

# **PERMITS TRANSFERRING WATER AND ACREAGE** **VESTED WATER RIGHT NO. 1736-2, CYCLONE DITCH**

|                         |                      |                 |               |
|-------------------------|----------------------|-----------------|---------------|
| <b>October 31, 1887</b> | <b>LICENSED FOR:</b> | <b>6.95 CFS</b> | <b>486 AC</b> |
| <b>May 14, 1890</b>     |                      | <b>1.15 CFS</b> | <b>80 AC</b>  |

|                                                    | <b>REDUCED BY:</b>    | <b>REMAINING:</b>  | <b>PERMIT<br/>APPROVED</b> |
|----------------------------------------------------|-----------------------|--------------------|----------------------------|
| 2655-2 CITY OF RAPID CITY<br>(David Lamb property) | 0.83 CFS*    58 ACRES | 6.12 CFS    428 AC | 12-1-2010                  |

\* Priority date – October 31, 1887

VESTED RIGHT

1. Considered January 28 19 81
2. Name of Applicant Cyclone Ditch
3. Post Office Address Box 1377, Rapid City, S.D. 57709
4. Amount of Water Claimed 8.1 (7 under 1887 priority & 1.1 under 1890 priority)
5. Source of Water Supply Rapid Creek
6. Water to be used for IRRIGATION
7. Acres to be irrigated                      maximum                      acre feet
8. Water to be diverted and used in Pennington County  
about                      miles                      of
9. PROOF OF PUBLICATION Received

Not Received                     

APPLICATION

Approved 1/28/81

Subject to                     

Not Approved                     

Action deferred                     

Priority  
1887 &  
1890

Date Received 11/19/80 Application Complete yes xx no            FEE 15.00  
Remarks                     

Date information and/or  
fee or corrected Application received                       
Period of Annual use April thru October

WATER  
QUALITY

Received yes            no            APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes            no            Remarks                     

n/a

Disapproved                     

Returned                     

Diversion Point                     

SE<sup>1</sup> SE<sup>1</sup> 8=111-8E

Lands to be irrigated                     

SW<sup>1</sup>, Sec. 15, T<sup>1</sup> & E<sup>1</sup> Sec. 22;

W<sup>1</sup> & SE<sup>1</sup>, Sec. 26 all in T<sup>1</sup>, R<sup>1</sup>

WELL  
LOG

Remarks                     

Driller                     

Licensed yes            no           

Depth

MAI Map No. V/P Map located in Water Right X Map file \_\_\_\_\_

Type of Map \_\_\_\_\_ Prepared by \_\_\_\_\_  
Copy of map by John Hamak, DWR in file

+++++

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 January 28, 1981

*[Signature]*  
(Signed) *John Hamak*  
*checked appl. over.*

+++++

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. 1736-2

Map No. V/E Water Division No. 2 UPPER CHEYENNE District  
Abode for Office Use 10120110

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

Check one of the following:

New \_\_\_\_\_ Vested Right X Future Use \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion \_\_\_\_\_

Change in Acreage \_\_\_\_\_ Additional Acreage \_\_\_\_\_

1. Name of Applicant Cyclone Ditch Phone No. 342-9136 (Secretary)Post Office Address Box 1377 Rapid City State SD 57709  
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation 24 Jun 1890, (Expired 24 Jun 1910) - Reincorporated  
27 Apr 1911, Rapid City, Pennington Co. SD. NA2. Method of accomplishing work (contract, employment of others, or by direct labor) NA3. Name of diversion work NA CYCLONE DITCH4. Amount of water claimed (cubic feet per second) 6.1 7 cfs under 1887 priority  
1 cfs under 1890 priority  
Rapid Creek

5. Source of water supply \_\_\_\_\_

6. Location of point of diversion SE 1/4 of SE 1/4, Section 8, Township One Range 8 East, B.H.M  
Pennington County, S.D.County  
April thru October

7. Annual period or periods during which water is to be used \_\_\_\_\_

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 566

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. |
|----------------------------------------------|----------------|------------------|----------------|
| <u>October 31, 1887 (CE, CF, CG, CH, CI)</u> | <u>486</u>     |                  |                |
| <u>1890 (CJ)</u>                             | <u>80</u>      |                  |                |
| <u>(see map in Water Rights office)</u>      |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system NA years. Additional time required to complete application of water to the proposed beneficial use NA years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water NA

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

diversion dam and headgate on Rapid Creek

NA

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

6 miles of ditch (6x24) ft

NA

C. Works proposed to apply water to beneficial use.

NA various laterals

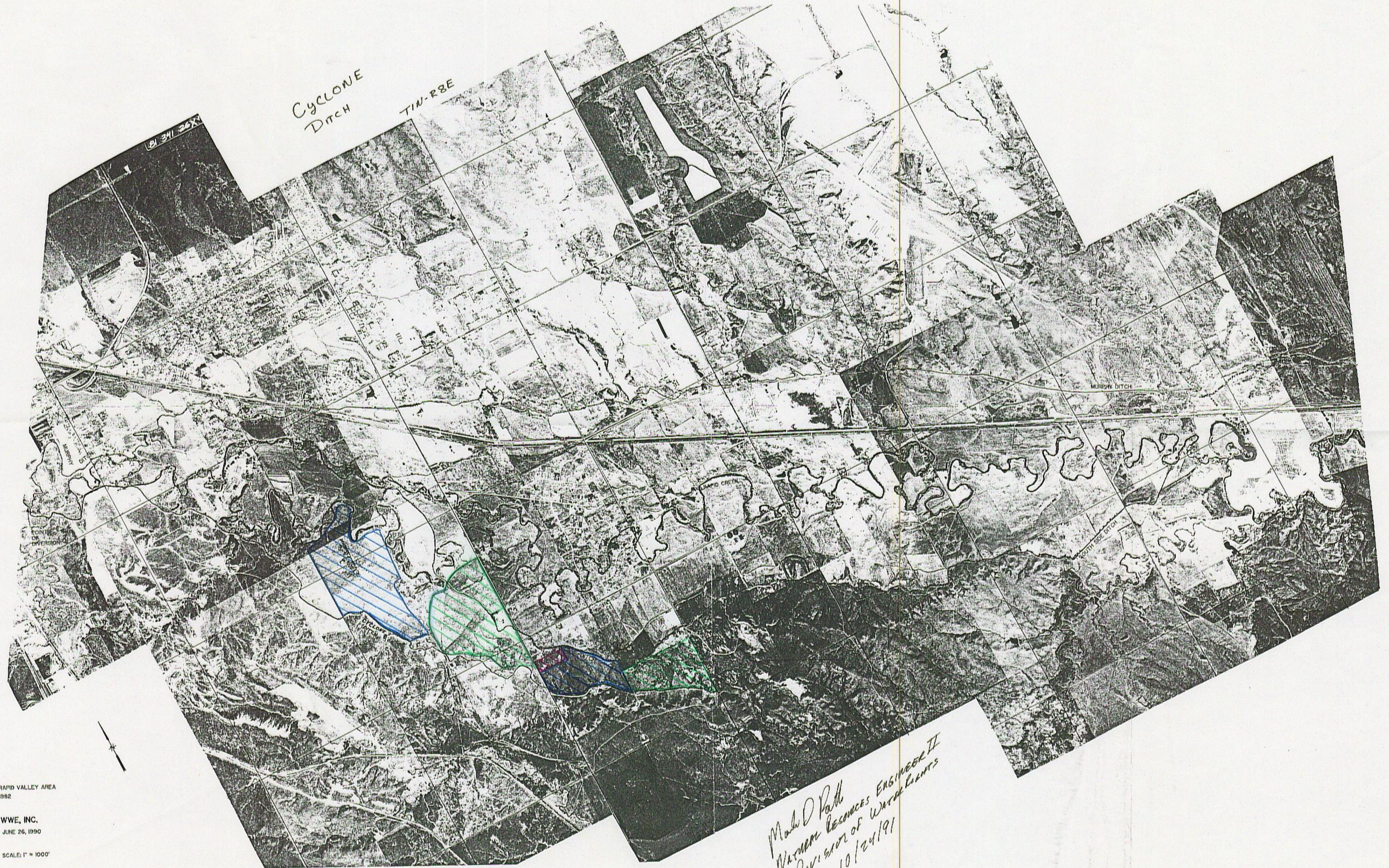
Estimated Total Cost \$ \_\_\_\_\_

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

County of pennington ss.I, Bruce E. Welton 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 constructionSigned Bruce E. Welton  
BRUCE E. Welton, President, Cyclone DitchSubscribed and sworn to before me this 17th day of November, 1980

Notary Public (or other qualified officer)



Cyclone  
Ditch

TIN-R8E

MURPHY DITCH

CHERRY CREEK

SOUTH DITCH

RAPID VALLEY AREA  
1982

WWE, INC.  
JUNE 26, 1990

SCALE: 1" = 1000'

Made O'Path  
NATURE RESOURCES ENGINEER II  
DIVISION OF WATER RIGHTS  
10/24/91

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No

1736-2

Cyclone Ditch

Box 1377, Rapid City

South Dakota (Applicant)  
57709 (State)

(Post Office Address)

With the following qualifications

"VESTED RIGHT" Claimed

Date of first receipt of application November 19 80  
Date of return to applicant for correction, amendments or changes required 19  
Date of receipt of corrected application 19  
Approved January 28 19 81, Recorded in Book 21 Page 328

WATER RIGHT PERMIT NO. 1736-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1736-2 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 7.0 c.f.s. from 1887 and 1.1 c.f.s. from 1890
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ 19
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is completed 19
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 8.1 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 for irrigation on or before This Date 19; said water to be used during the following described annual period: April thru October

Witness my hand this 4th day of February 19 81

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued FEBRUARY 4, 19 81

Water License Issued FEBRUARY 4, 19 81

1736-2 Cyclone Ditch

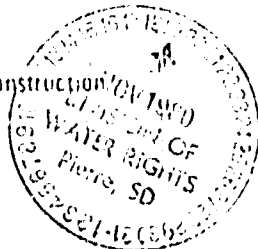
To irrigate portions of the following lands all in T1N, R8E

|                  |             | Acres                                                                         |
|------------------|-------------|-------------------------------------------------------------------------------|
| SW $\frac{1}{4}$ | Section 15  | 47                                                                            |
| W $\frac{1}{2}$  | Section 22  | 153                                                                           |
| E $\frac{1}{2}$  | Section 22  | 190 (includes a small portion of NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 27) |
| W $\frac{1}{2}$  | Section 26  | 96                                                                            |
| SE $\frac{1}{4}$ | Section 26  | 80                                                                            |
|                  |             | <hr/>                                                                         |
|                  | Total acres | 566                                                                           |

NOTE:

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction of water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE  
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**



Name of Applicant (Same as Form 2) Cyclone Ditch  
 Post Office Address Box 1377, Rapid City, State South Dakota 57709  
 If a Corporation show date and place of incorporation 24 Jun 1890, (Expired 24 Jun 1910) Reincorporated  
27 April 1911, Rapid City, Pennington Co. South Dakota

## 13. Notice of Appropriation (if available)

Date of Posting 31 October 1887 Date of Recording NA  
 Recording Data 215491, Book 6, page 296 } Register of deeds  
and 85086, page 579 } 1887

14. Date of start of construction of water supply system 188715. Date that water was first applied to beneficial use 24 Jun 189016. Name of owner of original water supply system Cyclone Ditch17. Amount of water originally applied to beneficial use 6.5 c.f.s.

## 18. Present Use of Water

Amount of water now being used 8.5 c.f.s.Date that this amount of water was first used 1890

## 19. Chronological History of Water Use

Cyclone ditch has been used for irrigation since 1890 to current date.

Court case in 1911, decreed 8 cfs to Solley and cyclone,  
 and gave Solley a priority of 2.2 cfs <sup>→ 1887</sup> and the  
 rest to cyclone under a 1887 priority.

Sometime after 1890, the Cyclone ditch began using  
 more than the 5.8 allotted them under the 1887 priority

In 1890, allocation notice was posted for additional water.

Since Solley water right is not being completely used, I suggest  
 some of it be transferred to the cyclone ditch JB

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply.  
 You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA )

County of Pennington ) ss.

I, Bruce E. Welton, the applicant, certify that I have read the foregoing and that  
 the matters therein stated are true.

Bruce E. Welton  
 BRUCE E. WELTON, President, Cyclone Ditch

Subscribed and sworn to before me this 17 day of December, 1911

James L. Haynes  
 (Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the  
 foregoing and that the matters therein stated are true.

Lee A. Hest  
Cyclone Ditch Co. - Sec. Treas.

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1736-2.

(1) WHEREAS, On the 19th day of November A. D. 1980  
the Cyclone Clitch

made Water Right Application No. 1736-2 for a Vested Right permit to use 8.1 cubic feet per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 28th day of January A. D. 1981 Vested Right Permit No. 1736-2, with a date of priority of 7.0 cfs from 1887 & 1.1 cfs from 1890

was issued to said applicant a for the diversion of said water, and <sup>recognizing</sup> ~~xxxxxx~~ the completion of construction of the water supply system therein described ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 8.1 cubic feet per second of water for beneficial use and.

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

to irrigate the following lands all in T1N, R8E

| acres      |                  |                                                                                       |
|------------|------------------|---------------------------------------------------------------------------------------|
| Section 15 | SE $\frac{1}{4}$ | 47                                                                                    |
| Section 22 | W $\frac{1}{2}$  | 153                                                                                   |
|            | E $\frac{1}{2}$  | 190 (this includes a small portion of NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 27) |
| Section 36 | W $\frac{1}{2}$  | 96                                                                                    |
|            | SE $\frac{1}{4}$ | 20                                                                                    |
| TOTAL 566  |                  |                                                                                       |

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

\_\_\_\_\_ of Rapid City, South Dakota  
the holder S and owner S **Vested Right** of said permit No. 1736-2 water right, dating from 7.0 cfs from 1887  
and 1.1 cfs from 1890 to use of 8.1 cubic feet per second of the waters  
of Rapid Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, T1N, R8E

and conducted to and upon portions of lands in Sections 15, 22, 27 and 26 all in T1N, R8E

for the purpose of irrigation

**This Water License No. 1736-2 is based on a Vested Right Claim recorded and filed  
by the Water Management Board.**

Subject to any limitations listed in Water Right Permit No. 1736-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 4th day of February A. D.  
Nineteen Hundred and Eighty One

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 1736-2

Water Diversion No. 2 Upper Cheyenne Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Cyclone Ditch

stead  
ght

Permit No. 1736-2, issued upon Application No. 1736-2, bearing date of priority of 7.1 cfs from 1887  
& 1.1 cfs from 1890 authorizing the diversion of 8.1 cu. ft. per second of the waters of Rapid Creek  
County of Pennington, State of South Dakota at  
a point in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, T1N, R8E

for Irrigation

purposes, has so complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit, that said works are recognized as  
condition for diverting and conveying to the place of intended use 8.1 cu. ft. per second of water.

Date February 2, 1981

John Hatch  
JOHN HATCH, Chief Engineer  
Water Rights Division

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 7795

PIERRE, November 25, 1930

RECEIVED OF Cyclone Ditch, Box 1377, Rapid City, SD 57709

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

|                                                                                                                    |              |
|--------------------------------------------------------------------------------------------------------------------|--------------|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... | 3.00         |
| Fee for inspecting Construction, and issuing Cert. of Construction No. ....                                        | 2.50         |
| Fee for inspecting Beneficial Use, and issuing Water License No. ....                                              | 2.50         |
| 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)                                                                                |              |
| <b>TOTAL</b> .....                                                                                                 | <b>13.00</b> |

WATER RIGHTS COMMISSION

By *(John Hatch)*  
 Chief Engineer, Executive Officer  
 JOHN HATCH (67)



1736-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 12, 1993

NOTICE

TO: Don Bradeen  
Cyclone Ditch Company  
Rt 2 Box 199  
Rapid City, SD 57701

FROM: JOHN H. JH, CHIEF ENGINEER  
Water Rights Division  
(605) 773-3352

SUBJECT: Request for Continued Sealing and Maintenance of Rapid Valley Irrigation Ditches.

Pursuant to SDCL 46-1-4, 46-2-17 and 46-7-3, I am contacting the Cyclone Ditch Company to remind the Ditch owners of the need to continue with irrigation ditch and lateral maintenance. The Water Management Board is concerned with water losses from and the maintenance of Rapid Valley Ditches. Targeted areas include: repair and sealing of identified high seepage areas within the ditch, small tree and brush removal, and ditch channel cleaning and shaping.

I am requesting that Cyclone Ditch Company submit, to the Division of Water Rights by August 1, 1993, a list of repairs and improvements performed on the ditch since August 1, 1992.

If you have any questions, please contact Mark Rath or Del Brosz, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: Rapid Valley Water Conservancy District  
US Bureau of Reclamation

1736-2

CERTIFICATION

I hereby certify that on March 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 1993, regarding Request for Continued Sealing and Maintenance of Rapid Valley Irrigation Ditches addressed as stated below, and the attached:

Jerry Hammerquist, Rapid Valley Water Conservancy District, Box 26, Caputa, SD 57725.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Belle Fourche, SD 57760.

Blind Copy Sent To:

John West, Pennington County Extension Office, 601 Centre, Rapid City, SD 57701.

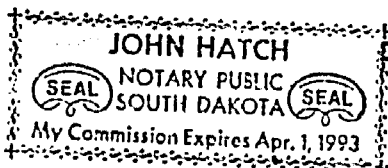
*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) SS

Sworn to, before me, this 15<sup>th</sup> day of March, 1993.

*John Hatch*  
Notary Public



**South Dakota Department of  
Water & Natural Resources**

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

December 18, 1989

**NOTICE OF REQUEST TO  
REMOVE TREES FROM DITCH**

TO: Cyclone Ditch  
c/o Don Weiland  
2429 Judy Ave  
Rapid City SD 57702

FROM: JOHN HATCH, Chief Engineer  
Water Rights Division



SUBJECT: REQUEST To Remove Trees And Brush FROM CYCLONE DITCH AND/OR RIGHTS OF WAY

Pursuant to SDCL 46-1-4, 46-2-17 and 46-7-3 Cyclone Ditch Company is REQUESTED to remove trees and brush from Cyclone Ditch, canals, laterals and/or rights of way prior to diverting water from Rapid Creek for the 1990 irrigation season. The roots of larger trees located within the ditches or on ditch embankments need to be removed and resulting holes backfilled with impervious material. Smaller trees and brush need to be trimmed to the ground and treated to prevent regrowth. Trees and brush consume water and contribute to water loss from a ditch. Decayed roots of trees located within ditches or on embankments can provide channels for water to leak or seep from the ditch. Where ditch embankments could fail and cause flooding, decaying tree roots provide channels ("piping") which can result in embankment failure.

All trees and brush that may be located within a ditch, or on ditch embankments, and/or within approximately five feet of the edge of the ditch need to be removed. Where wider rights of way exist, it may be prudent to leave older trees and shrubs that are important to adjacent property owners.

Please advise by February 2, 1990 if your Ditch Company intends to comply with this request or if you would like to have a hearing before the State Water Management Board. The Board will be meeting in Rapid City March 7 & 8, 1990.

If you have questions on this request, please contact Del Brosz (605 773-3352) or myself.

cc: Dave Lamb, Vice-President  
Lee Ahrlin, Secretary/Treasurer

1736-2

CERTIFICATION

I hereby certify that on December 18, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Request to Remove Trees From Ditch addressed as stated below:

Cyclone Ditch, c/o Don Weiland  
2429 Judy Ave.  
Rapid City, SD 57702

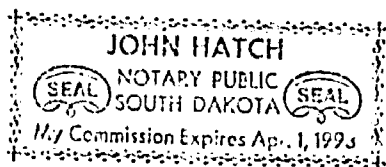
Vice President: Dave Lamb  
Rt 2, Box 160  
Rapid City, SD 57701

Secretary/Treasurer: Lee Ahrlin  
2929 5th Str.  
Rapid City, SD 57701

*Karen Schlaak*  
KAREN SCHLAACK  
Senic Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 19<sup>th</sup> day of December, 1989.



*John Hatch*  
Notary Public

1736-2

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

818 St. Joe Street

Mailing Address P. O. Box 2670  
Rapid City, South Dakota 57709

605-343-1040

Telecopier 605-343-1503

January 25, 1990

George A. Bangs  
W. A. McCullen (1943-1987)  
Joseph M. Butler  
Thomas H. Foye  
Thomas E. Simmons  
Ronald E. Clabaugh  
Charles L. Riter

Allen G. Nelson  
James P. Hurley  
Michael M. Hickey  
Mark F. Marshall  
Terry L. Hofer  
Rebecca A. McMahon  
Patrick K. Duffy



Mr. John Hatch, Chief Engineer  
Water Rights Division  
SD Dept. of Water and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Re: Notice of Request to Remove  
Trees from Ditch

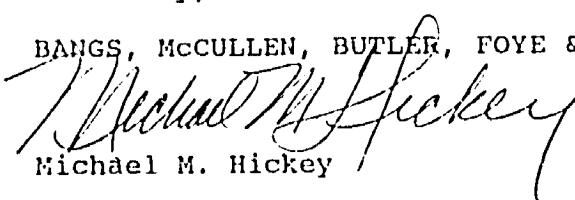
Dear Mr. Hatch:

Pursuant to your Notice dated December 18, 1989, this is to request a formal hearing before the State Water Management Board concerning your request to remove trees and brush from the various ditches, canals, laterals and rights of way prior to diverting water from Rapid Creek for the 1990 irrigation season. This request for hearing is made on behalf of Hawthorne Ditch, St. Germaine Ditch, South Side Ditch, Lonetree Ditch, Little Giant Ditch, Cyclone Ditch and Rapid Valley Ditch Co., Inc. Additionally, I would appreciate it if you would supply me with copies of any investigations, reports, memoranda or correspondence dealing with any of the issues raised by this Notice.

I thank you in advance for your anticipated assistance and cooperation, and if you have any questions or comments, please do not hesitate to contact me. Thank you.

Sincerely,

BANGS, MCCULLEN, BUTLER, FOYE & SIMMONS

  
Michael M. Hickey

MMH/dcc

cc: St. Germaine Ditch  
South Side Ditch  
Lonetree Ditch  
Hawthorne Ditch  
Little Giant Ditch  
Cyclone Ditch  
Rapid Valley Ditch Co., Inc.

1736-2

**South Dakota Department of  
Water & Natural Resources**

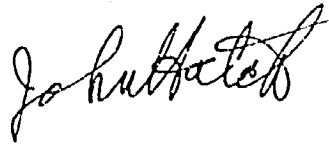
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 2, 1990

**NOTICE**

**TO:** Cyclone Ditch  
c/o Don Weiland  
2429 Judy Avenue  
Rapid City SD 57702

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



**SUBJECT:** Hearing Concerning Chief Engineer's Request to Remove Trees  
and Brush from Cyclone Ditch and/or Rights of Way

Pursuant to the Notice from the Chief Engineer dated December 18, 1989, a request was made to remove trees and brush from Cyclone Ditch, canals, laterals and/or rights of way prior to diverting water for the 1990 irrigation season. On January 26, 1990, a letter was received from Michael Hickey, attorney, requesting a hearing before the Water Management Board concerning removal of trees and brush from Cyclone Ditch.

The Water Management Board will consider this matter during a hearing scheduled for 1:30 pm on March 7, 1990, in the Roosevelt/Jefferson Room, Howard Johnson's, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 1:30 pm due to prior agenda items.

After all evidence is taken at the hearing, the Board is authorized to: 1) order removal of trees and brush from Cyclone Ditch as outlined in the Notice dated December 18, 1989, 2) take no action, 3) amend Vested Water Right No. 1736-2 to add qualifications, 4) defer action or do some combination of the above. The Board has legal authority and jurisdiction to consider this matter and may amend Vested Water Right No. 1736-2 pursuant to SDCL 46-1-4, 46-1-14, 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17 and 46-7-3.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided for by law.

**cc:** John Haak, Assistant Attorney General  
Dave Lamb, Vice President  
Lee Ahrlin, Secretary/Treasurer  
Michael M Hickey, Attorney

1736-2

CERTIFICATION

I hereby certify that on February 2, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing Concerning the of Request to Remove Trees From Ditch addressed as stated below:

Cyclone Ditch,

c/o Don Weiland  
2429 Judy Ave.  
Rapid City, SD 57702

Vice President:

Dave Lamb  
Rt 2, Box 160  
Rapid City, SD 57701

Secretary/Treasurer:

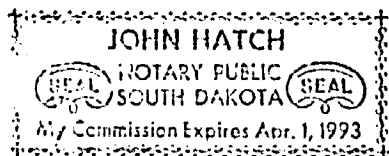
Lee Ahrlin  
2929 5th Str.  
Rapid City, SD 57701

Michael M Hickey, Attorney  
PO Box 2670  
Rapid City SD 57709

*Karen Schlaak*  
KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 6th day of February, 1990.



*John Hatch*  
Notary Public

Vested Water Right No. 1736-2

1736-2

Upper Cheyenne Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Cyclone Ditch Company of Rapid City, SD holder of Vested Water Right No. 1736-2, bearing the priority of October 31, 1887 and May 14, 1890 authorizing the diversion of 7.0 cu. ft. per second and 1.1 cu. ft. per second respectively, of the waters of surface water for irrigation purposes, in Pennington County.

Cyclone Ditch has a head gate diversion point on Rapid Creek. The ditch runs in a SE direction. Water is delivered from the ditch through farm turnouts. At the time of the inspection the ditch company had been removing trees from the ditch in accordance with the Chief Engineers request.

The advertisement for NOTICE OF INTENT TO VALIDATE VESTED RIGHT CLAIM NO. 1736-2 published June 23 and 30 1988 in the Rapid City Journal listed the priority dates as January 1, 1887 and January 1, 1890. However, the affidavit of water use submitted with the vested right claim shows the actual priority dates to be October 31, 1887 and May 14, 1890.

The system is in the following condition fair. The point of diversion is located SE1/4 SE1/4 of Section 8 T1N-R8E. The works are capable of diverting and conveying to the place of use 8.1 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Irrigation under the October 31, 1887 priority date

Land located in Sec 15 T1N-R8E: SW1/4 SW1/4 - 28 ac SE1/4 SW1/4 - 21 ac

1736-2

Land located in Sec 22 T1N-R8E: NW1/4 NW1/4 - 40 ac NE1/4 NW1/4 - 34 ac

SE1/4 NW1/4 - 40 ac SW1/4 NW1/4 - 18 ac NW1/4 SW1/4 - 1 ac NE1/4 SW1/4 - 23 ac

SE1/4 NE1/4 - 20 ac SW1/4 NE1/4 - 6 ac NW1/4 SE1/4 - 38 ac NE1/4 SE1/4 - 40 ac

SE1/4 SE1/4 - 40 ac SW1/4 SE1/4 - 30 ac

Land located in Sec 27 T1N-R8E: NE1/4 NE1/4 - 17 ac

Land located in Sec 26 T1N-R8E: NW1/4 NW1/4 15 ac NE1/4 NW1/4 - 2 ac

SE1/4 NW1/4 - 28 ac SW1/4 NW1/4 - 35 ac NE1/4 SW1/4 - 10 ac

Irrigation under the May 14, 1890 priority date:

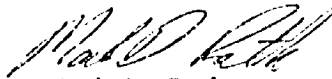
Land located in Section 26 T1N-R8E:

NW1/4 SE1/4 33 ac NE1/4 SE1/4 - 37 ac SE1/4 SE1/4 - 10 ac

comprising a total of 566 acres of land and the license should be issued for 8.1 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none Date 4/30/1991



Mark D. Rath  
Natural Resources Engineer II  
DENR, Water Rights Division



1736-

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

Jim Walraven  
President Cyclone Ditch  
3333 E 39th ST  
Rapid City, SD 57701

Dear Mr. Walraven:

I am writing this letter concerning the inspection of Cyclone Ditch that I performed on April 30, 1991. At that time I looked at irrigated lands covered by Vested Water Right Claim No. 1736-2, for Cyclone Ditch.

Enclosed is a listing of irrigated acreage covered under Vested Water Right Claim No. 1736-2. The acreage and diversion point which is listed in the enclosure is covered under the June 23 and 30, 1988 advertisement. I feel that we should proceed with the validation procedure of this vested right claim.

I have also enclosed a copy of Vested Water Right Claim 582-2. Based on the information that you gave me, there are more acres being irrigated than what is covered under this claim. I reviewed our files and found some documentation which is pertinent to this matter. The next time that I am going to be out in the Rapid City area, I will be in contact with you so that we can discuss the water rights for the golf course. Before that time if you would try to get together any information that you have concerning irrigation on the E1/2 of Section 16, I believe that it will be helpful.

If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath  
Natural Resources Engineer II  
Division of Water Rights  
(605) 773-3352

enclosure

1736-2

We have cleaned about 2  $\frac{3}{4}$  mi in the last year. Also we have removed willows & about 70 trees of various sizes. There has been an area that was burned off & another area where the ditch channel has been removed. There has been some rocks hauled in to the diversion dam to stabilize it. The tree removal & the upper portion of the ditch was halted after a threat of lawsuit by one of the land owners who is not a member of the ditch.

Don Binder  
Ditch boss on cyclone



*South Dakota*

1736-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 3, 1991

Don Bradeen  
Rt 2 Box 199  
Rapid City, SD 57701

Dear Mr. Bradeen:

I have enclosed copies of the letter and map, you submitted indicating ditch maintenance sites for Cyclone Ditch. I also want to inform you that Vested Water Right Claim No. 1736-2, Cyclone Ditch, was validated by the Water Management Board on October 1, 1991. We will issuing the water license for the validated water right, and mailing it to the ditch company in the near future.

If you have any questions, feel free to contact me.

Sincerely,



Mark D. Rath  
Natural Resources Engineer II  
Division of Water Rights

enclosure

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED



1736-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

SEP 17 1993

Don Bradeen  
Cyclone Ditch Company  
Rt 2, Box 199  
Rapid City SD 57701

Dear Mr. Bradeen:

The Water Management Board has validated the enclosed Vested Water Right No. 1736-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct priority dates.

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

Very truly yours,

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

enclosure

1736-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1736-2 FOR IRRIGATION

Date of Receipt of Claim November 19, 1980.

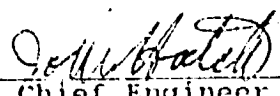
Date of Validation October 1, 1991.

The Water Management Board validated Vested Water Right Claim No. 1736-2 for irrigation purposes for the Cyclone Ditch Company, Box 1377, Rapid City SD 57709 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1736-2 appropriates 8.1 cubic feet of water per second (cfs) from Rapid Creek for irrigation of 566 acres. The point of diversion is located in the SE1/4 SE1/4 section 8 and the irrigated acreage is located in the S1/2 SW1/4 section 15; NW1/4, N1/2 SW1/4, S1/2 NE1/4, SE1/4 section 22; NE1/4 NE1/4 section 27; NW1/4, NE1/4 SW1/4, N1/2 SE1/4, SE1/4 SE1/4 section 26; all in T1N-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority dates of the Vested Water Right are January 1, 1887 for 7.0 cfs and January 1, 1890 for 1.1 cfs (see note).
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

NOTE: Vested Water Right No. 1736-2 was validated with priority dates of January 1, 1887, and January 1, 1890; however, the Affidavit of Water Use submitted with the vested right claim shows the actual priority dates to be October 31, 1887, and May 14, 1890. The vested right water license will be issued with the priority dates specified on the Affidavit.

WATER MANAGEMENT BOARD

By:  SEP 17 1993  
Chief Engineer date

Division of Water Rights  
Dept. of Environment and Natural Resources

1736-2

**STATE OF SOUTH DAKOTA**  
**REISSUED VESTED RIGHT WATER LICENSE NO. 1736-2**

(1) Cyclone Ditch Company of Box 1377, Rapid City, SD 57709, made Application No. 1736-2, November 19, 1980 for validation of a vested right claim to appropriate 8.10 cubic feet of water per second from Rapid Creek, Pennington, County, South Dakota, for irrigation purposes. Vested Water Right No. 1736-2 was validated October 1, 1991 with priority dates of January 1, 1887 and January 1, 1890<sup>\*\*</sup>. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

<sup>\*\*</sup> Vested Right No. 1736-2 was validated with priority dates of January 1, 1887 and January 1, 1890; however, the Affidavit of Water Use submitted with the vested right claim shows actual priority dates of October 31, 1887 and May 14, 1890. The water license is being reissued to correct the priority dates according to the Affidavit.

(2) The vested right owner is entitled to divert 8.10 cubic feet of water per second for beneficial use. The location of the diversion point is: SE 1/4 SE 1/4 Section 8, T1N, R8E.

The location of the irrigated acreage is: all in T1N, R8E

**PRIORITY DATE: October 31, 1887**

**Section 15**

|               |          |
|---------------|----------|
| SW 1/4 SW 1/4 | 28 acres |
| SE 1/4 SW 1/4 | 21 acres |

**Section 22**

|               |          |
|---------------|----------|
| NW 1/4 NW 1/4 | 40 acres |
| NE 1/4 NW 1/4 | 34 acres |
| SE 1/4 NW 1/4 | 40 acres |
| SW 1/4 NW 1/4 | 18 acres |
| NW 1/4 SW 1/4 | 1 acres  |
| NE 1/4 SW 1/4 | 23 acres |
| SE 1/4 NE 1/4 | 20 acres |
| SW 1/4 NE 1/4 | 6 acres  |
| NW 1/4 SE 1/4 | 38 acres |
| NE 1/4 SE 1/4 | 40 acres |
| SE 1/4 SE 1/4 | 40 acres |
| SW 1/4 SE 1/4 | 30 acres |

**Section 27**

|               |          |
|---------------|----------|
| NE 1/4 NE 1/4 | 17 acres |
|---------------|----------|

**Section 26**

|               |          |
|---------------|----------|
| NW 1/4 NW 1/4 | 15 acres |
| NE 1/4 NW 1/4 | 2 acres  |
| SE 1/4 NW 1/4 | 28 acres |
| SW 1/4 NW 1/4 | 35 acres |
| NE 1/4 SW 1/4 | 10 acres |

|          |           |
|----------|-----------|
| SUBTOTAL | 486 acres |
|----------|-----------|

1736-2

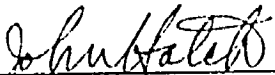
VESTED RIGHT WATER LICENSE NO. 1736-2  
CYCLONE DITCH COMPANY  
PAGE 2

Location of irrigated acreage continued: all in T1N, R8E

PRIORITY DATE: May 14, 1890

|                   |          |             |           |
|-------------------|----------|-------------|-----------|
| <u>Section 26</u> |          |             |           |
| NW 1/4 SE 1/4     | 33 acres | GRAND TOTAL | 566 ACRES |
| NE 1/4 SE 1/4     | 37 acres | FOR BOTH    |           |
| SE 1/4 SE 1/4     | 10 acres | PRIORITY    |           |
|                   |          | DATES       |           |
| SUBTOTAL          | 80 acres |             |           |

(3) Pursuant to Section 46-5-30.1 the Cyclone Ditch Company of Box 1377, Rapid City, SD 57709 the holders and/or owners of Vested Water Right No. 1736-2 is issued a license to appropriate 8.1 cubic feet of water per second from Rapid Creek with priority dates of October 31, 1887 and May 14, 1890 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1736-2 and subject to South Dakota State Law.

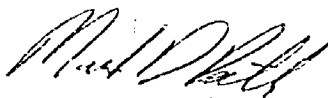
 SEP 17 1993  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources

1736-

Water Rights Division - DENR  
Conversation or File Documentation

Name of Person: Sue Drysdale, Realator File No. 1736-2  
Address: Rapid City County: Pennington  
Date: 10/5/93 Telephone: 341-4300  
RE: Cyclone Ditch legal description

Comments: Sue Drysdale called concerning land that a party was purchasing in the Rapid Valley in the NW1/4 and the SW1/4 of Section 26 T1N-R8E. Ms. Drysdale wanted to know if the land in Lot 3 had irrigation water rights on it. She faxed me a copy of a survey map for Lots 2 and 3. From this I told her the land in Lot 3 is in the NW1/4 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4 and possibly small portions in NE1/4 NW1/4 and SE1/4 NW1/4 of Section 26 T1N-R8E. I told that that the water rights irrigating the land with these legal descriptions had been validated by the Water Management Board under Vested Water Right No. 1736-2, Cyclone Ditch. I told her based on our records the water rights for this land were still active.



Mark D Rath  
Natural Resources Engineer

Mark 1736-2

# PLAT OF LOTS 2 AND 3 OF TRACT 3 SMITH ADDITION

ED IN THE N 1/2 OF THE SW 1/4 AND IN THE NW 1/4 OF SECTION 26, T-1-N,  
PENNINGTON COUNTY, SOUTH DAKOTA

All major drainage easements shown hereon shall be kept free of all obstructions including, but not limited to: buildings, wells, fences, hedges, trees or shrubs. These easements grant to all public authorities the right to construct, operate, maintain and repair such improvements as it deems expedient to facilitate drainage from any source.

2 23  
7 26

LOT DR

LOT 2  
20.392 AC.

LOT 3  
20.392 AC.

LOT 1

RESERVOIR ROAD

80' Wide Section Line 6.0 M

vide Easement for Utilities and Access to Lot 1 (for record)

α Irrigation Easement (for record)

S 24°06'06" W 33.42'

S 81°00'37" W 21.92'

N 0°14'40" E 24.31'

ACCESS EASEMENT

Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

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Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

N 10°14'50" W 11.51'

Section 1/4 Line

N 10°14'50" W 11.51'

## LINE TABLE

|     |                      |                    |                 |
|-----|----------------------|--------------------|-----------------|
| L1  | - S 70°08'30" E 60.0 | S 70°07'32" E 60.0 | - 100.07' 100.0 |
| L2  | - S 44°22'30" E 60.0 | S 44°23'25" E 60.0 | - 222.87' 60.0  |
| L3  | - S 70°08'30" E 60.0 | S 70°07'32" E 60.0 | - 100.07' 100.0 |
| L4  | - S 07°13'29" W 60.0 | S 07°13'25" W -    | - 184.85' 60.0  |
| L5  | - N 84°16'08" E 60.0 | N 84°17'14" E 60.0 | - 89.89' 60.0   |
| L6  | - N 70°20'32" E 60.0 | N 70°18'45" E 60.0 | - 120.43' 60.0  |
| L7  | - N 00°33'43" W 60.0 | N 00°32'03" E 60.0 | - 120.00' 60.0  |
| L8  | - N 04°00'04" E 60.0 | N 04°01'33" E 60.0 | - 154.70' 60.0  |
| L9  | - N 84°01'38" E 60.0 | -                  | - 140.06' 60.0  |
| L10 | - N 05°07'10" E 60.0 | N 05°08'08" E 60.0 | - 142.40' 60.0  |
| L11 | - N 04°33'43" E 60.0 | -                  | - 221.81' 60.0  |
| L12 | - N 38°38'18" W 60.0 | N 38°43'30" W 60.0 | - 107.81' 60.0  |
| L13 | - N 00°04'20" E 60.0 | N 00°12'40" E 60.0 | - 919.08' 60.0  |
| L14 | - N 04°31'30" E 60.0 | -                  | - 11.31' 60.0   |

SCAL  
SEPT

## Found Monument

Set 5/8" Rebar with Survey Cap  
"Hanner - 2652 and Speerlich"

Set 5/8" Rebar (N/A Caps) at C  
N O W, PC's & PT's

(M) Measured This Survey

(H) Recorded in a Previous Plat  
or Description

Utility & Minor Drainage Easement  
all Rear and Side Lot Lines

## STATE OF SOUTH DAKOTA County of Pennington s.s.

Joseph R. Lipp and Marcella Lipp, do hereby certify that we are owners of the tract of land shown and described hereon, that the was done at our request for the purposes indicated hereon, and we do hereby approve the within plat of said land, and that the layout of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Land shown on the within plat as described to public right-of-way hereby dedicated to public use and public utility use as such, but such dedication shall not be construed to be a donation hereof of such land.

In witness whereof, I, have set my hand and seals.

Joseph R. Lipp

## CERTIFICATE OF SURVEYOR State of South Dakota County of Pennington s.s.

I, Gary D. Hanner, Registered Land Surveyor No. 2652 of South Dakota, do hereby certify that at the request of listed hereon, I have surveyed the tract of land shown hereof by my knowledge and belief, the within plat is a true and correct survey.

In witness whereof, I have hereunto set my hand and seal day of \_\_\_\_\_, 19\_\_\_\_.

REGISTERED LAND SURVEYOR: Gary D. Hanner, LS 2652

RESOLUTION BY GOVERNING BOARD  
State of South Dakota



1736-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

August 23, 1993

NOTICE

TO: Don Bradeen  
Cyclone Ditch Company  
Rt 2 Box 199  
Rapid City, SD 57701

FROM: JOHN HATCH, CHIEF ENGINEER  
Water Rights Division  
(605) 773-3352 *John Hatch*

SUBJECT: Failure to submit list of completed ditch repairs and  
maintenance for the past year that was due August 1,  
1993.

Our records indicate that Cyclone Ditch Company has failed to  
submit a list of repairs and improvements performed on the ditch  
since August 1, 1992 as required per the March 12, 1993 Notice.  
Please submit this list to the Division of Water Rights by  
September 10, 1993

If you have any questions, please contact Mark Rath or Del Brosz,  
Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501.  
Phone (605) 773-3352.

cy: Rapid Valley Water Conservancy District  
US Bureau of Reclamation

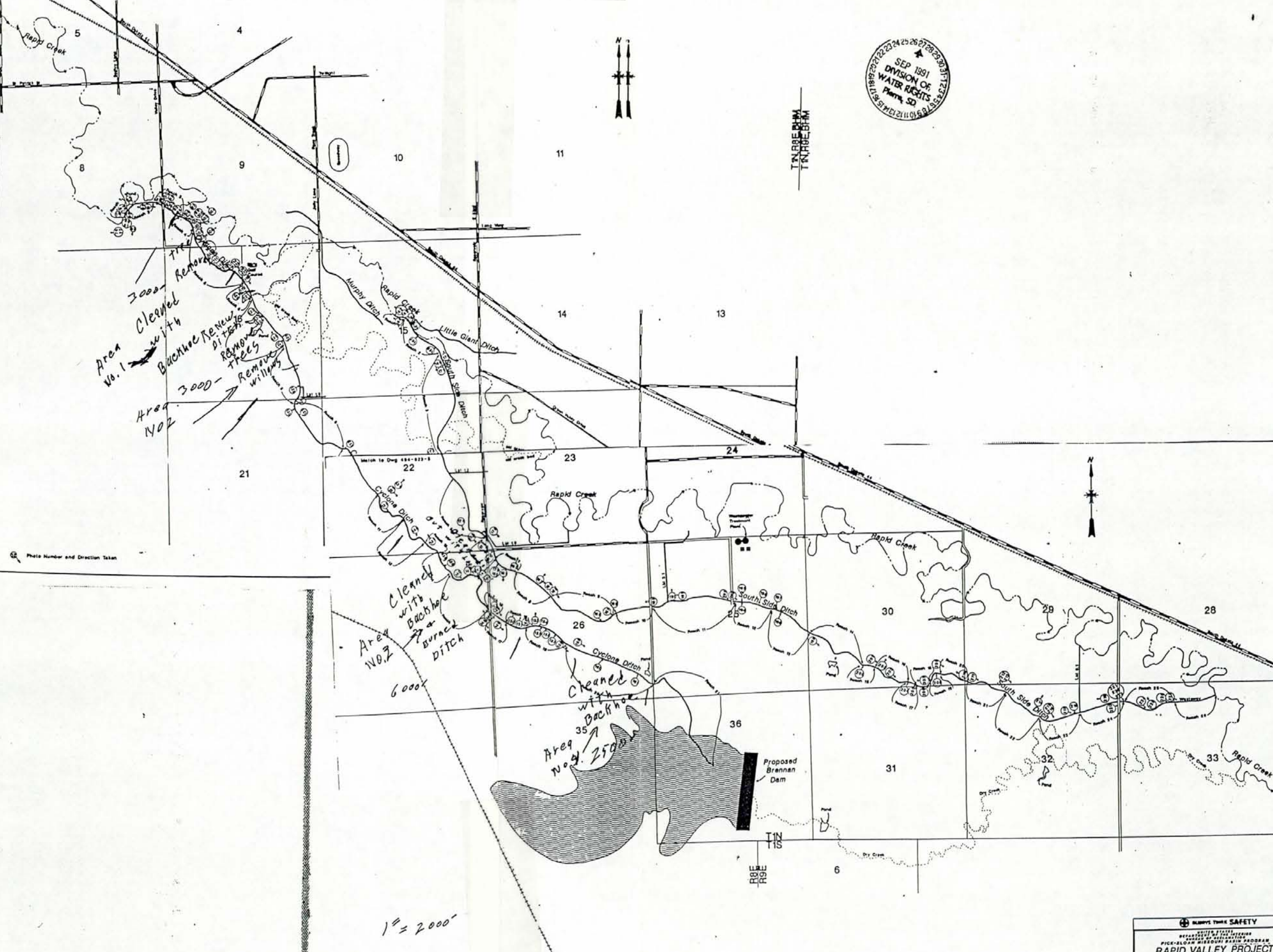


Photo Number and Direction Taken

**NEVER THINK SAFETY**

STATE OF S.D.  
DEPARTMENT OF AGRICULTURE  
PIERRE PLAIN PROJECT  
RAPID VALLEY PROJECT  
REACH & PHOTO LOCATIONS  
CYCLONE DITCH AND SOUTH SIDE DITCH

DESIGNED BY: T. J. BAKER, FIELD APPROVAL: \_\_\_\_\_  
DRAWN BY: T. J. BAKER, TECHNICAL APPROVAL: \_\_\_\_\_  
CHECKED BY: T. J. BAKER, APPROVAL: \_\_\_\_\_

NOV 1991 1 of 2 PROJECT NO. 494-623-8



VR 1736-2

515-1110-2

2890

2102

*Mark D Rath*  
Mark D Rath  
Natural Resources Engineer  
Division of Water Rights  
Date 5/13/92

7-7361

40 ac

34 ac

2

30

17 ac

*Mark D Rath*  
Mark D Rath  
Natural Resources Engineer  
Division of Water Rights  
Date 5/13/92

527 TIN-RBE



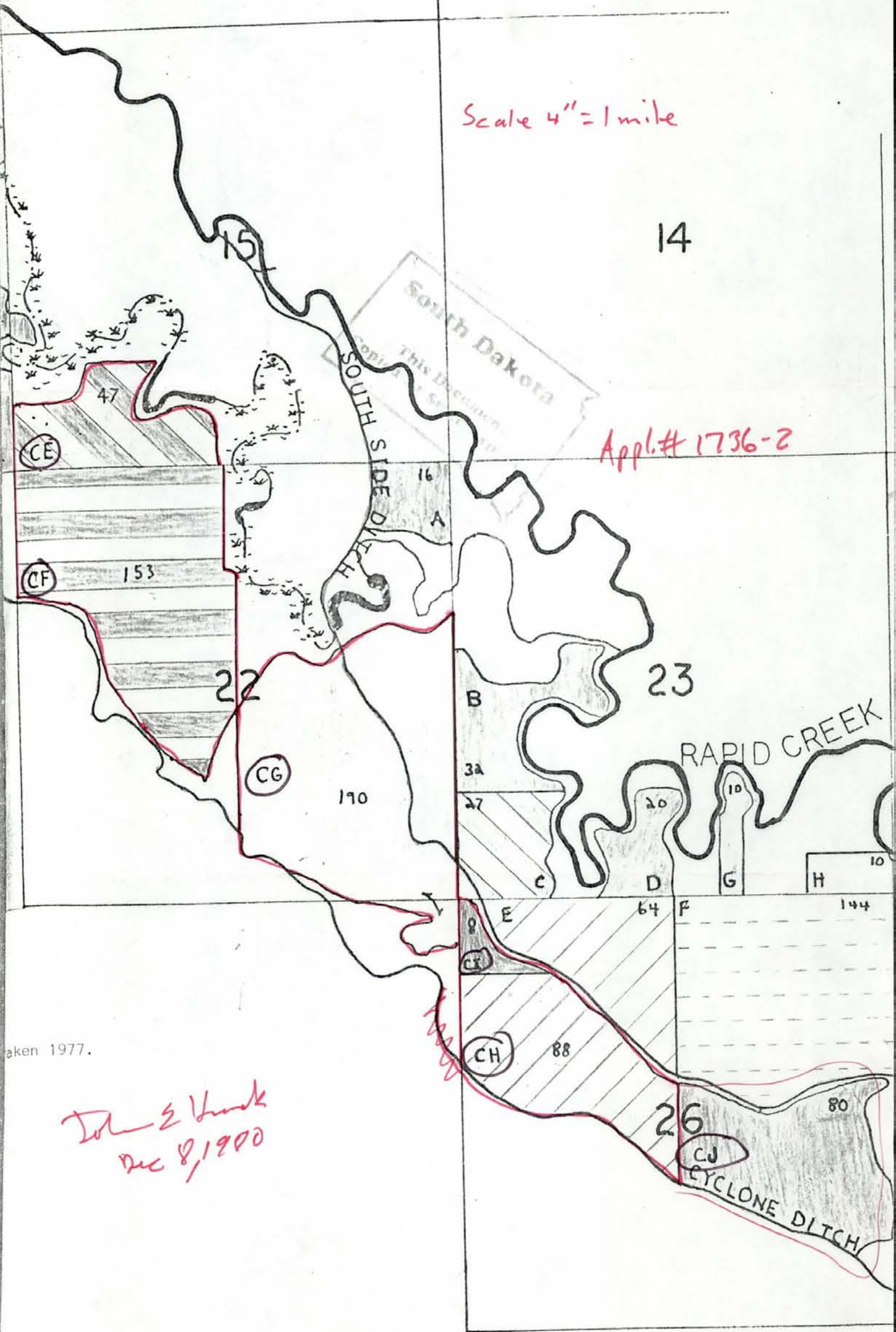
An aerial photograph of a river system. A winding river flows from the top left towards the bottom right. Several areas along the river are marked with red diagonal hatching. Handwritten labels in red ink are present: '2' at the top left, '35ac' and '28ac' in the upper hatched area, '10ac' and '2' in the middle hatched area, and '10ac' in the lower hatched area. A green horizontal line crosses the river in the middle. The background is a grainy, black and white aerial view of land.

*Mark D Rath*  
Mark D Rath  
Natural Resources Engineer  
Division of Water Rights  
Date 5/13/92

Scale 4" = 1 mile

14

Appl. # 1736-2



Map # 999-2 Appl. # 1736-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 3, 2006

1736-2

582-2

2209-2

2210-2

Andrea Anderson  
Cyclone Ditch  
4555 Reservoir Road  
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter in reference to your request allowing diversion into Cyclone prior to the irrigation season. I checked Water Right No. 1736-2 and the annual use period for Cyclone Ditch is April 1 through October 31.

I also check the annual use period for the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2. The annual use period for all three is April 1 through October 31, the same as the Cyclone Ditch annual use period. Diversions into Cyclone Ditch are allowed at this time as authorized by these water rights/permits.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,  
Natural Resources Engineering Specialist



March 20, 2007

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

1736-2

582-2

2209-2

2210-2

Andrea Anderson  
Cyclone Ditch  
4555 Reservoir Road  
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter in reference to your March 20, 2007 telephone request allowing diversion into Cyclone Ditch prior to the irrigation season. Flow today in Rapid Creek at the USGS gaging station at Rapid City is 24 cfs.

The Water Rights Program will grant your request to immediately begin diverting into Cyclone ditch under the Cyclone Ditch's Water Right No. 1736-2 and the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,  
Natural Resources Engineering Specialist

1736-2

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

300 N. Dakota Avenue, Suite 403  
Sioux Falls, South Dakota 57104-6032  
Phone (605) 367-5880  
FAX (605) 367-5886  
[www.state.sd.us/atg](http://www.state.sd.us/atg)

MARTY J. JACKLEY  
ATTORNEY GENERAL

CHARLES D. McGUIGAN  
CHIEF DEPUTY

January 13, 2011

Ed Carpenter  
PO Box 290  
Rapid City, SD 57709

Re: Cyclone Ditch

Dear Mr. Carpenter:

You called me before the holidays regarding Cyclone Ditch. I returned the call and you were out. Do you still need to talk?

I did talk to Mark Rath in the Water Rights Program. It is my understanding you talked to him about situations where landowners along the ditch discontinue irrigation. You were inquiring about the possibility of the ditch Company buying out or retiring those landowners' Cyclone Ditch stock. Then the ditch company would use the landowner's pro rata share of the water for the rest of its operations-- instead of allowing the stockholder's pro rata share of the water to transfer to someone else. I understand the request was a general theoretical type inquiry.

I would think that the ditch company could use the water so long as it does not divert water at a greater rate than historically used per acre (rate allowed by the water board in the vested right for Cyclone Ditch). Of course, in order to maintain the same diversion rate, the Ditch Company may need to apply the additional water to some additional lands. For changes of this nature I would think that an application would need to be filed and the Water Management Board would have to consider the specific matter.

If you still wish to visit, please give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Best".

Diane Best  
Assistant Attorney General

1736-2

RECEIVED

MAR - 8 2011

WATER RIGHTS  
PROGRAM

Cyclone Ditch Company  
5977 Sparrow Hawk Trail  
Rapid City, SD 57703-2328  
March 3, 2011

City of Rapid City  
Public Works Department  
300 Sixth Street  
Rapid City, SD 57701-5035

Attention: Robert B. Ellis, P.E.  
Public Works Director

Re: Cyclone Ditch Company

Dear Mr. Ellis:

This letter is to confirm that Cyclone Ditch Company consents to the transfer of .83CFS under Vested Water Right No. 1736-2 from Cyclone Ditch Company to City of Rapid City, subject to all of the terms and conditions set forth in the Final Decision and Order of the State of South Dakota Water Management Board In the Matter of Water Permit Application 2655-2, including specifically those terms and conditions set forth in paragraphs 3e and 3f. This Consent is also contingent on City of Rapid City's execution of the below Agreement re: costs and maintenance. Please execute the Agreement below and return to me. Thank you.

CYCLONE DITCH COMPANY

By: Cyclone Ditch Co. by Bill Kinghorn  
Bill Kinghorn, President President

AGREEMENT BY CITY OF RAPID CITY

The City of Rapid City hereby agrees to pay its pro rata share of costs for the operation, maintenance, upkeep, upgrade and repair of Cyclone Ditch irrigation system as duly assessed.

Dated this 8<sup>th</sup> day of March, 2011.

CITY OF RAPID CITY

By: [Signature]

Its: Public Works Director



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)

March 12, 2012

No. 1736-2

Andrea Anderson  
4555 Reservoir Road  
Rapid City SD 57703

Dear Ms. Anderson:

This letter is in regards to your March 12, 2012 request for a variance allowing Cyclone Ditch to divert from Rapid Creek for irrigation covered by Water Permit No. 1736-2 prior to April 1 as listed on the water right.

Effective immediately your request is granted allowing you to divert Rapid Creek water for irrigation as authorized by Permit No. 1736-2. This variance is only in effect for the current calendar year.

If you have any questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath  
Natural Resources Engineer III  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 13, 2015

No. 1736-2

Andrea Andersen, Cyclone ditch boss  
4555 Reservoir Road  
Rapid City, SD 57703

Dear Ms. Andersen:

This letter is in regards to your March 15, 2015 request for a variance allowing Cyclone Ditch to divert from Rapid Creek for irrigation authorized by Water Permit No. 1736-2 prior to April 1 as listed on the water right.

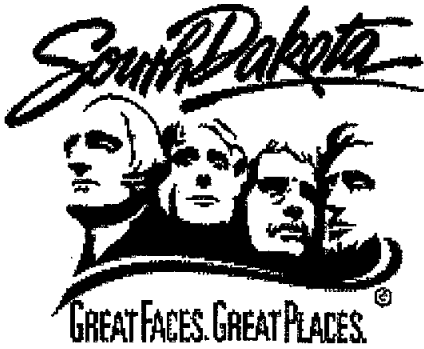
Your request is granted allowing you to divert Rapid Creek water for irrigation authorized by Water Permit No. 1736-2. This variance will be in effect beginning on Sunday March 15, 2015 and is authorized for the current calendar year only.

If you have any questions, please contact me at (605) 394-2229 or Mark Rath at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is stylized with a large, looped initial "J" and a cursive "Goodman".

for Jeanne Goodman, Chief Engineer  
Water Rights Program  
(605)-773-3352



1736-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

August 29, 2018

1461A-2  
1736-2  
2040-2

Andrea Andersen  
4555 Reservoir Rd  
Rapid City SD 57703

Dear Ms. Andersen:

Thank you for calling concerning the ownership changes. Water Right No. 1461A-2, listed under David S Lamb can be transferred to both of you however Vested Water Right Nos. 1736-2 and 2040-2 cannot be transferred because they are held by the individual ditch companies. I am enclosing copies of all three for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change with Water Right No. 1461A-2. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies for your records. The only items you need to return are the completed transfer form for No. 1461A-2 and the filing fee. If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures