

1. Considered: 2-15, 1984 Water Right No. 1709-2A
 Add'l Diversion and Change of Diversion
2. Name of Applicant Deerfield Park Parcel
3. Post Office Address %Perpetual Service Corp, Box 8068, Rapid City 57709
4. Amount of Water Claimed _____ maximum acre feet 100 ac ft ann add'l
200 ac feet total
5. Source of Water Supply Slate Creek
6. Water to be used for Recreation acres to be irrigated _____
7. County Pennington about 41 miles W of Hot Springs
8. PROOF OF PUBLICATION: Received 1-13-84 Not Received _____
- APPLICATION: Approved Feb. 15, 1984 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY 9-26-83 Dated Received 9/26/83 Application complete-yes ☒ no _____ FEE 150.00

Remarks To correspond with Completion - July 24, 1985 and Beneficial Use, July 24, 1989, Extension of Time granted at WMB mtg 10/5/83

Corrected Application received _____ Period of Annual Use _____

WATER
QUALITY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

Wi-1 Description same as application-yes _____ no _____ Remarks _____

n/a

Disapproved _____ Returned _____

				x	
				x	

Diversion Point _____

SW $\frac{1}{4}$ NW $\frac{1}{4}$ (existing) Change of

Diversion in SW $\frac{1}{4}$ SW $\frac{1}{4}$ both in

Section 1-T1S0R3E

Land to be irrigated _____

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks Advertisement wording changed slightly see note. NCL 12-29-83



No. 1709-2A
 Map No. 1709-2A & 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 ☒ on 1709-2
 Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Deerfield Park Parcel Phone No. 605/348-3362
 Post Office Address % Perpetual Service Corp, Box 8068 Rapid City State SD 57702
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation South Dakota - 1971

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

3. Name of diversion work Deerfield Park Parcel

4. Amount of water claimed (cubic feet per second) 200 acre feet annually (100 ac/ft additional)

5. Source of water supply State Creek

6. Location of point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T1S, R3E Main

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T1S, R3E Metering

County Pennington

7. Annual period or periods during which water is to be used Annual - recreational lake

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

9. For irrigation use, 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 NA 2 years. Additional time required to complete application of water to the proposed beneficial use NA 4 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.
artificial lakes

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

C. Works proposed to apply water to beneficial use.

II/A

Estimated Total Cost \$ ---

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, Walter B. Anderson 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 Walter B. Anderson
 by: Walter B. Anderson, V-Pres/Sec of Perpetual Service Corp, a Co-venturer
 Subscribed and sworn to before me this 19th day of September, 1983

Don M. Kuch
 Notary Public (or other qualified officer)
 My Commission Expires: 1-4-90

WATER RIGHT APPLICATION APPROVAL

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

Deerfield Park Parcel Box 8068 Rapid City
(Applicant) (Post Office Address)

South Dakota 57709 With the following qualifications
(State)

This permit authorizes storage of 100 acre feet of water annually.

Date of first receipt of application September 26, 1983
Date of return to applicant for correction, amendments or changes required —, 19—
Date of receipt of corrected application —, 19—
Approved February 15, 1984, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 1709-2A

The Water Management Board hereby grants and issues this Water Right Permit No. 1709-2A 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 September 26, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 24, 1985
3. The whole of said work is to be completed on or before July 24, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 24, 1989
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 ac.ft 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 ~~it for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~

for irrigation on or before July 24, 1989; said water to be used during the following described annual period: January 1 thru December 31

Witness my hand this 14th day of March, 1984

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

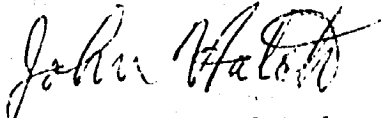
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 1709-2A, Deerfield Park Parcel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1709-2A, Deerfield Park Parcel, %Perpetual Service Corp, Box 5068, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 1709-2A because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualification:

This Permit authorizes storage of 100 acre feet of water annually.

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
December 27, 1983

REPORT ON PERMIT APPLICATION NO. 1709-2A

DEERFIELD PARK PARCEL

DECEMBER 22, 1983

Permit Application No. 1709-2A proposed to add 100 acre feet of storage in two dams and to correct the location of the metering dam. The project consists of a main dam of approximately 170 acre foot capacity and a metering dam upstream of approximately 30 acre feet capacity. The original Permit No. 1709-2 gave the location of the metering dam downstream of the main dam.

Conclusions and Recommendations

Water is available for the additional 100 acre feet of storage and no existing rights will be impaired.

Staff recommends approval of Permit Application No. 1709-2A authorizing 200 acre feet of storage in two dams.

Kevin C. Larson

KEVIN C LARSON
Water Resources Engineer

DWRN 806-7/83

WP ~~07744~~ No. 1709-2A

Instruction to Newspaper - Publish first publication of the following Notice on or before January 4, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1709-2A to Appropriate Water
and/or to Amend Water Permit ~~or Water Rights~~ No. 1709-2

Notice is hereby given that Deerfield Park Parcel whose mailing address is
c/o Perpetual Service Corp. Box 8068/Rapid City South Dakota has made an application for a permit

to amend permit No. 1709-2 to appropriate an additional 100 acre feet annually from
Slate Creek to be stored in two dams, and to ^{change} move the location of one of the dams
~~approximately one mile SW of the original location.~~ ^{change} The new location of the dam to
be in SW1/4SW1/4 of Section 1, Twp-1S, Range 3E. Said water to be used for recreational
purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 1709-2A because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense
Room, basement Capitol Building, Pierre, SD, February 15 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984.
The petition may be informal, but it must include a statement describing the petitioner's
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-5.1,~~
~~46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands)~~
~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD~~
~~74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA)~~
~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, has the right to be present or to be represented by a lawyer. These and other
due process rights will be forfeited if they are not exercised. Decisions of the Board
may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Rights Division, DWRN, Jon Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by February 3, 1984.

to amend permit No. 1709-2 to appropriate an additional 100 acre feet annually from Slate Creek to be stored in two dams and to correct the legal description of the location of one of the dams. The correct location of the dam to be in the SW1/4 of Section 1, T-1S, R-3E. Said water to be used for recreational purposes.

Karen Moore, Rapid City Journal

12-29-83 Talked to Vic. Alexander. about changing the advertising notice for 1709-2A. I told him we could change it to read as above. Also talked to Karen Moore from the R.C. Journal and confirmed the above change.
RCJ

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 Rapid City of _____

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

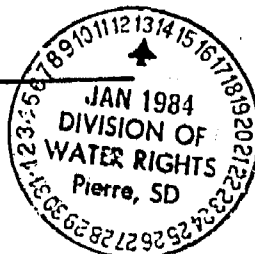
January 4, 1984

January 11, 1984

Mary K. Garness
(Signature)

Bookkeeper
(Title)

January 11, 1984
(Date Signed)



Cost of Printing: Ran 8 6/16 inch legal
advertising in the Rapid City Journal
on January 4 & 11 @ \$3.76 per inch
= \$62.98

Jan 4 11 1984
DARN 847/83
WP No. 17912
NOTICE OF HEARING ON
APPLICATION NO. 17912A
TO APPROPRIATE WATER
AND/OR TO AMEND WATER
PERMIT NO. 17912
Notice is hereby given that the
Field Park Parcel whose mailing ad-
dress is c/o Perpetual Service Corp.,
Box 899, Rapid City, South Dakota
has made an application for a permit
to amend Permit No. 17912 to ap-
propriate an additional 100 acre feet
annually from Slavy Creek to be
stored in two dams, and to correct the
legal description of the location of one
of the dams. The correct location of
the dam is to be in SW1/4SW1/4 of Section
15, Range 3E, said water to be
used for recreational purposes.
Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Divi-
sion recommends Approval of Ap-
plication No. 17912A because 1) un-
appropriated water is available, 2)
there will be no unlawful impairment of ex-
isting rights, 3) it is beneficial use of
water and 4) it is in the public interest.
This application will be considered
by the Water Management Board at
Civil Defense Room, Basement
Capitol Building, Pierre, South
Dakota, February 15, 1984 at 10:00
a.m.
The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is authorized
to make a determination on this ap-
plication after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested person
who may be affected by a Board deci-
sion and who intends to participate in
the hearing before the Board and pre-
sent evidence or cross examine
witnesses according to SDCL 126,
must file a written petition with
BOTH the Applicant and the Chief
Engineer by February 3, 1984. The
petition may be informal, but it must
include a statement describing the
petitioner's interest in the application,
the reason for the petitioner's opposi-
tion to or support of the application,
and the signature and mailing ad-
dress of the petitioner or his legal
counsel if legal counsel is obtained.
The applicant need not file a petition.
This application is made pursuant
to the provisions of SDCL 46-2:1 thru
46-2:19, 46-2:12 thru 46-2:15; 46-2:1, 46-
2:2, 46-2:11, 46-2:13, 46-2:17, 46-2:1 thru
46-2:16, 46-2:24, 46-2:25, 46-2:30, 2, 46-2:
31; 46-2A:1 thru 46-2A:15, 46-2A:12;
and Board Rules ARSD 74:02:01-01
thru 74:02:01:15.
This hearing is an adversary pro-
ceeding. The applicant or any person,
after filing a petition, has the right to
be present or to be represented by a
lawyer. These and other due process
rights will be exercised if they are not
exercised. Decisions of the Board
may be appealed to the Circuit Court
and the State Supreme Court as pro-
vided by law.
Any person wishing a copy of the
Chief Engineer's recommendation,
further information on this applica-
tion or to assure access to the hearing
by the handicapped can contact the
Water Rights Division, WWRN, Joe
Foss Bldg., Pierre, SD (605 773-3332)
for assistance prior to the hearing
date. The time of the hearing will be
automatically extended for at least
twenty days upon written request of
the applicant or any person who has
filed a petition to oppose or support
the application. The request for ex-
tension must be filed with the Chief
Engineer by February 3, 1984.

RECEIPT

Division of Water Rights

No 4 9362 -

South Dakota Department of Water and Natural Resources

Pierre, September 26, 1983

Parcel

RECEIVED OF Deerfield Park, c/o Perpetual Service Corporation, Box 8068,

the following amount in fees for services rendered as provided for by law: Rapid City, SD 57709

Fee for Application for Permit No. 1709-2 A to Appropriate Water, to construct works and to put water to beneficial use	150	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	150	00

By John Hatch
Chief Engineer JOHN HATCH (ms)

 **Department of
Water & Natural Resources**

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

1709-2

March 14, 1984

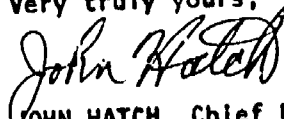
Duerfield Park Parcel
c/o Perpetual Service Corporation
Box 8068
Rapid City, SD 57709

Dear Sir:

Enclosed herewith is your Water Permit No. 1709-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1709-2.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

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

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

WNR-809-5/R3

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FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

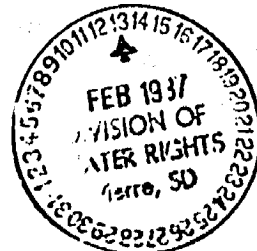
20 North Clark Street-Suite 400
Chicago, Illinois 60602
(312) 580- 1428

Receiver For:



February 9, 1987

Mr. John Hatch, Director
Division of Water Rights
Department of Water and Natural Resources
Foss Building
Pierre, S.D. 57501



Re: Deerfield Park
Pennington County, S.D.

Dear Mr. Hatch:

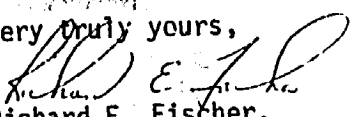
I have been informed that the dam built on Deerfield Park needs a final inspection by your department. Please have someone in your department perform the required inspection.

The dam is located on Deerfield Park parcel number two (2) Pennington County, South Dakota, as shown by plat recorded in book 19 of plats on page 175.

As the said property is locked, you will need to contact Mr. George Campbell of Western Land Brokers to get entry. Mr. Campbell has an office at 919 Main Street, Suite 103, Rapid City. His number is (605)-343-5525

Thank you.

Very truly yours,


Richard E. Fischer,
Special Representative
FSLIC As Receiver

c.c. Mr. George Campbell

MEMO

TO: Gale Selken
FROM: Tim Tollefsrud *Tim Tollefsrud*
DATE: February 26, 1987
RE: Hazard classification of Deerfield Park Dam

Perpetual Service Corp. applied for a water permit in 1981 to construct a dam near Hill City. Perpetual hired Francis-Meador-Gellhaus for engineering assistance. This office then requested a breach analysis to determine if a house located approximately one mile downstream would be effected in case of a dam failure. Francis-Meador-Gellhaus hired the services of Hoskins-Western-Sonderegger to conduct the breach analysis. The program used was "Simplified Dam-Breach Routing Procedure" used by the SCS. In this program the embankment failure occurs when the reservoir pool is at normal operation level or spillway level. The resulting flood wave from the analysis was approximately the same height as the house. From this information the dam was categorized as a category 3 dam.

I estimated the house to be approximately 10 feet above the stream channel. The hydrologic analysis shows the dam will pass near 40% of the PMF. Routing 50% of the PMF through the dam and breaching the dam produces a flood wave of 12.46 feet at the location of the house. The SCS program used in 1981 does not show the worst possible conditions that may occur when the dam fails. From this information, the hazard rating for this dam should be changed to a high hazard category 1 dam. A surveyed cross section is needed at the location of the house to determine a better approximation of the flood wave height.





Department of Water & Natural Resources

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

June 1, 1988

NOTICE

TO: Thomas W Stanton, Attorney
PO Box 290
Rapid City SD 57709

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Water Management Board Decision Concerning Deerfield
Park Dam

The Water Managemeng Board following the May 11, 1988 hearing to consider the protest to "Notice of Order to Repair, Maintain, and For Alterations of an Unsafe Dam" concerning Deerfield Park dam approved the following motion:

"that the breach analysis on Deerfield Park Dam using Soil Conservation Service TR66 completed in 1981 be accepted"

I interpret this motior to mean the Board has determined that the dam as constructed with a spillway capacity of 35% of the probably maximum flood is acceptable under the conditions of this case.

The order to repair dated June 24, 1987 in regard to the hydrologic capacity of the dam is recinded. The portion of the order which pertains to maintenance of the structure is still valid and the work is to be completed.

Any decision of the Board may be appealed to the Circuit Court and to the State Supreme Court as provided by law.

cc: Richard E. Fischer, Special Representative, FSLIC
Francis Olson, Downstream Resident
George Campbell, Western Lake Brokers
Richard Beringson, Secretary
Department of Game, Fish and Parks
Illa Cannon, Pennington County Civil Defense Director
Shirley Alexander, Pennington County Commissioner
Lloyd Rypkema, Pennington County Commissioner
Paul Ness, Pennington County Commissioner
Gladys Babcock, Pennington County Commissioner
Cheryl Kandaras, Pennington County Commissioner
Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General



CERTIFICATION

I hereby certify that on June 1, 1989 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice pertaining to Deerfield Park Dam, Pennington County to:

Thomas W Stanton, Attorney, PO Box 290, Rapid City SD 57709
Richard O. Sharpe, Attorney, Federal Savings and Loan,
PO Box 290, Rapid City SD 57709
Richard E Fischer, Special Representative, Federal Savings and
Loan Insurance Corp. 20 N Clark St. Suite 400, Chicago IL 60602
Frances Olson, Star Rt, Box 39, Hill City SD 57745
George Campbell, Western Land Brokers, 919 Main St
Rapid City SD 57701
Illa Cannon, Pennington County Civil Defense Director
St. Joe St, Rapid City SD 57701
Shirley Alexander, Pennington County Commissioner, 209 S Berry Pines Rd.
2526 Tomahawk, Rapid City SD 57702-1909
Lloyd Rypkema, Pennington County Commissioner
1305 Clark, Rapid City SD 57701
Paul Ness, Pennington County Commissioners
8704 Eagle Canyon, Rapid City SD 57701
Gladys Babcock, Pennington County Commissioner
Box C-2, Creighton SD 57729
Cheryl Kandaras, Pennington County Commissioner
201 Ray Ann St., Rapid City SD 57701

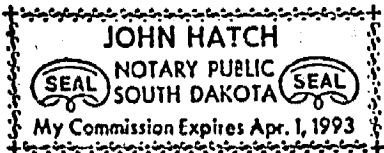
Interoffice mail to:

Richard Beringson, Secretary, Dept. of Game, Fish and Parks
Anders Building
Harold Jaering, Assistant Attorney General
John Guhin, Assistant Attorney General

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of June, 1988.



John Hatch
Notary Public



FMG, INC. 1823 West Main, Rapid City, South Dakota 57702-2591 605/342-4105

September 1, 1988

Costello, Porter Law Offices
Attn: Mr. Richard O. Sharpe
P.O. Box 290
Rapid City, SD 57709



Re: Deerfield Park - Drop Inlet Repair

Dear Mr. Sharpe:

During the previous week, Lind-Exco Inc. completed a repair of the drop inlet at the referenced project. The repair was performed to prevent leakage that has been occurring at the drop inlet joint, and requested by the SD State Division of Water Rights to be repaired. Lind-Exco Inc. grouted the joint both interior and exterior, and wrapped and sealed the joint with a rubber membrane. On this date, we made a visual observation of the repair and did not observe any leakage of the joint. The repair appears to be very well done and we would expect the drop inlet to perform as designed.

Also, on this date I had a phone conversation with Mr. Tim Schaal of the SD State Division of Water Rights and discussed the repair procedure. Mr. Schaal did not object to the procedure, and I trust the State would approve of the repair.

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

Sincerely,

FMG Inc.

R. RICK BAKER

R. Rick Baker, P.E.

c: 6426
SD Water Rights/Tim Schaal
Mr. Doug Lind
deerint.eng B

Civil Engineering
Geotechnical Engineering
Materials Testing Laboratory
Surveying
Planning
Water Resources



Department of Water & Natural Resources

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

September 7, 1988

Richard O. Sharpe, Attorney
Costello, Porter Law Offices
P.O. Box 290
Rapid City, South Dakota 57703

Dear Mr. Sharpe:

I am writing in reference to a letter we received from R. Rick Baker dated September 1, 1988 concerning the Deerfield Park Dam Drop Inlet Repair. He states that the required repair to the leaking joint in the drop inlet structure has been completed to a satisfactory condition.

This repair work, along with the Water Management Board's decision to accept the existing spillway capacity of 35% of the Probable Maximum Flood satisfies the conditions of the original NOTICE dated June 24, 1987.

If you have any questions, please contact us.

Very truly yours,

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



L

SOUTH DAKOTA
Department of
Water & Natural Resources

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

1709-2
1709-2A

September 9, 1988

Richard Sharpe, Attorney
Costello, Porter Law Offices
PO Box 290
Rapid City, SD 57709

Dear Mr. Sharpe:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 1709-2 and 1709-2A. The forms should be signed by the new owner in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The water permits will then be transferred to the proper name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

The inspection of the dam was completed and the license is ready to be issued upon receipt of a \$50.00 inspection fee from the owner. Upon licensing, Water Permit No. 1709-2 will be incorporated into Water License No. 1709-2A. As soon as ownership of the permits is settled, we will assess the \$50.00 fee and process the license.

Also enclosed is the June 20, 1988 Notice concerning validation of vested water right claims. This notice was returned to us by the post office for insufficient address. If you have any questions, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



L

COSTELLO, PORTER, HILL, HEISTERKAMP & BUSHNELL
ATTORNEYS AT LAW

200 SECURITY BUILDING #704 ST. JOSEPH STREET
MAILING ADDRESS P.O. BOX 290
RAPID CITY, SOUTH DAKOTA 57709

605-343-2410
TELECOPIER NO. 605-343-4262

J. M. COSTELLO
WILLIAM G. PORTER
DENNIS H. HILL
K. L. HEISTERKAMP
GENE R. BUSHNELL
RICHARD O. SHARPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER

THOMAS W. STANTON
ROBERT L. LEWIS
LONNIE R. BRAUN
DAVID M. DILLON
GREGORY G. STROMMEN
PATRICIA A. MEYERS
WILLIAM A. MAY
STEPHEN C. HOFF

September 12, 1988

South Dakota Department of Water
& Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

ATTENTION: Genny McMath
Natural Resources Analyst

Re: Water Permits #1709-2 and
#1709-2A

Dear Genny:

Enclosed herewith pursuant to instructions in your letter under date September 9, 1988, please find the completed Notice of Transfer of Water Permit forms on the above-referenced permits. Also enclosed is the \$5 fee which will cover the filing fees on these permits and, in addition, a check in the amount of the \$50 inspection fee.

If there is anything further which must be completed regarding this matter, please contact me at your convenience.

Sincerely,

Richard O. Sharpe
Richard O. Sharpe

ROS:skl

enclosures



NO. 1709-2A



NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
405 Building
Pierre, SD 57501

Date: 9/12/88

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

Water Permit No. 1709-2A 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/c 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. 1709-2A 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 C Moore
(Signed)

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

Susan Lindquist
(Notary Public)

2/4/92

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411410

Pierre, September 14, 19 88

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ permit No. 1709-24		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total		2 50

By J. H. Hatch
Chief Engineer JOHN HATCH (MS)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411411

Pierre, September 14 1938

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1709-2A</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (S)

LICENSE FOR PERMIT NUMBER 1709-2A
1709-2

1. Legal location of wells: _____

dams & structures: 3200' N12°E of SW corner of Sect-715-R3E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 32'

b) height to spillway 23'

c) crest width 30'

d) crest length 375'

e) spillway length 200'

f) spillway width 70'

g) approx. storage 175 acres feet

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter 12" - 30"

2) type _____

3) valued (Y/N) Y - N

4) valve type wheel - /

5) location on structure

center of - 70' E of
embankment left abutment

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

Permit No. 1709-2A
1709-2Upper Cheyenne Water District
10/20/10**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Perpetual
Service Corp of Rapid City, SD holder of
Permit No. 1709-2, bearing the priority of March 11 1980
1709-2A, bearing the priority of September 26 1983 authorizing
the diversion of 200 acre feet of the waters of Slate Creek
for recreational purposes, in Pennington County.

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

A. Works used to divert the water:

Earthen Dam approximately 32' high, crest length 375' with storage capability of 175 acre feet at spillway elevation

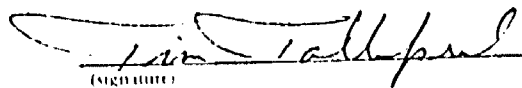
B. Works used to transport water to place of use:

Dam

C. Works used to apply water to beneficial use:

DamThe system is in the following condition GoodThe point of diversion is located 3200' N12°E from SW corner of
Section 1 - T15 - R3EThe works are capable of diverting and conveying to the place of use 175
acre feet of water which is to be used for recreation purposes

Water has been put to beneficial use to the maximum extent as follows:

Earthen dam with 175 acre feet storage ** 100 acre feet - priority of March 11, 198075 " " " " September 26, 1983comprising a total of — acres of land and the license should be issued for 175 + acre feetApplicable permit qualifications have been complied with — Yes — NoExceptions to compliance are: — Date 2/11/87

(signature)

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STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1709-2A

(1) Deerfield Park Parcel, % Perpetual Service Corporation of Box 8068, Rapid City SD 57709 made Application No. 1709-2A, September 26, 1983 for water permit to store 100 acre feet of water annually in an existing dam on Slate Creek, Pennington County, South Dakota for recreational purposes. Permit No. 1709-2A, with a priority date of September 26, 1983 was approved February 15, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 24, 1985 and for the application to beneficial use of said water on or before July 24, 1989.

The 100 acre feet of water annually authorized by Water Permit No. 1709-2A was to be stored in an existing dam authorized by Water Permit No. 1709-2.

On September 14, 1988, Water Permit Nos. 1709-2 and 1709-2A were transferred to Deerfield Park Partnership.

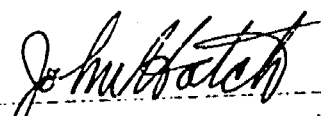
The applicable portions of Water Permit No. 1709-2 have been incorporated into this Water License No. 1709-2A. *Priority dates as they apply to the amount of storage are described in No. 2 of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 175 acre feet of water annually for beneficial use. The location of the storage dam is 3200' N12°E from the SW corner of Section 1, T1S, R3E.

*Priority dates: March 11, 1980 - 100 acre feet annually
(Permit No. 1709-2)
September 26, 1983 - 75 acre feet annually
(Permit No. 1709-2A)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 Deerfield Park Partnership, % Jeff Fullerton, 402 Main Street, Rapid City SD 57701 the holder(s) and/or owner(s) of Incorporated No. 1709-2A is issued a license to appropriate water, the right to store 175 acre feet of water annually in a dam on Slate Creek with priority dates of March 11, 1980 and September 26, 1983 from the location specified in (2) of this license. The water is to be used for the purpose of recreation. This license is subject to any limitations, conditions or qualifications listed in Incorporated No. 1709-2A and subject to South Dakota State Law.


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

FEB 14 1989

**SOUTH Dakota 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

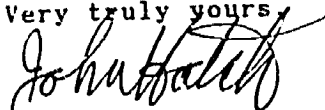
Dear Mr. Fullerton:

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 sated 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
505 773-3352

enclosures

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



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