS 52:01-01 thru 52:01-10, to permit to appropriate for beneficial use one foot of water annually from South Lake Creek and Slate Creek through the Cison Park, the point of diversion of which is to be located in the SW 1/4 NW 1/4 of Section 1, Twp. 13, Range 3E, said water to be used for the purpose of providing water for recreational purposes.
 This Application No. 1769-3 will be considered by the Water Management Board at Meelene Room 207, Knott Building, Church & Illinois, Pierre, South Dakota, 24th day of July, 1982 at 10:00 A.M. The Board 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 Board decision who desires to present evidence or to cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing, orally at the hearing.
 This hearing is adversary proceeding. Any person has a 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.
 Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, S.D. prior to the hearing date for assistance to assure access to the hearing.
WATER MANAGEMENT BOARD
BETTY WESTLUND
 Water Rights Specialist





PERPETUAL SERVICE CORPORATION



5/23/80 1298-3 withdrawn

Received the withdrawal request

May 16, 1980



Mr. Dennis Decker
930 Idaho, S.E.
Huron, South Dakota 57350

Dear Mr. Decker:

In accordance with our telephone conversation earlier this afternoon, here is a letter of explanation regarding the dilemma of the Jarvis Olson water appropriation application.

I am the attorney for Perpetual Service Corporation of Rapid City. Perpetual Service Corporation and Mr. Olson entered into a joint venture agreement to develop some land Mr. Olson owned in the Black Hills. The development plans called for building a pond by damming up a small stream hence the need for an application to appropriate water.

The Department of Water and Natural Resources received Mr. Olson's application March 11, 1980. Their office approved the application and on April 30 sent a letter to Mr. Olson and the Rapid City Journal, instructing the Journal to publish a Notice of Hearing on Application to Appropriate Water. The notice was enclosed and was to be published for two consecutive weeks upon receiving verification from the applicant. The first publication had to be on or before May 9, 1980 if the requirements of SDCL 45-5-17 were to be met and the matter heard at the May 22 Water Commission meeting. As Perpetual Service Corporation's attorney, I called the Journal on May 5th or 6th to verify that the notice was to be published. The woman in charge of the legal ads department was on her lunch break so I talked to someone else, told her who I was and that I wanted to verify that the notice was to be published per the instructions in the April 30 letter from the Department of Water and Natural Resources. She said fine and that was the end of the conversation. However, on May 9th there was no notice published in the Journal. On May 12th I talked to the woman in charge of legal ads and asked why the notice had not run on the 9th. She said she had not been told about the verification and in fact had never even received the letter from Pierre. As a result of all this the application will not be able to be heard on May 22 but will instead have to wait until the July meeting.

Assuming approval will be granted, the problem now is that construction will be delayed approximately two months. This delay occurs in the middle of the construction season. If these two months are lost, the project may have to be postponed until next year.

In light of the aforementioned circumstances, Mr. Olson and Perpetual Service Corporation request that a special meeting be held as soon as possible to consider this application.

As we discussed on the phone, I can be available on May 22 or 23 to answer any questions the Board may have.

Sincerely,

J. Mark Neumayr

J. Mark Neumayr
Counsel for Perpetual Service Corporation

1709-2

May 20, 1980

J Mark Neumayr
Perpetual Service Corp.
916 Main Street
Rapid City, SD 57701

Dear Mr. Neumayr:

This is to confirm our phone conversation regarding the notice for the Jarvis Olson application No. 1709-2.

We received, this date, the first publication notice published May 14, 1980. As you are aware, SHCL states, publication of notice must occur once each week for at least two consecutive weeks. The second publication must occur at least four days before the first day of the Commission meeting.

The publication notice will not meet the requirements of the State Laws, therefore, it will have to be readvertised for the July 24-25, 1980 meeting. The cost of the readvertisement will be at the applicants expense.

If you have any questions, feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

Water Rights, Water Management Division
(605) 773-3352

May 23, 1980

J. Mark Neumayr
Counsel for Perpetual Service Corporation
P.O. Box 2720
Rapid City, SD 57709

Dear Mr. Neumayr:

Your letter to Chairman Decker was brought to the attention of the Water Management Board at its meeting on April 11, 1980.

The Board took no action on the request for a special meeting, so the application will be considered at the July 24, 1980 meeting of the Board.

If you have further questions, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/bt



PERPETUAL SERVICE CORPORATION



828 ST. JOE STREET • P.O. BOX 2720 • PHONE 343-4971 • RAPID CITY, SOUTH DAKOTA 57709

May 16, 1980

Mr. Dennis Decker
930 Idaho, S.E.
Huron, South Dakota 57350

Dear Mr. Decker:

In accordance with our telephone conversation earlier this afternoon, here is a letter of explanation regarding the dilemma of the Jarvis Olson water appropriation application.

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Mr. Dennis Decker

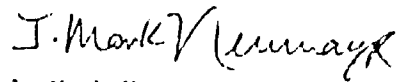
May 16, 1980

Page 2

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As we discussed on the phone, I can be available on May 22 or 23 to answer any questions the Board may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Mark Neumayr". The signature is fluid and cursive, with the first name "J. Mark" and last name "Neumayr" clearly distinguishable.

J. Mark Neumayr
Counsel for Perpetual Service Corporation

JMl:jk

RECEIPT

WATER RIGHTS COMMISSION

No 4 7379

State of South Dakota

March 11, 1930
PIERRE,

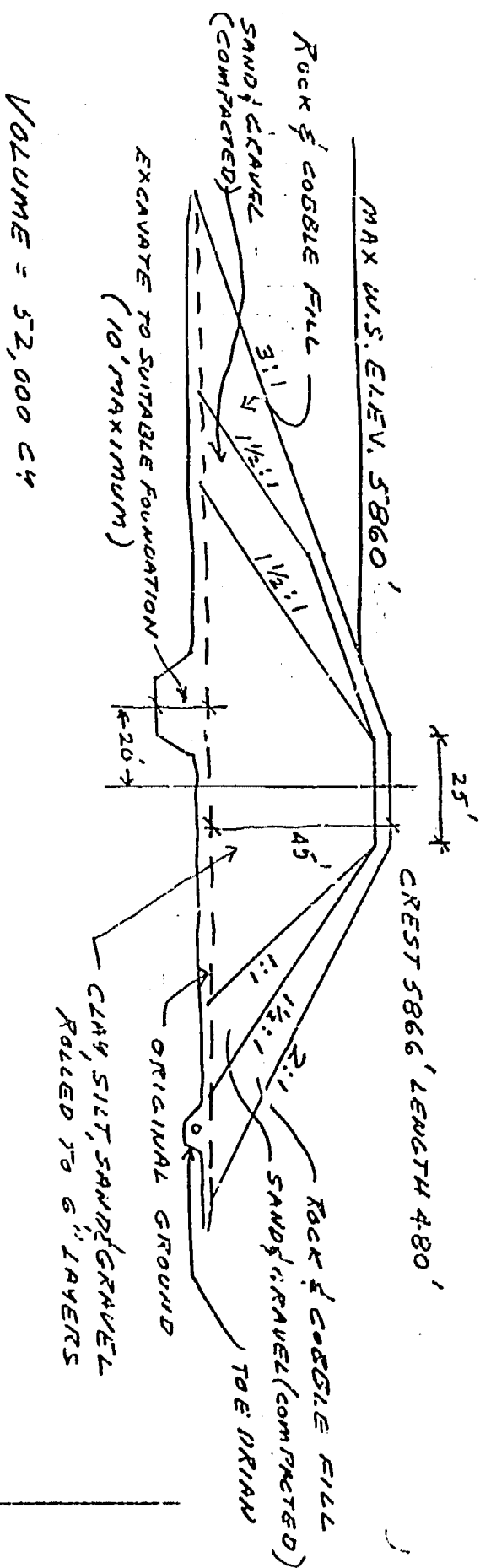
RECEIVED OF Jarvis Olson, P.O. Box 2470, Rapid City SD (Perpetual Ser. Co.)

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

Fee for Application for Permit to Appropriate Water No. <u>1729-2</u> (examination, processing, recording and filing) -----	15	00
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By J. H. Olson
Chief Engineer, Executive Officer





**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

July 10, 1980

J. Mark Neumayr
P.O. Box 2470
Rapid City SD 57701

Dear Mr. Neumayr:

In checking your application Nos. 1709-2 and 1712-2 for the dams to be built in Section 1, T1S, R3E and Section 9, T1S, R8E for recreational use, we will need a feasibility report to present to the Water Management Board, regarding present and future plans. Also you or a representative should be present at the hearing to answer questions the Board may have.

If you have any questions please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

Equal Opportunity Employer

October 20, 1980

Robert Brezina, President
Perpetual Service Corp.
Box 8207
Rapid City, SD 57701

Dear Mr. Brezina,

This letter is in response to several requests by your staff concerning the size and hazard classification of the proposed dam (Water Right #1709-2) in the Deerfield Park Development. Enclosed you will find the Corps of Engineers criteria for classification of dams under the National Dam Safety program. Your proposed dam will be classified as an intermediate size dam with a low hazard potential. Under this classification this dam will be required to pass the runoff from a 100 yr. flood. We will also require you to run a breach analysis downstream from the dam. The results of the breach analysis should be sent to this office so we can determine a flood stage level below which no development will be permitted. Development below the flood stage level will result in reclassification of this dam and require it to pass a larger flow.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

Enclosure
JH/bt

cc: Rick Baker
Francis-Meador-Gellhaus, Inc.
1823 West Main
Rapid City, SD 57701

Division of Water Rights (605) 773-3352

December 15, 1980

Les England
Perpetual Service Corp.
Box 2720
Rapid City, SD 57701

Dear Mr. England:

This letter is in reference to the telephone conversation concerning Permit Nos. 1709-2 and 1712-2. With regard to plans for construction of the dams, we would expect to review plans for approval purposes prior to construction. A letter dated October 20, 1980 from this office stated that it will be necessary for you to run a breach analysis downstream from the dam.

The authorized storage stated in each permit authorizes up to 100 acre feet (1709-2) and 82.5 acre feet (1712-2) of water annually. Normally those storage authorizations would be satisfied during spring flood flows. Once a dam is full, the permit does not authorize any additional storage. Water for any downstream domestic use which includes livestock watering or prior water rights must be bypassed even if the authorized storage is not completed. Stored water does not need to be bypassed, only incoming flows, if any, are required to be bypassed.

If there is any question or complaint regarding bypasses of water for downstream uses, we would expect to investigate those complaints and make a determination regarding permit violations.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gj

Division of Water Rights (605) 773-3352

February 6, 1981

Robert Brezina, President
Perpetual Service Corp.
Box 2470
Rapid City, SD 57701

Dear Mr. Brezina:

After reviewing the breach analysis and plan sheets for the Deerfield Park Dam (Water Right No. 1709-2) the project will be classified as an intermediate size dam with a low hazard potential and is required to pass the runoff from at least a 100 year flood. With the requirement that downstream development will not occur below the water surface elevation presented by the breach analysis, otherwise a larger classification will be required.

If the embankment height is lowered to less than 40 feet (less than elevation 5860) the project can be lowered to a small size dam with a low hazard potential, which is required to pass the runoff from at least a 50 year flood. The requirement concerning downstream development will still apply.

Please be informed that we will require a review of the plans before we will lower the project classification. It is our opinion and the opinion of Rick Baker of Francis-Meador-Gellhaus, in a letter to you dated January 15, 1981, that the project be designed to discharge the runoff of a 100 year flood; and any damages resulting from this project is the responsibility of the owner.

If you have any questions on this matter, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/TS/gy

cc: Rick Baker, Francis-Meador-Gellhaus, Inc.

Division of Water Rights (605) 73-3352

February 17, 1981

Mr. Robert Brozina, President
Perpetua Service Corporation
Box 2470
Rapid City, SD 57701

Dear Mr. Brozina:

After reviewing the plan sheet for the Deerfield Park Dam (Water Right No. 1719-2) reflecting the change in embankment elevation from 5862.0 feet to 5819.5 feet, the project will be classified as a small size dam with a low hazard potential. With the requirement that downstream development will not occur below the water surface elevation presented by the breach analysis, otherwise a larger classification will be required.

If you have any question on this matter, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/TS/gg

cc: Rick Baker, Francis-Mondor-Gellhaus, Inc.



FRANCIS-MEADOR-GELLHAUS, INC.

1823 West Main, Rapid City, South Dakota 57701
AC 601/342-4106

February 12, 1981

South Dakota Department of Water
and Natural Resources
Division of Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Att'n: Mr. Tim Schaal

RE: DEERFIELD PARK SPILLWAY

Dear Sir:

Please find the enclosed plan sheet reflecting the change in embankment elevation from 5862.0 feet to 5859.5 feet. This change in embankment elevation lowers the calculated embankment height from 42 feet to 39.5 feet.

As indicated in your letter of February 6, 1981, if the embankment height is lowered to less than 40 feet, the project can be lowered to a small size dam with a low hazard potential which is required to pass the run-off from at least a 50 year flood. The embankment design, as shown on the enclosed plan sheet, reflects this change and will pass the storm water of a 50 year flood.

If this redesign meets with your approval, please contact us and notify Perpetual Service Corporation as soon as possible. If you have any questions, or desire any additional information, please contact us at your convenience. We appreciate your continued cooperation on this matter.

Sincerely,

FRANCIS - MEADOR - GELLHAUS, INC.

R. Rick Baker

R. Rick Baker, E.I.T.

RRB/mjw

Enclosure

cc: Mark Neumayr, Perpetual Service Corporation
File #4524.31



Water Rights Division
605 773-3352

September 27, 1983

1709-2

Dearfield Park Parcel
3 Perpetual Service Corp.
Box 8068
Rapid City SD 57709

Gentleman:

Enclosed is your receipt # 49363 in the amount of \$5.00 which you paid for filing a notice of transfer and an extension of time request. Our records now show you as the owner of Permit No. 1709-2.

The application for extension of time will be brought up at our October 5-6, 1983 Water Management Board meeting.

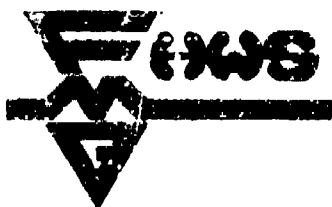
If you have any questions, please contact this office.

Sincerely,

GENNY MCMATH
Water Rights Specialist

GM:ks

enclosure



FRANCIS-MEADOR-GELLHAUS, INC.

A Division of Hoskins-Western-Sonderegger, Inc.
1823 West Main, Rapid City, South Dakota 57701-2591 605/342-4105

November 5, 1981

South Dakota Department of Water
and Natural Resources
Division of Water Rights
Joe Foss Building
Pierre, South Dakota 57501



ATTN: Mr. John Hatch, Chief Engineer
Division of Water Rights

RE: DEERFIELD PARK DAM NEAR HILL CITY, SOUTH DAKOTA
(WATER RIGHT NO. 1709-2)

Dear Sir:

This letter will serve as a notification of the current status of construction operations at the Deerfield Park Dam.

On September 15, 1981, our firm was given instruction by a representative of Perpetual Service Corporation to stop all work on the referenced project. Perpetual Service Corporation has been placed in receivership to the Federal Savings & Loan Insurance Corporation (FSLIC). The construction of the dam since September 15, 1981, has been ceased and is, therefore, in an incomplete state. The dam embankment is very near completion; however, the emergency spillway and the secondary discharge outlet works are not complete and as such, cannot function as designed.

Since September 15, 1981, we have advised representatives of Perpetual Service Corporation of the potential public danger of an incomplete emergency spillway. We are currently unaware of the intentions of Perpetual Service Corporation or any other responsible parties concerning the completion of Deerfield Park Dam.

We would appreciate receiving an indication of your position on this matter. If we can be of any assistance, please do not hesitate to contact us.

Sincerely,

FRANCIS - MEADOR - GELLHAUS, INC.

P. Rick Baker
P. Rick Baker, E.I.T.

Rodney H. Meador
Rodney H. Meador, P.E.

Civil Engineering
Subsurface Soil Investigations
Soil and Materials Testing Laboratory
Land Surveying
Planning
Aerial Photography
Water Resources

RRB/RHM, ucr

COSTELLO, PORTER, HILL, NELSON, HEISTERKAMP & RUSHNELL
ATTORNEYS AT LAW
200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS R. C. BOX 250
RAPID CITY, SOUTH DAKOTA 57703

NOV 1 1961
DIVISION OF
WATER RIGHTS
Pierre, SD
TELEPHONE 343-410
AREA CODE 605

Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501
ATTENTION: Timothy G. Schaal
Water Resource Engineer

Re: Deerfield Park

This letter will inform you that this firm represents the Federal Savings & Loan Insurance Corporation (FSLIC) in its status as receiver of Perpetual Savings & Loan Association and also as sole shareholder of Perpetual Service Corporation (Perpetual).

It has been brought to my attention that both the South Dakota Department of Water & Natural Resources (Department) and the Pennington County Planning & Zoning Commission (Commission) have expressed concern regarding the incomplete condition of the above project, specifically to the earthwork which has been done and which was initially planned.

I did attend a meeting of the Commission on November 9, 1981 wherein this topic was reviewed, and have reviewed a letter from Mr. Schaal of the Department to John Cain of FSLIC. I believe I understand the concerns both of the Department and the Commission based on this information.

I believe you should also understand the concerns of Perpetual. Perpetual desires to complete the emergency measures necessary to make this project safe. It has retained the services

Department of Water & Natural Resources
Pennington County Planning & Zoning Commission
Page 2
November 20, 1981

of the engineering firm of Francis-Meador-Gellhaus, Inc. and has been advised by it that it complete both the earthen dam and the spillway according to the specifications which were originally prepared by that firm and reviewed by the Department. These plans and specifications most likely were made available to the Commission.

Negotiations to complete this work were in process at the time the concern on the part of the Department and Commission became known. These negotiations are continuing and hopefully this work can be completed within the very near future.

The concern of Perpetual is that, although it intends to and will complete the work outlined above, it must have your assurance that completing this work will satisfy, at least in part, the requirements both of the Department and the Commission. This does not mean that assurance from you is requested that this alone will satisfy your demands, but that if this work is completed, you will not subsequently determine that this was not necessary and that some other action should have been taken.

I have conferred both with Mr. Schaal of the Department and both Mr. Miller and Mr. McDaniel, as Chairman and Director, respectively, of Planning & Zoning, and have been assured that the completion of the larger dam and spillway pursuant to the plans and specifications prepared by the firm of Francis-Meador-Gellhaus, Inc. will constitute a necessary step in satisfying your requirements. I understand from Mr. Schaal that this will satisfy the requirements of the Department, but understand from both Mr. Miller and Mr. McDaniel that, although this work is deemed necessary to safeguard against flooding, something may be desired to prevent erosion.

It is very important to Perpetual that any decisions regarding any additional work which may be required be reached immediately in order that Perpetual not face impossibilities in attempting to comply with legal requirements which may be imposed upon it as well as with what it may consider to be its responsibility.

Department of Water & Natural Resources
Pennington County Planning & Zoning Commission
Page 2
November 20, 1981

If any of the statements contained in this letter fail in any way to confirm the discussions had between us, please immediately inform me specifically of the same in writing.

Sincerely,


Richard O. Sharpe

ROS:skl

cc: Walter B. Anderson
John S. Cain
Michael P. Morrison

(605) 773-3352
Water Rights Division

November 12, 1981

Mr. John Cain
Special FSLIC Representative
Receiver of Perpetual Savings & Loan Association
826 St. Joe
Rapid City, SD 57701

Dear Mr. Cain:

We have recently received notification from Francis-Meador-Gellhaus, Inc. that the Deerfield Park Dam Project near Hill City, South Dakota is at a standstill.

After talking with one of their representatives, my understanding of the current status of the project is that the dam embankment is relatively complete with the exception of any spillway capacity. I can't stress enough on the potential danger of an incomplete project such as this and the seriousness of completing this project as soon as possible. I would appreciate information on the proposed action that is to be taken on this project. If necessary, we may issue an order instructing the FSLIC to either complete the project or remove the existing dam embankment.

Sincerely,

TIMOTHY G. SCHALL
Water Resource Engineer

TGS/bat

cc: Mr. Rick Baker
Francis-Meador-Gellhaus, Inc.
1823 West Main
Rapid City, SD 57701

NOV 18 1982



FRANCIS-MEADOR-GELLHAUS, INC.

A Division of Hoskins-Western-Sonderregger, Inc.
1823 West Main, Rapid City, South Dakota 57701-2591 605/342-4105

November 15, 1982

Perpetual Service Corporation
P.O. Box 8067
Rapid City, South Dakota 57709

ATTN: Mr. Vic Alexander

RE: COMPLETION REVIEW OF DEERFIELD PARK DAM

Dear Sir:

On Monday, November 8, 1982, a review of the progress on Deerfield Park Dam was made to determine if the structure was complete per the plans and specifications prepared by our firm. The on-site review consisted of visual observations and random spot checks of design elevations.

In general, the embankment and its appurtenances appear to have been adequately constructed based on the final view and our periodic observations throughout the project. This structure is partially filled and operating as designed. With the exception of the following items, the dam construction is complete.

The elevation checks indicate that the dam crest is within a few tenths of the design grade of 5859.5, with the exception of the easternmost segment where the embankment ties into the roadway. In this area, the roadway was not constructed to the design elevation, hence, the embankment was not constructed to the design elevation to prevent an abrupt grade change that would not allow for vehicles to pass. The location of the area below design grade (approximately 2.5 feet below) is such that it will not hamper the proper functioning of the embankment. In other words, if the water level in the reservoir should reach the maximum crest height of 5859.5, water would not flow over the portion of the embankment below 5859.5 due to the relative site configuration. The low area of the embankment is actually not impounding water but is providing access from the embankment face to the adjacent roadway. The construction to final grade in this area should be accomplished concurrently with the roadway construction if it is desired to allow for vehicle travel across the embankment.

Civil Engineering
Subsurface Soil Investigations
Soil and Materials Testing Laboratory
Land Surveying
Planning
Aerial Photography
Water Resources

Mr. Vic Alexander
Re: Completion Review-Deerfield Park Dam

November 15, 1982
Page 2

In the spillway inlet area where the roadway passes, the elevation checks indicated that the existing grade varied from approximately 1.2 feet below to 1.4 feet above the design grade of 5853.0. We suggest that this area be properly graded (to a constant elevation of 5853.0) to prevent an erosive channeling effect that the low areas of the spillway would have in the event of its use. Cut and fill stakes were placed by our firm on November 10, 1982, to facilitate the proper grading. Upon completion of this grading, we also suggest additional riprap protection in the inlet area to completely cover the area below elevation 5853.0 that lies within the spillway channel.

The spillway's discharge channel appears to be satisfactory, with the exception of the additional riprap placement mentioned directly above. As an average, the current elevation is approximately 1-2 feet above the design grade, but this should not have a significant effect on its intended function.

The outlet works construction is complete and operable, however, the operating hand wheel on the valve 12" discharge line was apparently broken as a result of flying rock fragments during earlier blasting procedures. The valve is still operable and doesn't appear to have been internally damaged. We suggest that the hand wheel be repaired by reattachment to the valve shaft. If further assistance is needed in this matter, please contact us.

In conclusion, we will consider the dam construction to be complete upon completion of the aforementioned items. Deviations in the crest width, side slope configurations and riprap placement do occur, but in our opinion do not have a significant effect on the functional performance of the structure. As mentioned throughout the duration of this project, these and other items are primarily aesthetic and can be modified at the discretion of the owner.

We trust this information to be sufficient. If you have any questions or desire any additional information, please contact us at your convenience.

Sincerely,

FRANCIS - MEADOR - GELLHAUS, INC.

R. Rick Baker

R. Rick Baker, E.I.T.

RRB/ser



FRANCIS-MEADOR-GELLHAUS, INC.

A Division of Hoskins-Western-Sonderegger, Inc.
1822 West Main, Rapid City, South Dakota 57701-2591 605/342-4105

November 19, 1982

NOV 19 1982

Perpetual Service Corporation
P.O. Box 8062
Rapid City, South Dakota 57709

ATTN: Mr. Vic Alexander

RE: FINAL REVIEW OF DEERFIELD PARK DAM

Dear Sir:

On Tuesday, November 16, 1982, a final review of the Deerfield Park Dam was made.

The spillway construction is now complete, including the proper riprap placement, as suggested in my previous letter dated November 15, 1982. The elevation of the spillway channel is 1 to 2 feet above the design grade but should not significantly affect its performance. The crest elevation at the east end of the embankment is low, but as noted in my letter of November 15, 1982, is not critical to the performance and can be completed when the roadway construction resumes.

We, therefore, consider the dam construction to be essentially complete. Deviations in the crest width, side slope configurations and riprap placement do occur, but in our opinion do not have a significant affect on the functional performance of the structure. These and other items are primarily aesthetic and can be modified at the discretion of the owner.

Our records indicate that 151 working days have accrued, per this contract, to the final working day of November 12, 1982.

We trust this information to be sufficient. If you have any questions or desire any additional information, please contact us at your convenience.

Sincerely,

FRANCIS - MEADOR - GELLHAUS, INC.

R. RICK BAKER

R. Rick Baker, E.I.T.

RRB/er

Civil Engineering
Subsurface Soil Investigations
Soil and Materials Testing Laboratory
Land Surveying
Planning
Aerial Photography
Water Resources



AUG 29 1983

August 25, 1983

Hoskins • Western • Sonderegger, Inc.
formerly Francis-Meador-Cellhaus, Inc.
1823 Main Street
Rapid City, South Dakota 57701
605/342-4105

Perpetual Service Corporation
Attn: Mr. Vic Alexander
P.O. Box 8068
Rapid City, South Dakota 57709

RE: DEERFIELD PARK DAM AND FISH POND
LOCATION DESCRIPTIONS



Dear Vic:

As requested, we have completed the location descriptions for the referenced project. The descriptions provide the location of the approximate center of each respective embankment referenced to an identified property location. The location descriptions are tabulated below;

DEERFIELD PARK DAM

<u>Reference Point</u>	<u>Bearing & Distance to Approximate Embankment Center</u>
1. W $\frac{1}{4}$ corner, Sec. 1, T1S, R3E, BHM	North 38° 24' 4" East - 536 Feet
2. SW corner, Sec. 1, T1S, R3E, BHM	North 6° 11' 27" East - 3,080 Feet

DEERFIELD PARK FISH POND

1. W $\frac{1}{4}$ corner, Sec. 1, T1S, R3E, BHM	South 6° 39' 43" East - 1,929 Feet
2. SW corner, Sec. 1, T1S, R3E, BHM	North 17° 51' 24" East - 764 Feet

We trust this information is sufficient. If you have any questions or need any additional information, please contact us.

Sincerely,

HOSKINS-WESTERN-SONDEREGGER, INC.

R. RICK BAKER

R. Rick Baker, P.E.
RRB/ser

cc: File 83/5245

10/20/110
Upper Cheyenne Water Right No. 1709-2

- 1. Considered _____ 19 ____
- 2. Name of Applicant JARVIS OLSON
- 3. Post Office Address P.O. BOX 2470 - RAPID CITY, S.D.
- 4. Amount of Water Claimed 100 AC. FT. ANN.
- 5. Source of Water Supply SO. SLATE & SLATE CREEK
- 6. Water to be used for RECREATIONAL
- 7. Acres to be Irrigated _____ maximum _____ acre feet _____
- 8. Water to be diverted and used in PENNINGTON County
about 6W 5 miles NORTH of HILL CITY

9. PROOF OF PUBLICATION Received 7/19/80
to be brought before the Commission
Not Received Not published in the paper
to be published in the paper
Approved 7/24/80
Subject to _____
Not Approved _____
Action deferred _____

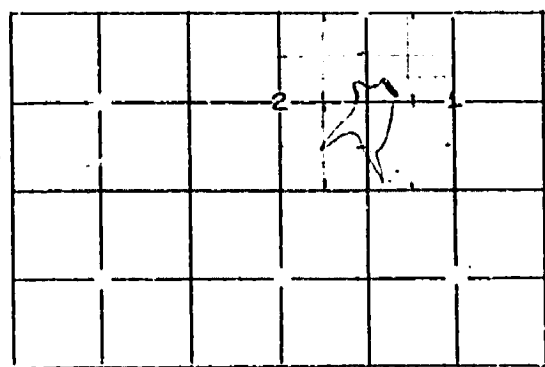
5/14/80 called - Newspaper did not
receive Adv. notice - mailed from this office
April 30, 1980 - have to be re-advised
for July meeting.

Priority Date
3-11-80 Received 3-11-80 Application Complete (yes) no FEE 150⁰⁰
Remarks School, Dam Safety Insp. dam statement inside.

Needed dam specs
Date information and/or
fee or corrected Application received 4-1-80
Period of Annual use CONTINUOUSLY
Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes _____ no _____ Remarks _____

WATER
QUALITY
N/A

Disapproved _____ Returned _____
Diversion Point SW⁴ NW⁴ Section 1-1S-3E



Lands to be Irrigated _____

WELL
LOG

Remarks 40' DAM - 34 ACRES SURFACE AREA
DRAINAGE ABOVE DAM 6,400 ACRES
Driller _____ Licensed yes _____ no _____
Depth _____

MAP Map No. 1468-2 Map located in Water Right X Map file _____

Type of Map Drawn Prepared by 7 - Reg. Land Surveyor

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-22-80.

Betty Westlund
(Signed)

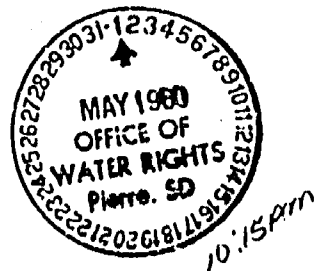
+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)



No. 1709-2

Map No. 1468-2 Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10120110

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Jarvis Olson Phone No. 342-7310
Post Office Address P. O. Box 2470, Rapid City State South Dakota
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Olson Park

4. Amount of water claimed (cubic feet per second) 100 acre/feet annually

5. Source of water supply Slate Creek and Slate Creek

6. Location of point of diversion 750' W 200' E of SW Corner Section 1 T1S R3E MAIN
660' N 4620' E of SW Corner Section 36 T1R3E METERING

County Pennington

7. Annual period or periods during which water is to be used recreational lake-no consumption of water

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) recreational

9. For irrigation use, none Total number of acres to be irrigated -0-

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 months years. Additional time required to complete application of water to the proposed beneficial use 1 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

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

Build an artificial lake

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 50,000.00

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

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Jarvis Olson, 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 Jarvis J. Olson
Subscribed and sworn to before me this 28th day of April, 1980
Jayne M. Schaefer
Notary Public (or other qualified officer)
My commission expires: 8-13-87

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1709-2

JARVIS OLSON
(Applicant)

Box 2470, RAPID CITY
(Post Office Address)

SOUTH DAKOTA 57701
(State)

With the following qualifications.

**THIS PERMIT AUTHORIZES STORAGE OF 100 ACRE FEET
OF WATER ANNUALLY**

Date of first receipt of application MARCH 11, 1980

Date of return to applicant for correction, amendments or changes required MARCH 11, 1980

Date of receipt of corrected application MAY 1, 1980

Approved JULY 24, 1980, Recorded in Book 21 Page 220

WATER RIGHT PERMIT NO. 1709-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1709-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 11, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 24, 1981
3. The whole of said work is to be completed on or before JULY, SEPTEMBER 24, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 24, 1983
5. The water appropriated shall be used for the purpose of RECREATION

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 100 ACRE FEET ANNUALLY, 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 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 usually and beneficially applied **USED FOR RECREATIONAL PURPOSES**

for irrigation on or before SEPTEMBER 24, 1983, said water to be used in the following described annual period: JULY CONTINUOUS

Witness my hand this 30TH day of JULY, 1980

THE WATER MANAGEMENT BOARD

By: John Hatch
City Engineer Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 34 acres _____, Depth Average 10 ft. MAIN
5 acres _____ Average 8 ft. METERING

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

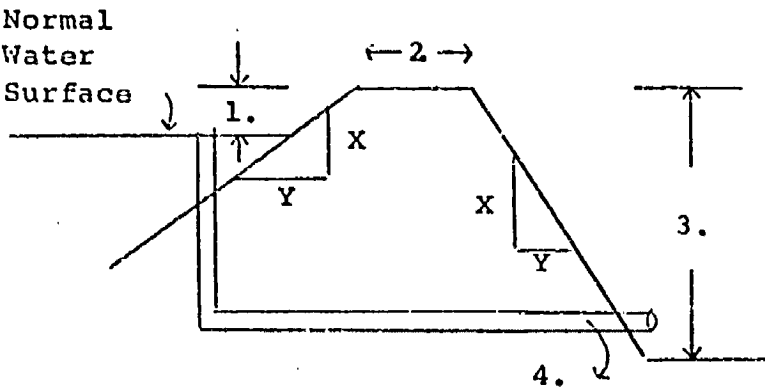
Depth to top of water bearing material _____
Depth to bottom of water bearing material _____
Depth to water (ground surface to water level) _____

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

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

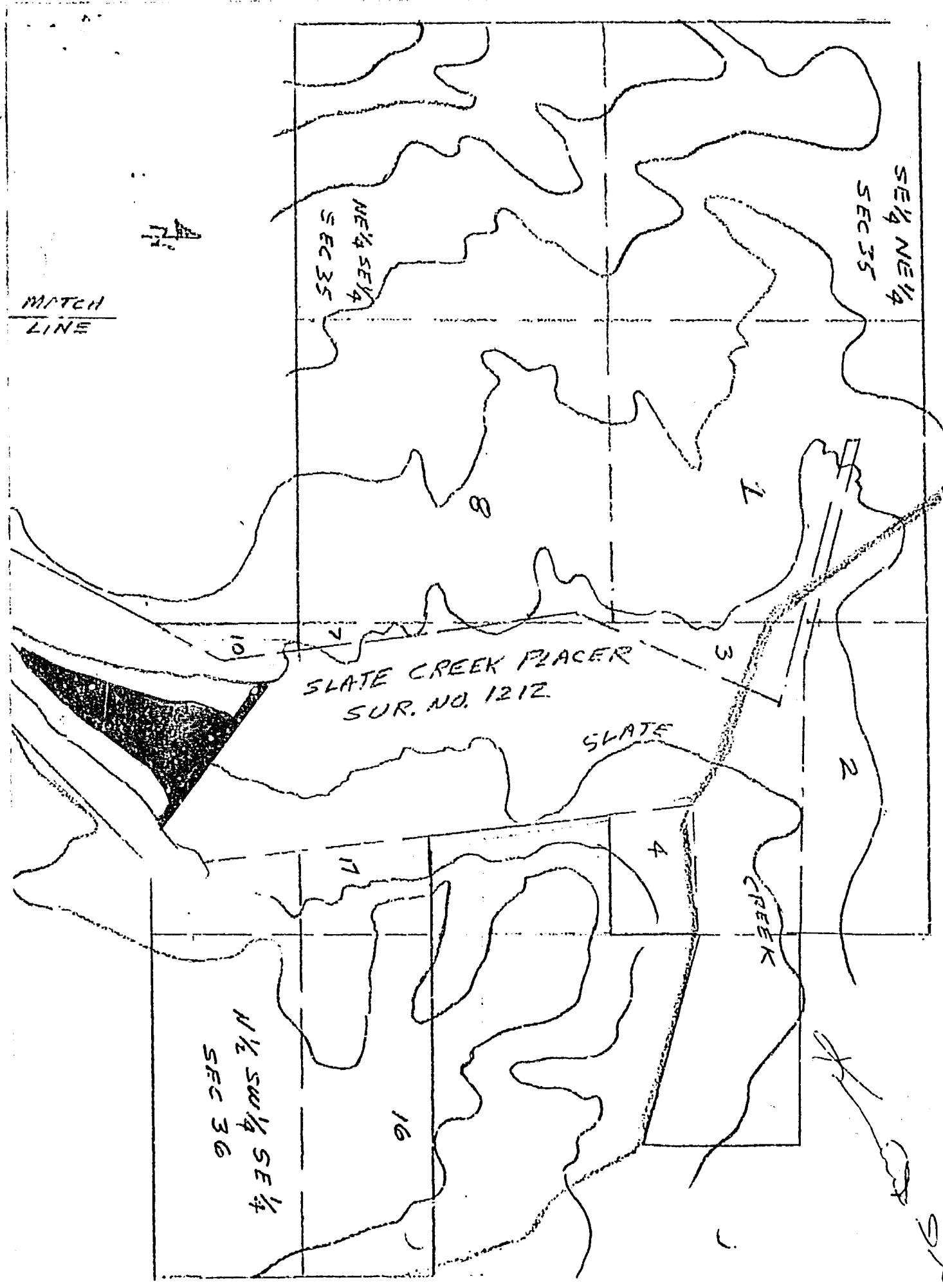
G. Water Storage Dams

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



	MAIN	METERING
1. Freeboard	10'	5'
2. Crest width	20'	10'
3. Height of Dam	40'	15'
4. Outlet dimensions:		
Pipe diameter	12"	12"
Spillway width	12'	6'
X & Y slope:		
Upstream	4:1	1 1/2 : 1
Downstream	1:1	1 1/2 : 1
Surface area of impoundment		
34 Acres		5 Acres
Drainage area above dam		
6,400 Acres		6,400 Acres

X
James J. Olson
Signature of Applicant



R 3 E

MATCH
LINE

5840
SLATE CREEK PLACIER

5800

SUR. NO. 1212

$S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$
SEC 2

6000

$W\frac{1}{2}SW\frac{1}{4}$
SEC 1

5880

6000

SOUTH
SLATE
CREEK

$E\frac{1}{2}SE\frac{1}{4}$
SEC 2

6000

$NE\frac{1}{4}NE\frac{1}{4}$
SEC. 11

SLATE CREEK



T-5

Handwritten signature or initials

No. 1709-2

Publish first publication, on or before June 20, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 4, 1980

Notice is hereby given Jarvis Olson whose post office

address is Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 100 acre ~~XXXXXX~~ feet of

Annually
water ~~from the Rapid City area~~ from South Slote Creek and Slote Creek through the

Olson Park, the point ~~(s)~~ of diversion of which is ~~(s)~~ to be located

In the SW 1/4 NW 1/4

of Section 1, Twp. 15, Range 3E. Said water to be used for the purpose of providing ~~water for domestic use of the following domestic users~~

water for recreational purposes

This Application No. 1709-2 will be considered by the Water Management Board at Hunting Room #1, Knelp Building
Church & Illinois, Pierre, SD upon the 24th day of July, 1980

at 10 AM. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRP, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Jarvis Olson, & J Mark Neimayr
Box 2470, Rapid City, SD 57701

BETTY WESTLUND
Water Rights Specialist

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

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 20, 1980

June 27, 1980

Mary K. Garness
(Signature)

Bookkeeper
(Title)

June 27, 1980

(Date Signed)

June 26, 27
NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER
No. 1729
Pierre, South Dakota 57501
June 4, 1980

Notice is hereby given, Jarvis Olson
whose post office address is Rapid City,
South Dakota, has made an application in
accordance with the provisions of SDCL
45-1-1 thru 45-1-4, 45-1-14, 45-1-19 thru 45-2-
1, 45-2-13, 45-2-14, 45-2-15, 45-2-16 thru
45-2-22, 45-2-41, and Board Rule AHSD
52:01:01 01 thru 52:01:01:12, for a permit
to appropriate for beneficial use 180 acre
feet of water annually from South State
Creek a State Creek through the Olson
Farm, the point of diversion at which it is
to be located in the SW 1/4 of Section 1,
Twp. 15, Range 56, Sand water to be used
for the purpose of providing water for
recreational purposes.

This Application No. 1729 will be con-
sidered by the Water Management Board
at Meeting Room No. 1, Knott Building,
Church & Illinois, Pierre, S.D. upon the
17th day of July, 1980 at 10 A.M. The
Board is authorized to make a determina-
tion as to the application at the hearing. All
interested persons may appear and be
heard. Any person who may be affected
by a Board decision who desires to pre-
sent evidence or cross-examine
witnesses according to SDCL 45-2-12 may
notify the Board in writing prior to the
hearing or orally at the hearing.

This hearing is a public hearing and
any person has the right to be
present or to be represented by a lawyer.
Those and other due process rights will
be afforded if they are not exercised at
the hearing. Decisions of the Board may
be appealed to the Courts as provided by
law.

Any interested person wishing to at-
tend this hearing can contact the Water
Rights Division, DWR, Joe Ross
Building, Pierre, S.D., prior to the hear-
ing date for assistance to assure access to
the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist





PERPETUAL SERVICE CORPORATION



5/23/80 4298-3 *withdrawn*
recognized the withdrawal request

May 16, 1980



Mr. Dennis Decker
930 Idaho, S.E.
Huron, South Dakota 57350

Dear Mr. Decker:

In accordance with our telephone conversation earlier this afternoon, here is a letter of explanation regarding the dilemma of the Jarvis Olson water appropriation application.

I am the attorney for Perpetual Service Corporation of Rapid City. Perpetual Service Corporation and Mr. Olson entered into a joint venture agreement to develop some land Mr. Olson owned in the Black Hills. The development plans called for building a pond by damming up a small stream hence the need for an application to appropriate water.

The Department of Water and Natural Resources received Mr. Olson's application March 11, 1980. Their office approved the application and on April 30 sent a letter to Mr. Olson and the Rapid City Journal, instructing the Journal to publish a Notice of Hearing on Application to Appropriate Water. The notice was enclosed and was to be published for two consecutive weeks upon receiving verification from the applicant. The first publication had to be on or before May 9, 1980 if the requirements of SDCL 46-5-17 were to be met and the matter heard at the May 22 Water Commission meeting. As Perpetual Service Corporation's attorney, I called the Journal on May 5th or 6th to verify that the notice was to be published. The woman in charge of the legal ads department was on her lunch break so I talked to someone else, told her who I was and that I wanted to verify that the notice was to be published per the instructions in the April 30 letter from the Department of Water and Natural Resources. She said fine and that was the end of the conversation. However, on May 9th there was no notice published in the Journal. On May 12th I talked to the woman in charge of legal ads and asked why the notice had not run on the 9th. She said she had not been told about the verification and in fact had never even received the letter from Pierre. As a result of all this the application will not be able to be heard on May 22 but will instead have to wait until the July meeting.

Assuming approval will be granted, the problem now is that construction will be delayed approximately two months. This delay occurs in the middle of the construction season. If these two months are lost, the project may have to be postponed until next year.

In light of the aforementioned circumstances, Mr. Olson and Perpetual Service Corporation request that a special meeting be held as soon as possible to consider this application.

As we discussed on the phone, I can be available on May 22 or 23 to answer any questions the Board may have.

Sincerely,

J. Mark Neumayr

J. Mark Neumayr
Counsel for Perpetual Service Corporation

1709-2

May 20, 1980

J Mark Neumayr
Perpetual Service Corp.
916 Main Street
Rapid City, SD 57701

Dear Mr. Neumayr:

This is to confirm our phone conversation regarding the notice for the Jarvis Olson application No. 1709-2.

We received, this date, the first publication notice published May 14, 1980. As you are aware, SDCL states, publication of notice must occur once each week for at least two consecutive weeks. The second publication must occur at least four days before the first day of the Commission meeting.

The publication notice will not meet the requirements of the State Laws, therefore, it will have to be readvertised for the July 24-25, 1980 meeting. The cost of the readvertisement will be at the applicants expense.

If you have any questions, feel free to contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

1709-2

Water Rights, Water Management Division
(605) 773-3352

May 23, 1980

J. Mark Neumayr
Counsel for Perpetual Service Corporation
P.O. Box 2720
Rapid City, SD 57709

Dear Mr. Neumayr:

Your letter to Chairman Decker was brought to the attention of the Water Management Board at its meeting on April 11, 1980.

The Board took no action on the request for a special meeting, so the application will be considered at the July 24, 1980 meeting of the Board.

If you have further questions, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/bt



PERPETUAL SERVICE CORPORATION



May 16, 1980

Mr. Dennis Decker
930 Idaho, S.E.
Huron, South Dakota 57350

Dear Mr. Decker:

In accordance with our telephone conversation earlier this afternoon, here is a letter of explanation regarding the dilemma of the Jarvis Olson water appropriation application.

I am the attorney for Perpetual Service Corporation of Rapid City. Perpetual Service Corporation and Mr. Olson entered into a joint venture agreement to develop some land Mr. Olson owned in the Black Hills. The development plans called for building a pond by damming up a small stream hence the need for an application to appropriate water.

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Assuming approval will be granted, the problem now is that construction will be delayed approximately two months. This delay occurs in the middle of the construction season. If these two months are lost, the project may have to be postponed until next year.

Mr. Dennis Decker

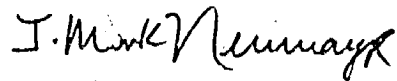
May 16, 1980

Page 2

In light of the aforementioned circumstances, Mr. Olson and Perpetual Service Corporation request that a special meeting be held as soon as possible to consider this application.

As we discussed on the phone, I can be available on May 22 or 23 to answer any questions the Board may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Mark Neumayr". The signature is fluid and cursive, with the first name "J. Mark" and last name "Neumayr" clearly distinguishable.

J. Mark Neumayr
Counsel for Perpetual Service Corporation

JMN:jk

RECEIPT

Division of Water Rights

No 4 9363

South Dakota Department of Water and Natural Resources

Pierre, September 26, 1982

RECEIVED OF Deerfield Park Parcel, s/o Perpetual Service Corp., Box 8068, Rapid City, SD
the following amount in fees for services rendered as provided for by law: 57709

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 WR# 1709-2 4	2	50
Fee for Filing Extension Request for WR# 1709-2 4	2	50
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	5 00

By John Hatch
Chief Engineer JOHN HATCH/ms

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

Date September 19, 1983

This is to notify you that Water Permit No. 1709-2 for storage dams located 750'N and 200'E of SW corner Section 1, T1S, R3E (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and 660'N 4620'E of SW corner Section 36, T1N, R3E (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

formally owned by Jarvis Olson has been transferred to Deerfield Park Parcel & Perpetual Service Corp. PO Box 8068, Rapid City SD 57709

together with any rights to the beneficial use of water thereon.

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 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF Pennington)

I, Walter B. Anderson 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 I know of my own personal knowledge that the information herein stated is true.

DEERFIELD PARK JOINT VENTURE

Walter B. Anderson
(signed) by: Walter B. Anderson, Vice-President/
Secretary of Perpetual Service Corp.,
a Co-Venturer

Subscribed and sworn to before me this 19th day of September, 1983

Jan M. Lich
(notary public)

My Commission Expires: 1-4-90

Form 13.

No. 1709-2

*Accept as will
evidence of trans-fer
(see back page)*

APPLICATION FOR EXTENSION OF TIME

TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date September 19, 1983

Dear Sirs:

In Water Right Permit No. 1709-2 it is specified that the water diversion system is to be completed by July 24, 1982 and that the water is to be put to the limit of beneficial use by July 24, 1983.

I hereby request that the date for completing the diversion system be extended to July 24, 1985 and that the date for putting the water to the limit of beneficial use be extended to July 24, 1989.

The extension of time for the completion of these works is requested for the following reasons: Bring it up to the 5 year limit.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of making this request for extension of time.

BEERFIELD PARK JOINT VENTURE

Walter B. Anderson
by: Walter B. Anderson, V-Pres/Sec of Perpetual
Service Corporation, a Co-Venturer
1709-2

Subscribed and Sworn to before me this 19th day of September, 1983.
APPROVED. 10-5-83

Board of Water Management

BY:

Permit Number
by: Don H. Krich
Notary Public
My Commission Expires: 1-4-90

1709-2

WATER RIGHTS DIVISION
(605) 773-3352

October 31, 1983

Deerfield Park Parcel
c/o Perpetual Service Corporation
Box 8068
Rapid City, South Dakota 57709

Dear Sir:

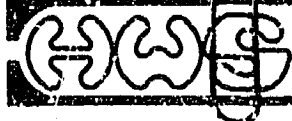
This is to inform you that your request for extension of time dated September 19, 1983 for Water Right No. 1709-2 has been approved by the Water Management Board as follows:

The date for completing construction of the water system has been extended to July 24, 1985, and the date for putting the water to the limit of beneficial use has been extended to July 24, 1989.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:JH:ms



1709-22

Hoskins • Western • Sonderegger, Inc.
formerly Francis-Meador-Celihaus Inc.
1823 Main Street
Rapid City, South Dakota 57701
605/342-4105

September 16, 1983

Perpetual Service Corp.
Attn: Mr. Vic Alexander
P.O. Box 8068
Rapid City, South Dakota 57709

SEP 19 1983

RE: SITE OBSERVATION OF DEERFIELD PARK DAM

Dear Vic:

This letter will serve as a documentation of our visit to the referenced project on September 15, 1983. The visit to the site was to observe the general operating condition of the dam.

The water level was positioned approximately 6 to 8 inches below the 60" drop inlet, and was reportedly at or near this level since spring. The valve is in good operating condition and was discharging an estimated flow of less than .5 cfs. Additional flow from the dam was occurring due to groundwater seepage into the spillway cut, seepage from the 60" drop inlet, and from the toe drain. In all cases the flow is considered normal. The spillway cut seepage is emanating predominantly from the north wall of the cut opposite from the embankment. This was expected, as groundwater was encountered in the drill holes during spillway blasting. The toe drain outlet was causing some minor erosion, which we remedied by rock placement around the outlet discharge area. Although the original design plans did not include an animal guard, we suggest fabrication and placement of a guard on the toe drain outlet.

In general, the dam appears to be functioning well. Wave action is being sufficiently resisted and seepage is considered normal and controlled. The general integrity of the embankment appears excellent with no surface evidence of settlement, cracking or other stress indicators. The lake perimeter looks good with the exception of a few low areas that undergo flooding with minor rises in pool elevation. These areas were not earth-filled and landscaped as planned due to the project termination.

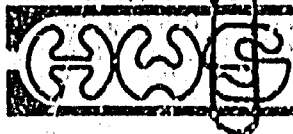
We trust this information to be sufficient. If you have any questions or need anything additional, please don't hesitate to contact us.

Sincerely,

HOSKINS-WESTERN-SONDEREGGER, INC.

R. Rick Baker

R. Rick Baker, P.E.
RRB/ser
cc: File 83/5245



1709-22

Hoskins • Western • Sonderegger, Inc.
formerly Francis-Meador-Gellhaus, Inc.
1823 Main Street
Rapid City, South Dakota 57701
(605) 342-4105

September 16, 1983

Perpetual Service Corp.
Attn: Mr. Vic Alexander
P.O. Box 8068
Rapid City, South Dakota 57709

SEP 19 1983

RE: SITE OBSERVATION OF DEERFIELD PARK DAM

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We trust this information to be sufficient. If you have any questions or need anything additional, please don't hesitate to contact us.

Sincerely,

HOSKINS-WESTERN-SONDEREGGER, INC.

R. Rick Baker

R. Rick Baker, P.E.
RRB/ser
cc: File 83/5245

NO. 1709-2



NOTICE OF TRANSFER OF WATER PERMIT

Date: 9/12/88

This is to notify you that ~~the title to the lands described as follows:~~
Water Permit No. 1709-2 for a storage dam located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1,

T1S, R3E

formerly owned by Deerfield Park Parcel & Perpetual Service Corp.
has been transferred to Deerfield Park Partnership, c/o Jeff Fullerton,
402 Main Street, Rapid City, SD 57701
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1709-2 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 SOUTH DAKOTA)
County of Pennington) ss.

I, Robert Moore 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 I know of my own personal knowledge that the information herein stated is true.

Robert E. Moore
(Signed)

Subscribed and sworn to before me this 12 Day of September, 1988.

Susan L. [Signature]
(Notary Public)

2/4/92

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411409

Pierre, September 14, 1929

RECEIVED OF Richard O. Sharpe, PO Box 290, Rapid City, SD 57709 (FOR Deerfield Park
the following amount in fees for services rendered as provided for by law: Partnership)

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. <u>permit No. 1709-2</u>	2	50
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 Hatch
Chief Engineer JOHN HATCH (ms)

 **Department of
Water & Natural Resources**

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

FEB 14 1989

1709-2
1709-2A

Deerfield Park Partnership
c/o Jeff Fullerton
402 Main St.
Rapid City SD 57701

Dear Mr. Fullerton:

Enclosed is Water License No. 1709-2A. This is the final water right document completing your process of obtaining a water right.

The applicable portions of Water Permit No. 1709-2 have been incorporated into this Water License No. 1709-2A.

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

Very truly yours,



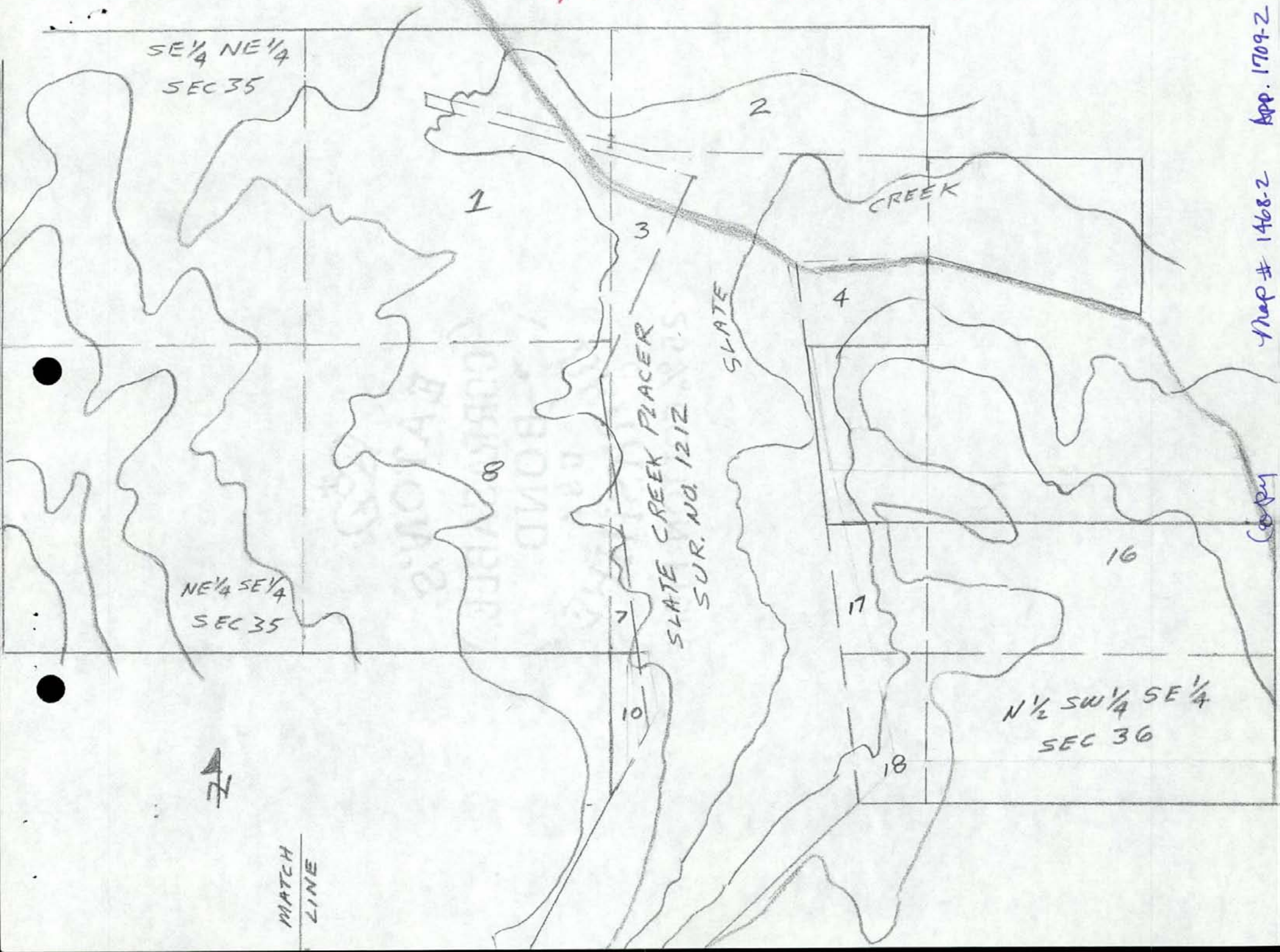
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

cc: Richard O Sharpe, Attorney
w/receipts for transfers & water license



Map # 1468-2 Appl # 1709-2



Map # 1468-2 Appl. 1709-2

Map # 1468-2 Appl. 1709-2

MATCH
LINE

5840
SLATE CREEK PLACER
SUR. NO. 1212

5800

$\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$
SEC 2

6000

6

W $\frac{1}{2}$ SW $\frac{1}{4}$
SEC 1

5880

6000

SOUTH
SLATE CREEK

E $\frac{1}{2}$ SE $\frac{1}{4}$
SEC 2

6000

5860

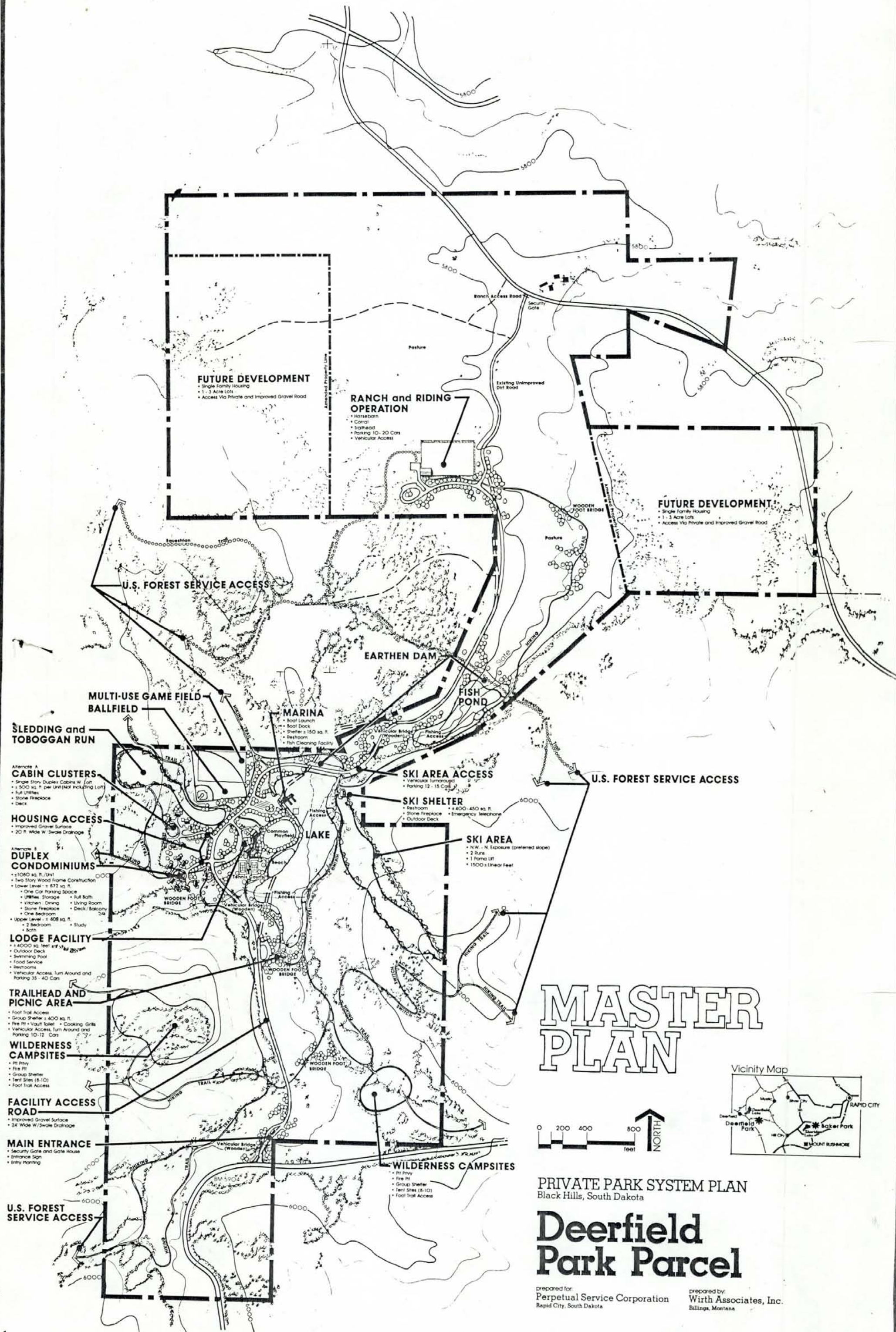
NE $\frac{1}{4}$ NE $\frac{1}{4}$
SEC. 11

SLATE CREEK



Handwritten signature

Map # 1468-2 Appl. 1709-2



MASTER PLAN



PRIVATE PARK SYSTEM PLAN
Black Hills, South Dakota

Deerfield Park Parcel

prepared for:
Perpetual Service Corporation
Rapid City, South Dakota

prepared by:
Wirth Associates, Inc.
Billings, Montana

1709-2