

Considered: _____

WATER PERMIT NO. 1957-2

MAP No. same

Name of Applicant C. & J. Sanders, Inc.

Post Office Address Route 8, Box 780, Rapid City SD 57702

Amount of Water Claimed .22 add'l see W.R. No. 1112-2 Total Acres NA

Source of Water Supply groundwater - infiltration gallery

Water to be used for Suburban Housing County Pennington

About 6 miles W of Rapid City.

PROOF OF PUBLICATION: Received April 15, 1986 Not Received _____

APPLICATION: Approved May 14, 1986 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received March 20, 1986 Fee \$225.00 Remarks _____

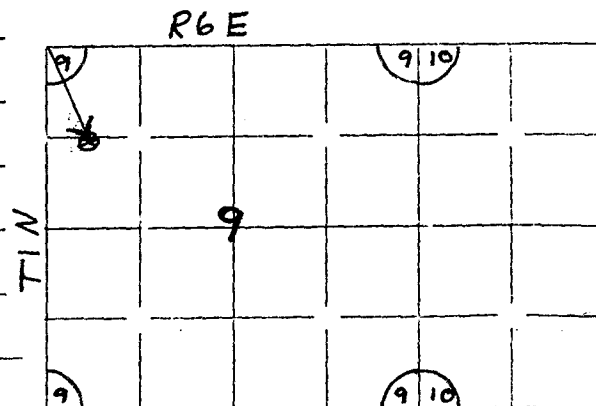
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Infiltration gallery & existing well: South 24°20' East 1530 ft. from the NW corner of sec 9-T1N-R6E

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS infiltration gallery

Type of Map Plat PREPARED BY Phil A. Nichols Reviewed and the Number

assigned on March 24, 1986 By Ron Duvall

No. 1957-2 Hydrologic Unit 10120110
 Map No. same Basin Upper Cheyenne
 Newspaper Rapid City Journal, Box 450

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

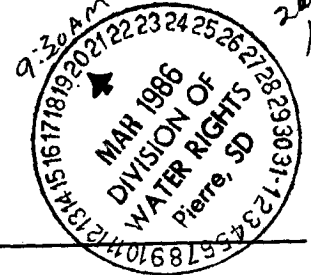
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant ~~Sanders Water Service System Co. Doris Sanders~~ Phone No. 342-9391

Post Office Address Route 8, Box 780, Rapid City, SD 57702 State _____ Zip Code _____
 (Street, RR or Box)

2. Amount of water claimed (c.f.s.) Additional 100 gpm (0.22 cfs) to Water Right No. 1112-2

3. Source of water supply Existing well & infiltration gallery along Rapid Creek

4. Location of point of diversion South 24° 20' East 1530 feet from the NW Corner of
Section 9-T1N-R6E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Yearly January 1 to December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

We plan to replace one of the three 40 gpm pumps with a 140 gpm pump. We will then use the two remaining 40 gpm pumps as backup or during peak use periods. Our total pumping capacity will then be 220 gpm. Part of our existing system includes a low-head rock dam on Rapid Creek to maintain water table conditions in our infiltration gallery during periods of low flow releases from Pactola Reservoir. The dam has been in existence for many years prior to the development of our water supply system.

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

STATE OF SOUTH DAKOTA)
 County of Pennington)^{ss}

I, Doris C. Sanders, President of C & J Sanders, Inc., the applicant, certify that I have read the foregoing application, 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 By Doris C. Sanders
 Doris C. Sanders, President

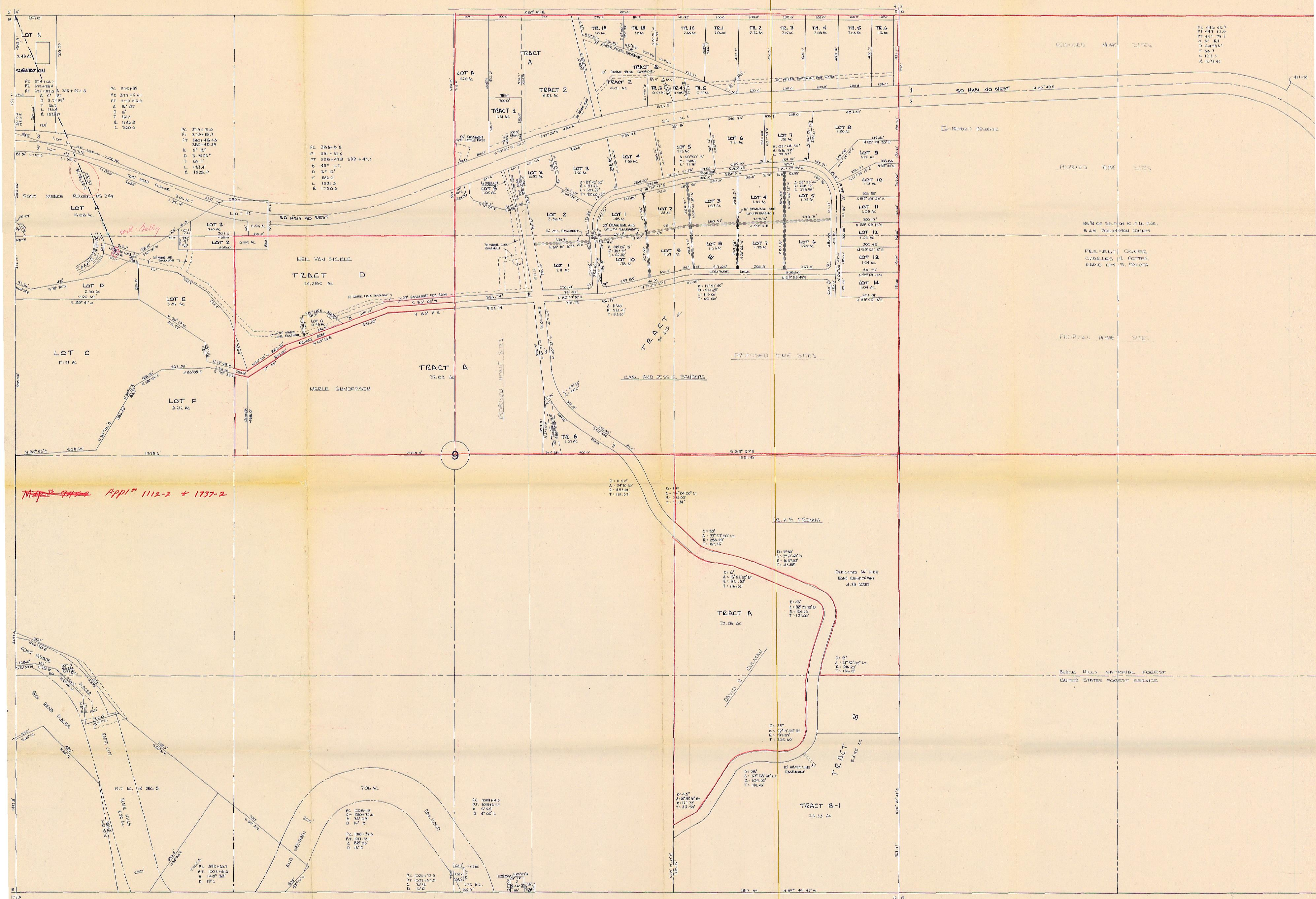
Subscribed and sworn to before me this 19th day of March 1986

(SEAL)

W. A. McCullen, Notary Public
 State of South Dakota
 My Commission Expires 10/22/87

W. A. McCullen
 Notary Public (or other qualified officer)

My Commission Expires: _____



Map # 9452 App# 1112-2 + 1737-2

THIS PLAN REPRESENTS A TRACING OF THE ORIGINAL PLAT BLUEPRINTS. DIMENSIONS AND DIRECTIONS (METES AND BOUNDS) OF EACH LINE WERE TRACED AS SHOWN. FOR EXACT PLAT INFORMATION REFER TO ORIGINAL DOCUMENTS AS RECORDED.





PHIL A. NICHOLS
consulting engineer

post office box 1411 rapid city, south dak.

REVISED JUNE 2, 1972

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1957-2
C. & J. Sanders Inc. Rt. 8, Box 780, Rapid City
(Applicant) (Post Office Address)
SD 57702 With the following qualifications.
(State) (Zip Code)

In approving Permit No. 1957-2, the Water Management Board has determined that the existing infiltration gallery located along Rapid Creek and authorized by Water Rights No. 1112-2 and 732-2 is supplied by water from Rapid Creek.

There are prior downstream Water Rights on Rapid Creek (domestic use including livestock watering, municipal use by Rapid City and irrigation use). Natural flows of Rapid Creek as needed for these prior downstream Water Rights must be by-passed. Unappropriated water is available in Rapid Creek [REDACTED] for this permit and Water Rights No. 1112-2 and 732-2 only through contract with the Bureau of Reclamation for releases from Deerfield and Pactola Reservoirs. JH

Date of first receipt of application March 20, 1986.
 Date of return to applicant for correction, amendments or changes required _____, 19____.
 Date of receipt of corrected application _____, 19____. Approved May 14, 1986.

The Water Management Board hereby approves this Water Permit No. 1957-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 20, 1986.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before October 14, 1988.
3. The whole of said work is to be completed on or before May 14, 1991.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 14, 1995.
5. The water appropriated shall be used for the purpose of supplying Suburban Housing
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .22 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 to which water is actually and beneficially applied for Suburban Housing on or before May 14, 1995; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
JUN 20 1986

_____, 19____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410373

Pierre, March 20, 19 86

RECEIVED OF C & J Sanders, Inc., Route 8 Box 780, Rapid City, SD 57702

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 _____	225	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	225 00

By John Hatch
Chief Engineer

JOHN HATCH/ms

Conversation or File Documentation

NAME OF PERSON OR FILE: Dwight Smith
ADDRESS: RR 8 Box 2630 Rapid City COUNTY Pennington
DATE: 10/4/85 TELEPHONE 342-7038
RE: Sanders Water System WR # 1112-2

COMMENTS:

Mr. Smith called and complained about the Sanders depleting the flow of Rapid Creek. He said the Sanders have done some work on their diversion dam recently. Mr. Smith lives on the road to Thunder Head Falls and said John Hatch has been out there before working with these people. He said the Sanders were using the water for the housing area they have. Smith lives in the last house before Thunder Head Falls. If his not want talk to John Hunter or Ping Murray

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: _____

Conversation or File Documentation

NAME OF PERSON OR FILE:

Sanders Water Supply

ADDRESS:

COUNTY

DATE:

10/8/85

TELEPHONE

RE:

COMMENTS:

Senator Ed Glasgow called and expressed his concerns on this matter. Ping Murray called him & was worried about their water supply. He thought Sanders increased the height of the diversion dam which would hurt their water supply.

I called the Sanders, Carl & Jessie are dead, talked to Doris Sanders (342-9391). She said they were doing the same thing for years. They need to raise the water level some for their gallery when the Bureau cuts the flow down. Alva Sharp (342-3533) is the maintenance man for Mrs. Sanders. I called Alva on 10/9/85, he said at no time do they block the flow. They add 3" rock approximately 10-12" on top of dam to raise water table for gallery. He said the creek flows over or thru the rock and the flow is not blocked.

Doris Sanders

Rt 8 Box 780

Rapid City SD

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Tim Schaal

Conversation or File Documentation

NAME OF PERSON OR FILE:

Sanders Water Supply System

ADDRESS:

COUNTY

Pennington

DATE:

10/18/85

TELEPHONE

RE:

COMMENTS:

Tim Tollefson and myself investigated the situation concerning the Sanders and a few of their neighbors. We talked to Ping Murry, Dwight Smith, and John Hunter. They showed us the dam, creek, etc and were more concerned with water quality. We looked at the dam, it was not blocking the flow but was backing a little water up behind the dam. The dam has been there for a long time. That is why the Sanders put their well & gallery where they did. Talked to Mrs Sanders & Alva Sharp, they seemed to be doing the same as they always have. They did say they wanted to add a larger pump to the system. I told them they would need a new permit for this. Also asked them to provide info on their storage capacity and yearly use. We also talked about them getting a contract to purchase water from storage.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Tim Schaal



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

WATER RIGHTS DIVISION
(605) 773-3352

COPY

February 27, 1986

Doris Sanders
Route 8, Box 780
Rapid City, South Dakota 57702

Dear Ms. Sanders:

Enclosed are the necessary forms for you to complete. Please read them over and make any necessary corrections. Don't worry about part A of Form 2B, "Affidavit of Water Use". The forms need to be signed and notarized and returned to our office along with the filing fees within a week or so. We will then be able to take care of this at the May 14, 1986 Water Management Board meeting. The fee for a transfer is \$2.50, the fee for the application to appropriate water is \$225.00. If you have any questions, please contact me.

We are also suggesting that you contact the Bureau of Reclamation to arrange for the purchase of water from Pactola storage. The purchase of water would be necessary during the periods when the natural flow conditions do not meet the downstream water rights. You should contact Bruce Laymon from the Bureau of Reclamation, he should be able to help you on this. His address is:

Bruce Laymon
Bureau of Reclamation
P.O. Box 226
Newell, SD 57760
(605) 456-2441

Sincerely,

Timothy G. Schaal
Natural Resources Engineer

TGS:ms
Enc.

Equal Opportunity Employer

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

818 St. Joe Street

Mailing Address P. O. Box 2670

Rapid City, South Dakota 57709

605-343-1040

George A. Bangs
W. A. McCullen
J. M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter

Allen C. Nelson
James P. Hurley
Michael M. Hickey
Jacqueline M. Rasmussen
Mark F. Marshall
Terry L. Hofer

March 18, 1986



Mr. Timothy G. Schaal
National Resources Engineer
Department of Water
& Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Schaal:

I appreciated your stopping in to see me the other day and it was a pleasure to talk with you about the matters related to the water permit owned by C & J Sanders, Inc.

I enclose two copies of the Application for Permit to Appropriate Water within the State of South Dakota and a check for the fee of \$225. Inasmuch as no transfer is involved, I am not enclosing a transfer fee.

Mrs. Sanders, who is the principal officer of the corporation, will get in touch with Mr. Layman as suggested in your letter. We will then keep you advised.

If you have any questions, write me and I will take care of it on my return to Rapid City on the 29th of this month.

I believe I gave you a copy of Mrs. Sanders' tabulation of the usage of the project in 1985 but, if my memory is incorrect, I'm enclosing another for your file.

Thank you very much for your courtesy and cooperation.

Yours very truly,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS

W. A. McCullen

WAM:wks

Enclosures

cc: Mrs. Doris C. Sanders

[illegible]

REPORT ON APPLICATION NO. 1957-2

C & J SANDERS, INC.

March 24, 1986

Water Permit Application No. 1957-2 proposes to divert an additional 100 gpm (0.22 cfs) from an existing infiltration gallery along Rapid Creek. The point of diversion will be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, R1N, R6E.

Discussion

Water Permit Application No. 1957-2 will be an addition to the Sanders Water Service System which is already covered by Water Right No. 732-2. The existing Water Rights have a priority date of June 2, 1972 and December 11, 1961 respectively. The Sanders Water Service System uses an existing well and infiltration gallery plus storage for a suburban housing area with approximately 300 service connections. They are planning to replace one of their existing pumps with a larger pump, increasing their total diversion capacity from 120 gpm to 220 gpm.

The priority dates of the existing water rights held by C & J Sanders, Inc. are junior to water rights held by Rapid City and water rights within the Rapid Valley Conservancy District used for irrigation. To be assured of an adequate supply of water for C & J Sanders water system, water from the storage held in Pactola and Deerfield reservoirs will be necessary to serve this permit application and existing water rights. The infiltration gallery and well is directly connected to Rapid Creek. The C & J Sanders water system must therefore purchase replacement water for any depletion of natural or purchased flows which are needed for downstream uses.

Conclusions

1. Natural flows of Rapid Creek will not usually be large enough to satisfy this permit plus prior Water Rights, therefore; the applicant has been advised to enter into a contract agreement with the Bureau of Reclamation to purchase stored water from Pactola and/or Deerfield Reservoirs.
2. During times when the purchase agreement is not needed, the diversion of an additional 0.22 cfs will not have an adverse effect on existing water rights.

Timothy G. Schaal/ks

TIMOTHY G SCHAAL
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1957-2, C & J Sanders, Inc.

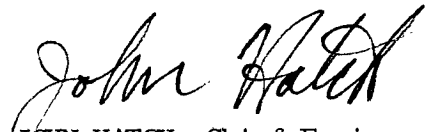
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1957-2, C & J Sanders, Inc., Route 8, Box 780, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Application No. 1957-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. In approving Permit No. 1957-2, the Water Management Board has determined that the existing infiltration gallery located along Rapid Creek and authorized by Water Rights No. 1112-2 and 732-2 is supplied by water from Rapid Creek.
2. There are prior downstream Water Rights on Rapid Creek (domestic use including livestock watering, municipal use by Rapid City and irrigation use). Natural flows of Rapid Creek as needed for these prior downstream Water Rights must be by-passed. Unappropriated water is available in Rapid Creek ~~during the period May 1 through September 30~~ for this permit and Water Rights No. 1112-2 and 732-2 only through contract with the Bureau of Reclamation for releases from Deerfield and Pactola Reservoirs.

J.H.
WMB
action

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 31, 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 1, 1986

Rapid City Journal
Box 450
Rapid City, South Dakota 57701

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by C & J Sanders, Inc.

Application No. 1957-2, in Pennington County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before April 4, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Proof of Publication form. The permit to appropriate water cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall

RON DUVAL
Natural Resources Engineer
RD:ms
enclosures

cc: applicant



No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and the Notice of Hearing to Appropriate Water by Application No. _____. The notice was first published in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

No. 1957-2

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1957-2 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that C & J Sanders, Inc. whose mailing address is
Route 8, Box 780, Rapid City, South Dakota has made an application for a permit

to appropriate .22 cubic feet of water per second from an existing infiltration gallery supplied by Rapid Creek. The point of diversion is located in Lot A, Ft. Meade Placer M.S. 244, in the NW $\frac{1}{4}$ of Section 9-T1N-R6E. This application proposes to appropriate water in addition to the .30 cfs appropriated by Water Rights No. 1112-2 and 732-2. The water will be used to supply suburban housing.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1957-2 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 Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion 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 May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 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, DWNR, Joe 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 May 2, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garness hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Rapid City Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Rapid City

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

April 4, 1986

April 11, 1986

Mary K. Garness
(Signature)

Bookkeeper
(Title)

April 11, 1986
(Date Signed)

Cost of Printing: Ran 9 4/16 inch legal advertising
in the Rapid City Journal on April 4 & 11
@ \$4.20 per inch = \$77.70

Ran public notice of Intent to
Appropriate Water (C & J Sanders, Inc.)

April 4, 11 L349
NOTICE OF HEARING
ON APPLICATION NO. 1957-2
TO APPROPRIATE WATER

Notice is hereby given that C & J Sanders, Inc. whose mailing address is Route 8, Box 780, Rapid City, South Dakota has made an application for a permit to appropriate .22 cubic feet of water per second from an existing infiltration gallery supplied by Rapid Creek. The point of diversion is located in Lot A, Ft. Meade Placer M.S. 244, in the NW 1/4 of Section 9 T1N-R6E. This application proposes to appropriate water in addition to the .30 cfs appropriated by Water Rights No. 1112-2 and 732-2. The water will be used to supply suburban housing.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1957-2 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.

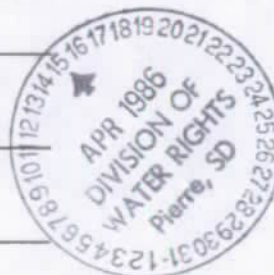
This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion 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 May 2, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01 thru 74:02:01.15.

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, DWNR, Joe 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 May 2, 1986.





Department of Water & Natural Resources

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

June 3, 1986

Doris Sanders
C & J Sanders Inc.
Rt 8, Box 780
Rapid City SD 57002

Dear Mrs. Sanders:

We have reviewed the water rights for Sanders Water System, Inc. and the consumption of water based on the records of water use which you provided us.

Since the water system's rights are junior in priority to the storage rights of Pactola Reservoir held by the Bureau of Reclamation and also junior to many water rights located downstream, the only way to assure yourself of an adequate quantity of water without infringing on the downstream senior rights would be to contract for a portion of the water storage in Pactola. Natural flows are not available during most times to meet the needs of the prior downstream water rights. During the winter months, the Bureau has priority to store the natural flows for next seasons use.

For you to be assured of adequate water for your system, we are advising you to contract with the Bureau for a certain portion of the storage. Based on your water use during 1985, the Sanders Water Co. diverted 12,972,557 gallons or 39.8 acre feet. We suggest you contact the Bureau of Reclamation concerning a contract to purchase from 40 to 50 acre feet of the storage. We have discussed this with the Bureau. They have reported that the cost will be \$16.00 per acre foot.

Thank you for your cooperation, if you have any questions, do not hesitate to contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the typed name and title.

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

cc: Bruce Laymon
Bureau of Reclamation
PO Box 226
Newell SD 57760

1957-2



United States Department of the Interior
BUREAU OF RECLAMATION

Missouri Basin Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760

IN REPLY
REFER TO:



JUN 19 1986

Memorandum

To: Regional Director, Billings, Montana
Attention: MB-440

From: Project Manager

Subject: Proposed Water Service Contract Between the United States and
C & J Sanders, Inc. -- Rapid Valley Unit, South Dakota

We have been asked by the Water Rights Division of the South Dakota Department of Water and Natural Resources to assist them in resolving a water rights issue on Rapid Creek downstream from Pactola Reservoir.

C & J Sanders, Inc., provides domestic and residential water to customers along Rapid Creek between Rapid City and Pactola Reservoir. The water company's rights to pump water from the creek are junior in priority to many rights located downstream and to the water right held by the Bureau of Reclamation to fill Pactola Reservoir each year. For these reasons, natural flows in the creek are generally not sufficient to assure an adequate supply of water to meet the needs of the water company's customers without creating an infringement on prior rights.

As a result, the Water Rights Division has recommended that C & J Sanders, Inc., contract for a portion of the water storage in Pactola Reservoir. Because of the considerable demand for water from Rapid Creek and the limited natural flows, the Water Rights Division further suggests that the water company contract for its total estimated annual usage. Based on the company's diversions in 1985 this amount has been estimated at 40 to 50 acre feet annually. Enclosed is a copy of a letter from the Water Rights Division to C & J Sanders, Inc., which outlines these recommendations.

Mrs. Doris Sanders, Owner/Manager of C & J Sanders, Inc., has concurred with these recommendations and has requested the annual purchase of 40 to 50 acre feet of storage water from Pactola Reservoir. Enclosed is her letter of June 10, 1986, regarding this request.

We recommend that the Bureau enter into a water service contract with C & J Sanders, Inc., for the supply of 40 acre feet of water annually from Pactola Reservoir. We understand that the term of such a contract can only continue until October, 1992, and may be renewed after consideration of other contracts and conditions in effect at that time.

If there are any questions regarding this recommendation or additional information is desired please contact Bruce Laymon of this office.

Richard E. Brohl

Enclosures

CC: Mr. John Hatch, Chief, Engineer ✓
Water Rights Division
Department of Water & Natural Resources
523 East Capitol
Pierre, SD. 57501-3181

C & J Sanders, Inc. RT. 8, BOX 417 • RAPID CITY, SOUTH DAKOTA 57701 • TELEPHONE (605) 342-1301

MR. BRUCE LAYMON
BUREAU OF RECLAMATION
BOX 226
NEWELL, S.D. 57760
DEAR MR. LAYMON,

JUNE 10, 1986

I AM WRITING IN REFERENCE TO A CORRESPONDENCE FROM THE S.D. DEPARTMENT OF WATER & NATURAL RESOURCES IN PIERRE, SPECIFICALLY FROM MR. JOHN HATCH, CHIEF ENGINEER. MR HATCH SUGGESTED THAT I SHOULD ENTER A CONTRACT WITH THE BUREAU OF RECLAMATION TO PURCHASE 40 TO 50 ACRE FEET OF WATER FROM THE FAYATOLA DAM ON AN ANNUAL BASIS. I UNDERSTAND THE REPORTED COST WILL BE \$16.00 PER ACRE FOOT.

THE PURCHASE WILL ASSURE AN ADEQUATE SUPPLY FOR MY CUSTOMER
THANK YOU FOR YOUR TIME CONCERNING THIS MATTER.

BELLE FOURCHE FILE COPY		
Reply prepared by:		
No reply necessary:		
JUN 16 1986		
1	PROJECT MANAGER	
	FIELD ENGINEER	
	OFFICE ENGINEER	
2	WATER & LAND USE	
3	ADMINISTRATION	
4	FILE	

SINCERELY YOURS,
Doris Sanders
DORIS SANDERS, OWNER/MANAGER



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

1957-2

JUN 20 1986

C & J Sanders, Inc.
Route 8, Box 780
Rapid City, South Dakota 57702

Dear Sir:

Enclosed herewith is your Water Permit No. 1957-2 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. 1957-2.

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-809-5/83



Contract No. 7-07-60-W0242

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MISSOURI BASIN REGION

TEMPORARY WATER SERVICE CONTRACT NO.

Date: Oct 10, 1986

PROJECT: Rapid Valley Unit, South Dakota

THIS CONTRACT, authorized pursuant to the Federal Reclamation Laws, the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto, particularly Section 9 of the Act of August 4, 1939 (53 Stat. 1187), is between the BUREAU OF RECLAMATION and the CONTRACTOR identified herein.

CONTRACTOR: C&J Sanders, Inc.
Route 8, Box 417
Rapid City, SD 57701

PURPOSE: The Contractor provides domestic and residential water service to customers along Rapid Creek between Pactola Reservoir and Rapid City.

TERM: 6 years ending October 20, 1992.

WATER ENTITLEMENT: Up to 40 acre-feet annually.

PAYMENTS: On or before October 20, 1986, and on or before each succeeding October 20 during the remaining term of this contract, the Contractor will pay the United States a lump sum of \$740, equivalent to \$16 per acre-foot, plus \$100 contract administration charge.

SPECIAL CONDITIONS AND STANDARD PROVISIONS: Special conditions are specified in Exhibit A. Standard contract provisions are specified in Exhibit B.

The Parties have executed this contract the day and year written above and agree to the terms, provisions, special conditions, and standard provisions expressed or referenced herein.

CONTRACTOR

BUREAU OF RECLAMATION
CONTRACTING OFFICER

By X Doris Sanders

By G. M. WENDLER

Title _____

Assistant
Title Regional Director

Missouri Basin Region

EXHIBIT A
Special Conditions

1. Releases of storage water from Pactola Reservoir will be coordinated through the Water Master of the Rapid Creek area.
2. The Contractor assumes full liability for any damage which may result from the operations of the Contractor in the use or disposal of the water being furnished under this contract.
3. All water deliveries under this contract will be at the outlet(s) of Pactola Dam. The United States has no responsibility for carriage, handling, or distribution of the water once it has been released at Pactola Dam.
4. Water deliveries under this contract may be made in conjunction and concurrently with deliveries for other water service contractors. All water service contractors shall have equal priority to Federal water and shall share in water shortages, if any.
5. On account of drought, inaccuracy in the forecast of water availability, or other cause, there may occur at times a shortage in the quantity of water available in Pactola Reservoir, and while the United States will use all reasonable means to guard against such shortage, in no event shall any liability accrue against the United States, its officers, agents, or employees, for any damage, direct or indirect, arising therefrom.
6. Nothing in this contract, or the furnishing of water service hereunder, is to be construed as a permanent water right. Upon termination of this contract, the right of the Contractor to receive water service will end.
7. The annual water service charge shall be non-returnable and non-refundable regardless of the amount of water use.
8. Charges for Delinquent Payments.
 - a. The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

b. The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

c. When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

9. Books, Records, and Reports.

The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including: the Contractor's financial transactions, water supply data, project operation, maintenance and replacement logs, and project land and right-of-way use agreements; the water users' land-use (crop census), landownership, land-leasing and water-use data; and other matters that the Contracting Officer may require. Reports thereon shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of each other party's books and records relating to matters covered by the contract.

10. General Obligation--Benefits Conditioned Upon Payment.

a. The obligation of the Contractor to pay the United States as provided in this contract is a general obligation of the Contractor notwithstanding the manner in which the obligation may be distributed among the Contractor's water users and notwithstanding the default of the individual water users in their obligations to the Contractor.

b. The payment of charges becoming due hereunder is a condition precedent to receiving benefits under this contract. No water will be made available to the Contractor through project facilities during any period in which the Contractor may be in arrears in the advance payment of any operation and maintenance charges due the United States or in arrears for more than 12 months in the payment of any construction charges due the United States. The Contractor shall not furnish water made available pursuant to this contract for lands or parties which are in arrears in the advance payment of operation and maintenance or toll charges or in arrears more than 12 months in the payment of construction charges as levied or established by the Contractor.

11. Except as provided in article 14 below, upon failure of the Contractor to perform any of its obligations under this contract, the Contracting Officer may give notice to the Contractor in writing of the nature of its default and require the Contractor within a period specified in such notice, but not less than 90 days, to correct its failure in compliance. Upon the Contractor's failure to do so, the Contracting Officer may terminate this contract at his/her sole election, may withhold water under the terms hereof until the Contractor complies with the terms of the contract.

12. The Contractor shall have the right to terminate this contract in the event it has no further need for the water service provided herein. Notice of intent by the Contractor to terminate this contract shall be provided to the Contracting Officer at least 60 days prior to the termination date proposed: Provided, that termination under this provision shall become effective no sooner than on the succeeding anniversary date of this contract following such written notice.

13. Termination of this contract for any cause shall not relieve the Contractor of any obligations by way of this contract prior to termination.

14. Neither party shall be considered in default in respect to any obligation hereunder, if prevented from fulfilling such obligation by reason of uncontrollable forces, the term "uncontrollable forces" being deemed for purposes of this contract, to mean any cause beyond the control of the party affected, including, but not limited to, drought, failure of facilities, labor disturbance, sabotage, and restraint by court of public authority, which by exercise of due diligence and foresight, such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

15. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given on behalf of the Contractor when mailed, postage prepaid, or delivered to the Regional Director, Missouri Basin Region, Bureau of Reclamation, P.O. Box 36900, Billings, Montana 59107-6900, and on behalf of the United States when mailed, postage prepaid, or delivered to the Manager, C&J Sanders, Inc., Route 8, Box 417, Rapid City, South Dakota 57701. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

16. The Contractor will be solely responsible for compliance with South Dakota water laws as may be determined by the South Dakota Department of Water and Natural Resources.

EXHIBIT B -- Contract No.
Standard Contract Provisions

A. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

B. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

C. RULES, REGULATIONS, AND DETERMINATIONS

1. The parties agree that the delivery of water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Reclamation law.

2. The Contracting Officer shall have the right to make determinations necessary to administer this contract that are consistent with the expressed and implied provisions of this contract, the laws of the United States and the State, and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Contractor.

D. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

E. QUALITY OF WATER

The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

F. WATER AND AIR POLLUTION CONTROL

The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

G. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

1. The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1975 (Public Law 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the United States Department of the Interior and/or the Bureau of Reclamation.

2. These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

3. The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

H. EQUAL OPPORTUNITY (FEDERAL CONSTRUCTION)

During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of

compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

3. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

5. The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

7. The Contractor will include the provisions of paragraphs 1. through 7. in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.



IN REPLY
REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Missouri Basin Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760

OCT 20 1986



Ms. Doris Sanders
C&J Sanders, Inc.
Route 8, Box 417
Rapid City, SD 57701

Dear Ms. Sanders:

Enclosed is a fully executed duplicate original of Contract No. 7-07-60-W0242 for your records. This contract provides water service of up to 40 acre-feet annually from Pactola Reservoir storage ending October 20, 1992.

If there are any questions regarding the terms of this contract, please feel free to contact Bruce Laymon at 456-2695.

Sincerely,

Richard E. Brohl

Richard E. Brohl
Project Manager

Enclosure

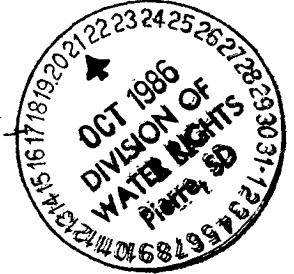
cc: Department of Water and Natural Resources
Division of Water Rights
523 E. Capitol Avenue
Pierre, SD 57501

CATEGORICAL EXCLUSION CHECKLIST

Project: Rapid Valley, P-SMBP, South Dakota Date: September 16, 1986

Nature of Action: Water Service Contract - Up to 40 acre-feet annually
Term 6 years - C&J Sanders, Inc., Route 8, Box 780,
Rapid City, South Dakota 57702

Exclusion category: 516DM6 Appendix 9, Part 9.4.D (4)



Evaluation of criteria for Categorical Exclusion

1. This action or group of actions would have a significant effect on the quality of human environment. No X Uncertain _____ Yes _____
2. This action or group of actions would involve unresolved conflicts concerning alternative use of available resources. No X Uncertain _____ Yes _____

Evaluation of exceptions to Categorically Excluded actions

1. This action would have significant adverse effects on public health or safety. No X Uncertain _____ Yes _____
2. This action would affect unique geographical features as: wetlands, wild or scenic rivers, refuges, floodplains, etc. 1/ No X Uncertain _____ Yes _____
3. This action will have highly controversial environmental effects. 2/ No X Uncertain _____ Yes _____
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risk. No X Uncertain _____ Yes _____

1/ See Handbook, page 2.8.1 for complete list of features to be considered.

2/ Controversy refers to extent of effects, not popularity of action.

CATEGORICAL EXCLUSION CHECKLIST

(continued)

5. This action will establish a precedent for future actions. No X Uncertain _____ Yes _____
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects. No X Uncertain _____ Yes _____
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places or other cultural resources. No X Uncertain _____ Yes _____
- Date Federal Register Checked: _____
8. This action will affect a species listed or proposed to be listed as endangered or threatened. No X Uncertain _____ Yes _____
9. This action threatens to violate Federal, State, local or tribal law or requirements imposed for protection of the environment. No X Uncertain _____ Yes _____

NEPA Action - Categorical Exclusion: X
EA _____
EIS _____

Explanation and/or remarks:

Preparer's Name and Title: Bruce Laymon, Chief, O&M Division

Regional Archeologist concurrence with Item 7. RTFC/Kerr 10/1/86

Concur: Roger E. Bruhl
Signature of Division/Office Chief

Date: Sept. 16, 1986

Concur: Robert Schroeder
Signature Environmental Affairs Officer

Date: Oct. 1, 1986

Permit No. 1957-2
Upper Cheyenne River - 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 C & J Sanders of Rt 8 Box 780, Rapid City SD holder of Permit No. 1957-2, bearing the priority of 3/20/1986 authorizing the diversion of 0.22 cu. ft. per second and Water Right No. 1112-2, bearing the priorities of 12/11/1961 and 6/2/1972 authorizing the diversion of 0.3 cfs of the waters of Rapid Creek for supplying suburban housing purposes, in Pennington County.

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

A. Works used to divert the water:

Three pumps diverting at a combined capacity of (0.40) 180 gpm. These pumps divert from a gallery constructed along Rapid Creek.

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

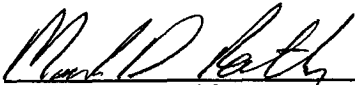
2.5 and 3 inch distribution lines for a suburban housing development.

The system is in the following condition good. The point of diversion is located from the NW corner of Section 9 T1N-R6E: 1390 feet south and 640 feet east. The works are capable of diverting and conveying to the place of use 0.4 cu. ft. per second of water which is to be used for supplying a suburban housing development. The license for the portion of the system authorized by Permit No. 1957-2 should be issued for 0.1 cfs .

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none

Date: 9/26/93



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

REPORT ON INSPECTION OF PERMIT NO. 1957-2

DATE: 9/26/93

Other permit(s) associated with the project: 1112-2 and 732-2

DIVERSION POINT LEGAL LOCATION: From the NW corner of Section 9 T1N-R6E:
1390 feet South and 640 feet East

Pump: #1

- 1) Make Crane
- 2) Model 6602
- 3) Size 8 inch
- 4) Capacity 40 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 184TC
- 3) Horsepower rating 7.5 hp

Pump: #2

- 1) Make Grundfos
- 2) Model GR15UH
- 3) Size 8"
- 4) Capacity 70 GPM

Motor:

- 1) Make Baldor
- 2) Model No. 254TCZ
- 3) Horsepower rating 15 hp

Pump: #3

- 1) Make Grundfos
- 2) Model GR15UH
- 3) Size 8"
- 4) Capacity 70 GPM

Motor:

- 1) Make Baldor
- 2) Model No. 254TCZ
- 3) Horsepower rating 15 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Galvanized and PVC
- 2) Size 2.5 and 3 inches
- 3) Length ? feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



March 21, 1994

.1957-2

Doris Sanders
C & J Sanders, Inc.
~~Rt 8, Box 780~~ 10050 W Highway 44
Rapid City, SD 57702

Dear Mrs. Sanders:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1957-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414121

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, ~~MAY 1~~ April 1, 19 94

RECEIVED OF Doris Sanders, Rt 8 Box 780, Rapid City, SD 57702-9307

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1957-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

1957-2

Doris Sanders
C & J Sanders, Inc.
10050 West Hwy. 44
Rapid City, SD 57702

Dear Mrs. Sanders:

Enclosed is Water License No. 1957-2 and Receipt No. 414121 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1957-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Right No. 1112-2 have been incorporated into this Water License No. 1957-2.

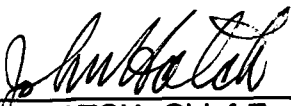
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1957-2

(1) C & J Sanders of Rapid City SD 57702 made Application No. 1957-2, March 20, 1986 for a water permit to appropriate 0.22 cubic feet of water per second from an infiltration gallery supplied by Rapid Creek, Pennington County, South Dakota for suburban housing development purposes. Permit No. 1957-2, with a priority date of March 20, 1986 was approved May 14, 1986 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 14, 1991 and for the application to beneficial use of said water on or before May 14, 1995.

The applicable portions of Water Right No. 1112-2 have been incorporated into this Water License No. 1957-2. Priority dates of December 11, 1961 and June 2, 1972 (established under No. 1112-2) are retained for 0.30 cfs. A priority date of March 20, 1986 (established under No. 1957-2) is retained for 0.10 cfs.

(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 divert 0.40 cubic feet of water per second for beneficial use. The location of the diversion point is 1390 feet S and 640 feet E from the NW corner of Section 9-T1N-R6E (SW 1/4 NW 1/4).

(3) Pursuant to South Dakota Water Law 46-5-30.1 C & J Sanders, Inc., 10050 W Highway 44, Rapid City SD 57702 the holders and/or owners of Water Permit No. 1957-2 is issued a license to appropriate water, the right to use 0.40 cubic feet of water per second from an infiltration gallery supplied by Rapid Creek with priority dates of December 11, 1961, June 2, 1972 and March 20, 1986 from the location specified in (2) of this license. The water to be used for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 1957-2 and subject to South Dakota State Law.



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

NOV 14 1994
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 2000

1957-2

Jack L Sanders
10285 Big Piney Rd
Rapid City, SD 57702

Dear Mr. Sanders:

Enclosed as we discussed is a copy of Water Right No. 1957-2. The water right is currently listed in the name of C & J Sanders, Inc.

As you requested, I have changed our records to reflect the change in the contact person from Doris Sanders to you. If ownership will remain under the name of C & J Sanders, Inc., a transfer of ownership will not be required.

If I can answer any questions for you concerning the water right, please get in touch with me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2000

1957-2

Jack L Sanders
C & J Sanders, Inc.
10285 Big Piney Rd
Rapid City, SD 57702

Dear Mr. Sanders:

Enclosed is your Reissued Water License No. 1957-2. The water license was reissued to correct the error in the address location for C & J Sanders, Inc.

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

If you have any questions concerning the reissued license, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1957-2

(1) C & J Sanders, Inc., was issued Water License No. 1957-2, November 14, 1994 for a water right to divert 0.40 cubic feet of water per second (cfs) from an infiltration gallery supplied by Rapid Creek, Pennington County, South Dakota for suburban housing development purposes. Water License No. 1957-2, with priority dates of December 11, 1961, June 2, 1972 and March 20, 1986 was issued to the water permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

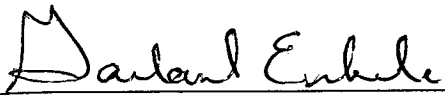
Water License No. 1957-2 incorporated the applicable portions of Water Right No. 1112-2. Priority dates of December 11, 1961 and June 2, 1972 (established under No. 1112-2) are retained for 0.30 cfs. A priority date of March 20, 1986 (established under No. 1957-2) is retained for 0.10 cfs.

The original water license contained an error in the address location for C & J Sanders, Inc. The water license is being reissued to correct the error.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.40 cubic feet of water per second for beneficial use. The location of the diversion point is 1,390'S and 640'E of the NW corner of Section 9, T1N, R6E (SW ¼ NW ¼).

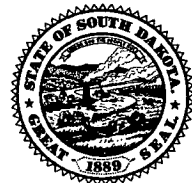
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 C & J Sanders, Inc., 10285 Big Piney Road, Rapid City, SD 57702 the holder and/or owner of Water Right No. 1957-2 is issued a license to appropriate water, the right to use 0.40 cubic feet of water per second from an infiltration gallery supplied by Rapid Creek with priority dates of December 11, 1961, June 2, 1972 and March 20, 1986, from the location specified in (2) of this license. The water is used for suburban housing development purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1957-2 and subject to South Dakota State Law.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 11 2000

date



1957-2



United States Department of the Interior



IN REPLY REFER TO:

BUREAU OF RECLAMATION
Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, South Dakota 57701

DK-700 (Anderson)
WTR-4.10

JUL 21 2005

C & J Sanders Inc.
10285 Big Piney Road
Rapid City, SD 57702-4747

Subject: Request for Water Usage in Water Year 2005

Dear Mr. Sanders:

The last report of water usage by C & J Sanders Inc. was in water year 2001 (October 1, 2000 to September 30, 2001). These reports need to be sent to our office each water year. Please send a report after September 30, 2005 to Bureau of Reclamation, Rapid City Field Office, Attn: Curt Anderson, 515 9th Street, Rapid City, SD 57701. Your last report showed water pumped from Rapid Creek in gallons per month, which is fine. Please separate your Pactola water and natural flow water in your usage report.

Your water right priority is junior to the City of Rapid City (City) and the Rapid Valley Water Conservancy District (District), and requires you to order water from Pactola when they are on order. You can discuss this with the South Dakota Department of Environment and Natural Resources Water Rights Division, but in general when water orders are placed for delivery of Pactola water, you need to be on order and you are pumping Pactola water. To be on order for Pactola water, you need to inform the damtender each spring that when the City or the District goes on order for Pactola water, you need to be included. The damtender can also inform you when you are on order for Pactola water to facilitate your record keeping and you should coordinate this directly with him. Please inform the damtender of your peak demands. Presently your peak usage does not impact his release amount.

If you have any questions, please contact Curt Anderson or me at 605-394-9757.

Sincerely,

Jeffrey L. Nettleton
Rapid City Field Office Manager

cc: Mr. Mark Rath
DENR Water Rights
523 E. Capitol - Foss Bldg.
Pierre, SD 57501

Mr. Eric Gronlund
DENR Water Rights
523 E. Capitol - Foss Bldg.
Pierre, SD 57501

Mr. John Wagner
Rapid City Water Division
300 6th Street
Rapid City, SD 57701

Mr. Ron Barber
Rapid City Water Division
300 6th Street
Rapid City, SD 57701

Mr. Dave Lucas
Rapid City Water Division
23000 Hwy 385
Rapid City, SD 57702

Mr. Kevin Ham
3724 Freedom Ct.
Rapid City, SD 57701

RECEIVED
JUL 22 2005
WATER RIGHTS
PROGRAM