

Considered: _____

Vested Right
WATER PERMIT NO. 2023-2

MAP No. same

Name of Applicant E.R. Woody Pelkey (Leedy Ditch)

Post Office Address 3501 Western Ave., Rapid City SD 57702

Amount of Water Claimed 1.00 cfs Total Acres 19.5

Source of Water Supply Rapid Creek

Water to be used for irrigation County Pennington

About 5 miles West of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 1986 Fee \$15.00 Remarks _____

Corrected Application Received May 4, 1987 Period of Annual Use Mar 15 - Nov 30

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point Rapid Creek: NE $\frac{1}{4}$ SW $\frac{1}{4}$
section 9-T1N-R6E

Land to be Irrigated N $\frac{1}{2}$ SE $\frac{1}{4}$ (12.0), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (6.5),
E $\frac{1}{2}$ SW $\frac{1}{4}$ (5.0 ac) sec 9; NW $\frac{1}{4}$ SW $\frac{1}{4}$ (2 ac) sec 10;
all in T1N-R6E

Well Log: Driller NA Licensed YES NO

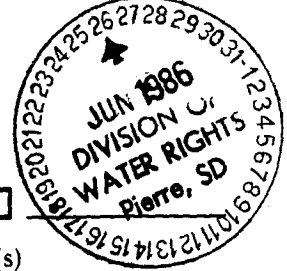
Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Tim Tollefsrud Reviewed and the Number
assigned on May 26, 1987 By Don Darnall

No. 2023-2 Hydrologic Unit 10120110
 Map No. same Basin Upper Cheyenne R.
 Newspaper Rapid City Journal, P.O. Box 450 (daily)

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

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained No. 0046-2 See filing 0646-2☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant E.R. Woody Pelkey 3501 Western Ave. (Leedy Ditch) Phone No. 342-4440Post Office Address Jim Harrington 3724 Morningview Dr. State 342-4399(Street, RR or Box) Rapid City, S.D. 57702 Zip Code2. Amount of water claimed (c.f.s.) 1 Total acres irrigated 19.53. Source of Water supply Rapid Creek4. Location of point of diversion Canyon Lake Rapid Creek: NE 1/4 SW 1/4 Section 9-T1N-R6E7County Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used March 15th-Nov. 30th

7. 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.
<u>South Leedy Ditch</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. 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)

attach list of property owners using the water

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, E.R. Woody Pelkey and Jim Harrington 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.KAREN J. MASUR
NOTARY PUBLICSTATE OF SOUTH DAKOTA
MY COMMISSION EXPIRES

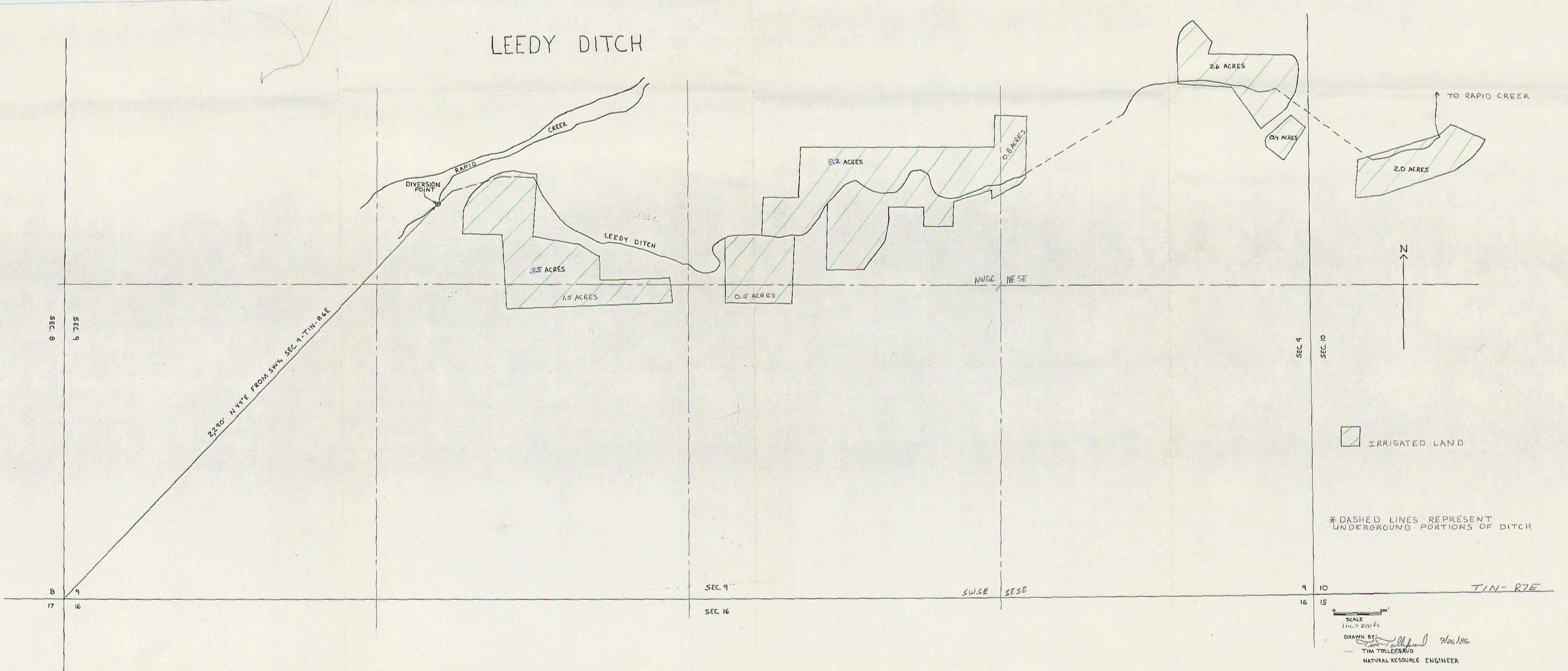
August 19, 1993

Signed

24th day of June 1986Karen J Masur

Notary Public (or other qualified officer)

LEEDY DITCH



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

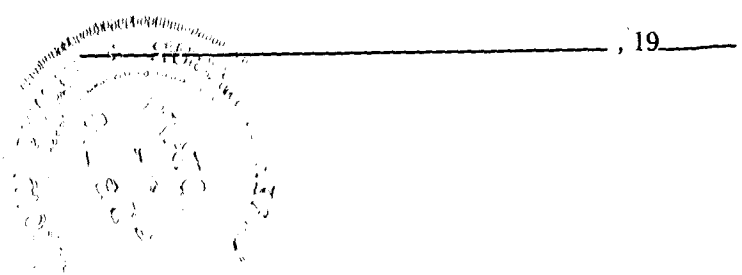
The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 _____ 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. 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 2023-2E.R. Woody Pelkey (Leedy Ditch) 3501 Western Ave, Rapid City
(applicant) (post office address)SD 57702
(state) (zip code)Date of receipt of Application June 26, 1986.Validated July 8, 1987.

The Water Management Board hereby validates 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is April 1, 1977.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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.
5. The amount of the appropriation hereby validated shall not exceed _____

1.00 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Mar. 15 - Nov 30.

The applicable portions of Water Right Filing No. 0646-2 are incorporated into this Vested Water Right No. 2023-2 with the abandoned portions of the filing cancelled.

Note: This Vested Water Right is superseded by Vested Water Right No. 2023-2 validated March 2, 1988 to correct publication errors.

JA 5-2-88

WATER MANAGEMENT BOARD

By: John H. Hatcher
(Chief Engineer)Division of Water Rights
Dept. of Water and Natural ResourcesOCT 30 1987, 1987.

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 2023-2.

E.R. Woody Pelkey (Leedy Ditch)

3501 Western Ave, Rapid City

(applicant)

(post office address)

South Dakota

57702

(state)

(zip code)

Date of receipt of Application June 26, 1986.

Validated March 2, 1988 *.

The Water Management Board hereby validates 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 Vested Water Right, subject, however, to the following limitations and conditions:

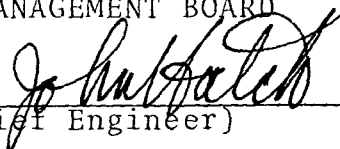
1. The date from which the applicant may claim right is April 1, 1877, 19 .
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights of all 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.
5. The amount of the appropriation hereby validated shall not exceed

1.00 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. 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period March 15-November 30.

The applicable portions of Water Right Filing No. 0646-2 are incorporated into Vested Water Right No. 2023-2 with the abandoned portions of the filing cancelled.

* Vested Water Right No. 2023-2 was originally validated July 8, 1987. Due to an error in the legal descriptions of the irrigated acreage and the Rapid Creek diversion, the Vested Water Right Claim was readvertised and validated, March 2, 1988.

WATER MANAGEMENT BOARD

By: 

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

MAY 2 1988

, 19 .

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2023-2 FOR IRRIGATION

(1) E. R. Woody Pelkey (Leedy Ditch)
of 3501 Western Avenue, Rapid City, South Dakota 57702
made Application No. 2023-2, June 26, 1986
for validation of a vested right claim to appropriate 1.00
cubic feet of water per second from Rapid Creek,
Pennington County, South Dakota for irrigation purposes.
Vested Water Right No. 2023-2 was validated July 8, 1987
with a priority date of April 1, 1877. 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.

(2) The applicant is entitled to divert 1.00 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: 2,290' N 44° E from SW $\frac{1}{4}$ Corner of Section 9, T1N,
R6E (NE $\frac{1}{4}$ SW $\frac{1}{4}$).

The location of the irrigated acreage is: all in T1N-R6E

Section 9	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.5 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.2 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 Acres
Section 10	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 Acres
	TOTAL	19.5 ACRES

(3) Pursuant to Section 46-5-30.1 E. R. Woody Pelkey (Leedy Ditch)
of 3501 Western Avenue, Rapid City, South Dakota 57702
the holder(s) and/or owners(s) of Vested Water Right No. 2023-2
is issued a license to appropriate 1.00 cubic feet of
water per second from Rapid Creek with a
priority date of April 1, 1977 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.
2023-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
OCT 30 1987

STATE OF SOUTH DAKOTA

REISSUED VESTED RIGHT WATER LICENSE NO. 2023-2 FOR IRRIGATION

(1) E.R. Woody Pelkey (Leedy Ditch), 3501 Western Avenue, Rapid City SD 57702 made Application No. 2023-2, June 26, 1986 for validation of a vested right claim to appropriate 1.00 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2023-2 was validated March 2, 1988 * with a priority date of April 1, 1877. 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.

* Vested Water Right No. 2023-2 was originally validated July 8, 1987. The license was issued October 30, 1987. In reviewing the file, an error was found in the "Range" within the legal description of the lands irrigated and the diversion point. The "Range" specified was R6E and should have been R7E. No. 2023-2 was readvertised to correct the error and validated March 2, 1988.

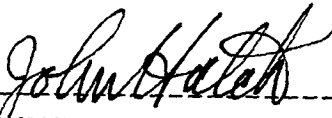
(2) The applicant is entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point(s) is: 2,290' N 44°E from the SW 1/4 corner of Section 9, T1N, R7E (NE 1/4 SW 1/4).

The location of the irrigated acreage is: all in T1N, R7E

Section 9	SW 1/4 SE 1/4	0.5 acres
	NW 1/4 SE 1/4	8.2 "
	NE 1/4 SE 1/4	3.8 "
	SE 1/4 SW 1/4	1.5 "
	NE 1/4 SW 1/4	3.5 "
Section 10	NW 1/4 SW 1/4	2.0 "

Total 19.5 acres

(3) Pursuant to Section 46-5-30.1 E. R. Woody Pelkey (Leedy Ditch), 3501 Western Avenue, Rapid City SD 57702 the holder(s) and/or owner(s) of Vested Water Right No. 2023-2 is issued a license to appropriate 1.00 cubic feet of water per second from Rapid Creek with a priority date of April 1, 1877 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. 2023-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
MAY 2 1988

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Leedy Ditch

Post Office Address Woody Pelkey 3501 Western Avenue Rapid City South Dakota 57702
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation April, 1877 Date of Posting _____

Date of recording April 18, 1883 Recording date Rapid City E 287
Where Book Page

B. Date of start of construction of water supply system April, 1877C. Date that water was first applied to beneficial use June, 1881D. Name of owner of original water supply system Jacob LeedyE. Amount of water originally applied to beneficial use 32 cfsF. Present Use of Water - Amount of water now being used irrigate yards - 1 cfsDate that this water was first used June, 1881

G. Chronological History of Water Use
 The system was built in 1877 and water was first put to beneficial use in June 1881. The water was used to irrigate farm land. The area has since been developed and the water is now used to irrigate the yards adjacent to the ditch. The water has been used continuously since 1881.

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}

X I, Woody Pelkey the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

X Signed Woody PelkeySubscribed and sworn to before me March 19th, 1987

Notary

Suzanne Beck
 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.

_____, 19_____
(Print name)_____, 19_____
(Print name)

10/20/10 Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Woody
Pelkey of 3501 Western Ave, Rapid City 57702 holder of
 Permit No. 2023-2, bearing the priority of April 1 1877 authorizing
 the diversion of 1.0 cu. ft. per second of the waters of Rapid Creek
 for irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

Headgate and flume
 flume - 6" throat width

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

Ditch and underground pipe

C. Works used to apply water to beneficial use:

each individual user on ditch has their own pump

The system is in the following condition fair - good

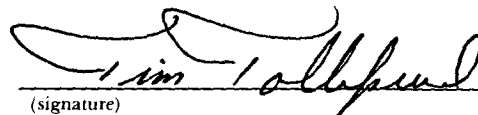
The point of diversion is located NE 1/4 SW 1/4 Section 9 - TIN-R6E
2,290 ft. North 44 Degrees East from SW 1/4 corner Section 9-TIN-R6E

The works are capable of diverting and conveying to the place of use one
 cu. ft. per second of water which is to be used for Irrigation of yards

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

<u>SW 1/4 SE 1/4 Section 9</u>	<u>0.5 acres</u>	<u>NE 1/4 SW 1/4 Section 9</u>	<u>3.5 acres</u>
<u>NW 1/4 SE 1/4 Section 9</u>	<u>8.2 "</u>	<u>NW 1/4 SW 1/4 Section 10</u>	<u>2.0 "</u>
<u>NE 1/4 SE 1/4 Section 9</u>	<u>3.8 "</u>		
<u>SE 1/4 SW 1/4 Section 9</u>	<u>1.5 "</u>	<u>ALL IN TIN-R6E</u>	

comprising a total of 19.5 acres of land and the license should be issued for 1 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 9/2/87


 (signature)

IRRIGATED LAND ON LEEDY DITCH

ALL IN TIN - R ⁷ / _E	ACRES
SW1/4 SE1/4 SECTION 9	0.5
NW1/4 SE1/4 SECTION 9	8.2
NE1/4 SE1/4 SECTION 9	2.8
SE1/4 SW1/4 SECTION 9	1.5
NE1/4 SW1/4 SECTION 9	7.5
NW1/4 SW1/4 SECTION 10	2
TOTAL	19.5 ACRES

DIVERSION POINT

2,290 FEET NORTH 44 DEGREES EAST FROM SW1/4 CORNER
SECTION 9 - TIN - R⁷/_E

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 4, 19 87

RECEIVED OF E. R. "Woody" Pelkey, PO Box 2783, Rapid City, SD 57709

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 _____	15	00	DR
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	15	00

By

Chief Engineer

JOHN HATCH

(MS)

COPY

0505-2

#10885

Location Water Right

By

Jacob M. Leedy

Filed April 14th 1886, 2:08 P.M.

J.S. Gants, Register

Notice of Water Right.

The undersigned claims the water running in this stream to-wit:

Rapid Creek to the extent of Two thousand miners inches (2000)

under a six inch pressure for

mining, milling, manufacturing

and domestic purposes, to be conveyed by ditch, flume or pipe as the case may be or part ditch part flume and part pipe, from this the point of diversion to the city of Rapid City, County of Pennington Dakota Territory. The point of diversion of this water right is situated at the point of a reef of rocks upon the Northeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of section nine (9) township one (1) North of range seven (7) East B.H.M. And said point of diversion is situated about forty rods (40) South of the North line of of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said section 9 and is situated eight rods (8) East of the West line of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section from which point of diversion of said two thousand (2000) miners inches of water is to be carried and conveyed over and across sections nine (9) ten (10) three (3) and two (2) in said tp. 1 N. of R. 7 E. B.H.M.

Witness my hand this 31st day of March A.D. 1886.

Witnesses

Jacob M. Leedy

Edwin Loveland

Milan G. Hall

10885

Location Water Right

Notice of Water Right

By
Jacob M. Leedy
Filed April 14th 1886 2:52 P.M.
J. E. Sautz Register

The undersigned claims the water running in this stream to wit Rapid Creek to the extent of Two thousand miners inches (2000) under a six inch pressure for mining, milling, manufacturing and domestic purposes to

be conveyed by ditch, flume or pipe as the case may be or part ditch part flume and part pipe from the point of diversion to the city of Rapid City, County of DeWitt Dakota Territory.

The point of diversion of this water right is situated at the point of a reef of rocks upon the Northeast 1/4 of Southwest 1/4 of section nine (9) Township one (1) North of range seven (7) East T. 11. N. And said point of diversion is situated about forty rods (40) South of the West line of said N.E. 1/4 of S.W. 1/4 of said section 9 and is situated eight rods (8) East of the West line of said N.E. 1/4 of the S.W. 1/4 of said section from which point of diversion of said two thousand (2000) miners inches of water is to be carried and conveyed over and across sections nine (9) ten (10) three (3) and two (2) in said T. 1 N. of R. 7 E. T. 11 N.

Witness my hand this 31st day of March A.D. 1886.

Witness

Jacob M. Leedy

Edwin Loveland

William E. Hall

Jacob M. Leedy

Notice of Water Rights

-to-

Dated March 31, 1886

The Public

Filed April 14, 1886 at 2:08 P. M.

Recorded in Book E, Loc, Rec, page 547

The undersigned claims the water running in this stream, to-wit: Rapid Creek to the extent of 2000 miners inches, under a 6 inch pressure, for mining, milling, manufacturing and domestic purposes to be conveyed by ditch, flume or pipe as the case may be or part ditch, part flume and part pipe from this the point of diversion to the City of Rapid City, County of Pennington, South Dakota. The point of diversion of this water right is situated at the point of a reef of rocks upon the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 1 North of Range 7 East, B. H. M.

And said point of diversion is situated about 10 rods south of the North line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 9 and is situated 8 rods East of the West line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section from which point of diversion of said 2000 miners inches of water is to be carried and conveyed over and across Sections 9, 10, 3 and 2 in said Tp. 1 N. of R. 7 E. B. H. M.

Witness my hand this 31st day of March, A. D. 1886.

Witnesses:

Jacob M. Leedy.

Edwin Loveland

Wilen G. Hall

Water Right Filing No. 0505-2

IRRIGATION DITCH

Mary Wallahan	2711	Frontier	343-5655
Mary Piper	3201	"	342-4830
Dale Mikolash	3205	"	343-2695
Lowell Henke	3209	"	342-2743
Gene Erickson	3215	"	342-4325
Anna Kidrowski	3217	"	343-0440
Herb Wolff	2717	"	343-3933
Larry Lytle	3218	"	343-0378
E.R. Pelkey	3501	Western	342-4440
Don Fordsland	3505	"	343-3682
D. St. Pierre	3513	"	342-2038
Joe Ollendick	3519	"	342-4316
Gerald O'Brien	3529	"	348-6518
Rev. Simpson	2812	Meadwood	342-3486
Mr. O'Neil	2815	"	342-4393
Harry Zenk	3617	Western	343-4884
Oscar Dewwitz	3627	"	343-4631
Pearl Gowin	3707	"	342-4833
G.E. Moore	3012	Tomahawk	343-4028
Duff Erickson	2958	"	341-2757
Fred Wharton	3130	"	342-3107
Shirley Jones	3030	"	348-8825
Joanne Meir	3024	"	342-4957
Ruth Raymond	3020	"	342-0634
Gene Patterson	3016	"	343-9628
Jim Harrington	3724	Morningview	342-4388

M.S. Hurley	2904 Falls Dr.	342-5120
Arllys Haight	3819 Hagen Ct.	343-3711
Amos Smolik	3815 "	343-1460
I. Hagen	3809 "	342-2827
G. Van Pelt	3802 "	348-1299
Roy White	3806 "	342-4422
E. Talley	3810 "	342-3738
Cecil Nelson	3814 "	342-4574
R. Vitalli	3816 "	343-2614
J. Meyers	3818 "	
John Oyler	3826 "	342-0560
V. Williams	3825 "	342-3230
Wes Storm	3702 Morningview	342-7069
James Howard	2728 Evergreen	342-3542
Charlene DoLittle	2830 Falls Drive	
(Mary Thybo)		348-0933



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 4, 1983

Louis K Freiberg
First Federal Plaza
909 St Joe #420
Rapid City SD 57701

Dear Mr. Freiberg:

This letter is in reference to your letter of March 2, 1983 concerning Leedy Ditch. South Dakota law does not require modern filing for vested rights to surface water. The filing of such rights is encouraged because the original documents usually are very vague as to use of the water and the areas to be irrigated. Our office is required by law to administer the waters of South Dakota, complete and current information is helpful in that administration. The Leedy Ditch Association does not need to be incorporated to file a vested right. All they would need to do is submit a map of the ditch, a list of the users, a signed affidavit provided by this office and a \$13.00 filing fee.

They will not lose any rights to the use of water from Leedy Ditch by not filing a vested right claim with this office. If they would like to file a claim they can contact Tim Schaal at this office for assistance. If you have any further questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Kevin C. Larson". The signature is written in a cursive, flowing style.

KEVIN LARSON
Water Resources Engineer

KL:ks

Telephone (605) 343-5767

Law Offices of
Louis K. Freiberg

First Federal Plaza
909 St. Joe #420
Rapid City, South Dakota 57701

April 8, 1983

Mr. Gene Erickson
3215 Frontier Place
Rapid City, South Dakota 57701

RE: Leedy Ditch, Our File No. 83-100 "E"

Dear Mr. Erickson:

Enclosed please find copy of letter from South Dakota Department of Water and Natural Resources regarding the above-referenced matter.

Sincerely,

Louis K. Freiberg

LOUIS K. FREIBERG
ATTORNEY AT LAW

LKF:CF

Enclosure



Department of Water & Natural Resources

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

December 8, 1986

Woody Pelkey
3501 Western Ave
Rapid City SD 57702

Dear Mr. Pelkey:

This letter is in response to the Leedy Ditch Vested Right claim. The following information is needed before the application can be processed:

- 1) The enclosed Affidavit of Water Use needs to be completed when applying for a Vested Right and on application fee of \$15.00 must also be submitted.

Please complete the enclosed form and return with the \$15.00 application fee. The Vested Right application can not be processed until the application is totally complete. Contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

March 16, 1987

Woody Pelkey
3501 Western Ave.
Rapid City, SD 57702

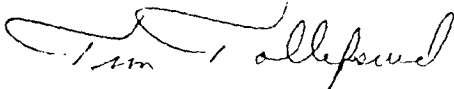
Dear Mr. Pelkey:

This letter is in regard to your Vested Right claim on Leedy Ditch. Your vested right application can not be processed until we receive the following:

1. The enclosed affidavit of water use must be signed and notarized.
2. The \$15.00 application fee must be submitted.

The vested right application can not be processed until the application is complete. Please contact this office (773-3352) if you have any questions.

Sincerely,



Tim Tollefsrud
Natural Resources Engineer

cc: Jim Harrington
3724 Morningview Dr.
Rapid City, SD 57702

enclosures

REPORT ON VESTED RIGHT APPLICATION NO. 2023-2
Leedy Ditch
May 27, 1987

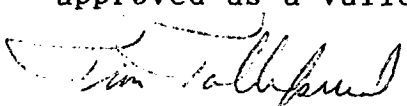
Vested Right Application No. 2023-2 requests validation of a vested right claim to appropriate 1.0 cubic feet of water per second from Rapid Creek to irrigate 19.5 acres. The water has a claimed priority date of April 1, 1877. The point of diversion is directly below Canyon Lake Dam in the NE1/4 of the SW1/4 of Section 9 - T1N - R6E.

The original notice of water appropriation was filed for record in Book E, Page 287 of the Location Certificates in Pennington County. The date of the recording was the 18th day of April 1883. This original claim for the Leedy Ditch (also sometimes referred to as the Sickler Ditch) was for 1600 miners inches of water dating from April, 1877. In a lawsuit, Sickler vs. George Bennett, the court decreed 400 miners inches under 6 inch pressure for this ditch. Referring to a document entitled "Report on Water Filings on Rapid Creek for Irrigation Purposes" authored by Raymond F. Lund, Project Supervisor, Rapid Valley Project: it stated that the priority established by this ditch is recognized as the first right on Rapid Creek and one which has precedence over other priorities established on the stream.

Leedy Ditch was investigated during May of 1986. Water is diverted through a head gate on Rapid Creek and is carried by a ditch to irrigate yards adjacent to the ditch. The ditch is capable of diverting one cfs and has diverted this amount in the past. Leedy Ditch then flows into a natural drainage which carries any excess water back into Rapid Creek. The quantity of 1.0 cfs is needed to provide the necessary head of water required to properly water the described acreage. Any runoff water or surplus water, which may at times occur, runs directly back to the ditch and returns to Rapid Creek immediately below the project area.

CONCLUSIONS

1. This ditch was constructed in 1877 and has been in use since that time.
2. The water was originally used to irrigate crops, but the area has since been developed and the water is now used to irrigate yards adjacent to the ditch. The present diversion rate is 1 cfs which equals 50 miners inches as presently defined by statute.
3. It is recommended that Vested Right Application No. 2023-2 be approved as a valid vested right claim with no qualifications.

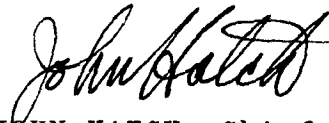

Tim Tollefsrud
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2023-2

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 Validation of Vested Water Right Application No. 2023-2, Leedy Ditch, E.R.Woody Pelkey, 3501 Western Ave, Rapid City SD,

The Chief Engineer is recommending VALIDATION of Application No. 2023-2 because 1) water has been appropriated as described for irrigation use with a priority date of April 1, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
June 3, 1987

 **Department of
Water & Natural Resources**

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

June 4, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

E. R. Woody Pelkey
Leedy Ditch
PO Box 2783
Rapid City SD 57709

Dear Mr. Pelkey:

Your Application No. 2023-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the RAPID CITY JOURNAL printed at Rapid City SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

June 4, 1987

RAPID CITY JOURNAL
PO Box 450
Rapid City SD 57709

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2023-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before June 10, 1987.

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 arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before June 10, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 2023-2 to Appropriate Water

Notice is hereby given that E.R. Woody Pelkey (Leedy Ditch) whose mailing address is 3501 Western Ave, Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 1.00 cubic feet of water per second from Rapid Creek to irrigate 19.5 acres with a claimed priority date of April 1, 1877. The point of diversion for Leedy Ditch is located in the NE 1/4 SW 1/4 Section 9 and the irrigated acreage is located in the E 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 9; NW 1/4 SW 1/4 Section 10; all in T1N, R6E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2023-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of April 1, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, July 8, 1987 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 June 26, 1987. 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, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 26, 1987.

REVISED REPORT ON VESTED RIGHT APPLICATION NO. 2023-2
Leedy Ditch
June 12, 1987

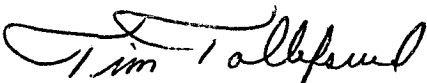
Vested Right Application No. 2023-2 requests validation of a vested right claim to appropriate 1.0 cubic feet of water per second from Rapid Creek to irrigate 19.5 acres. The water has a claimed priority date of April 1, 1877. The point of diversion is directly below Canyon Lake Dam in the NE1/4 of the SW1/4 of Section 9 - T1N - R6E.

The original notice of water appropriation was filed for record in Book E, Page 287 of the Location Certificates in Pennington County. The date of the recording was the 18th day of April 1883. This original claim for the Leedy Ditch (also sometimes referred to as the Sickler Ditch) was for 1600 miners inches of water dating from April, 1877. In a lawsuit, Sickler vs. George Bennett, the court decreed 400 miners inches under 6 inch pressure for this ditch. Referring to a document entitled "Report on Water Filings on Rapid Creek for Irrigation Purposes" authored by Raymond F. Lund, Project Supervisor, Rapid Valley Project: it stated that the priority established by this ditch is recognized as the first right on Rapid Creek and one which has precedence over other priorities established on the stream.

Leedy Ditch was investigated during May of 1986. Water is diverted through a head gate on Rapid Creek and is carried by a ditch to irrigate yards adjacent to the ditch. The ditch is capable of diverting one cfs and has diverted this amount in the past. Leedy Ditch then flows into a natural drainage which carries any excess water back into Rapid Creek. The quantity of 1.0 cfs is needed to provide the necessary head of water required by the side laterals from the ditch to properly water the described acreage. The described acreage includes houses and all permanent buildings on the individual lots. Any runoff water or surplus water, which may at times occur, runs directly back to the ditch and returns to Rapid Creek immediately below the project area.

CONCLUSIONS

1. This ditch was constructed in 1877 and has been in use since that time.
2. The water was originally used to irrigate crops, but the area has since been developed and the water is now used to irrigate yards adjacent to the ditch. The present diversion rate is 1 cfs which equals 50 miners inches as presently defined by statute.
3. It is recommended that Vested Right Application No. 2023-2 be approved as a valid vested right claim with no qualifications.



Tim Tollefsrud
Natural Resources Engineer



Department of Water & Natural Resources

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

June 12, 1987

E R Woody Pelkey
Leedy Ditch
3501 Western Ave
Rapid City SD 57702

Dear Mr. Pelkey:

Enclosed is a copy of the Revised Report on Vested Right Application No. 2023-2, Leedy Ditch. A correction was made to the original report.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosure

June 10, 1987

L489

**NOTICE OF HEARING
TO VALIDATE VESTED RIGHT
APPLICATION NO. 2023-2
TO APPROPRIATE WATER**

Notice is hereby given that E.R. Woody Pelkey (Leedy Ditch) whose mailing address is 3501 Western Ave., Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 1.00 cubic feet of water per second from Rapid Creek to irrigate 19.5 acres with a claimed priority date of April 1, 1877. The point of diversion for Leedy Ditch is located in the NE 1/4 SW 1/4 Section 9 and the irrigated acreage is located in the E 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 9; NW 1/4 SW 1/4 Section 10; all in T1N, R6E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2023-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of April 1, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Room 216,

Joe Foss Building, Pierre, S.D., July 8, 1987 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 1-2a, must file a written petition with BOTH the Applicant and the Chief Engineer by June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10; 46-2A-12, 46-2A-14, 46-2A-15; 46-2A-18; 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; 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg., Pierre, S.D., (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 June 26, 1987.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

ss.

I, Jerry J. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the tenth day of June, 1987, that the fees charged for the publication thereof are seventy-nine Dollars and eighty cents.

Jerry J. Shoener

Subscribed and sworn to before me this 17th day of

June, 1987

Erny W. Shinkberg
Notary Public.



IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____

on _____

the _____ day of _____

19 _____

Attorney for _____



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

OCT 30 1987

E. R. Woody Pelkey
3501 Western Avenue
Rapid City, South Dakota 57702

Dear Mr. Pelkey:

Enclosed are your Validated Vested Water Right and Water License No. 2023-2.
As long as you use the water beneficially, as stated in the Water License,
the 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

JH:ms

enclosures

The applicable portions of Water Right Filing No. 0646-2 are incorporated into
this Vested Water Right No. 2023-2 with the abandoned portions of the filing
cancelled.

Equal Opportunity Employer



Department of Water & Natural Resources

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

December 30, 1987

RAPID CITY JOURNAL
PO Box 450
Rapid City SD 57709

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2023-2 to be published twice. Please publish the first notice on or before January 13, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the Division of Water Rights for the cost of publication.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

SOUTH DAKOTA Department of
Water & Natural Resources

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

December 30, 1987

E. R. Woody Pelkey
Leedy Ditch
PO Box 2783
Rapid City SD 57709

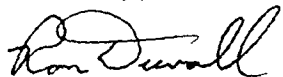
Dear Mr. Pelkey:

I am writing to advise you that the legal notice of hearing for Vested Right No. 2023-2 (Leedy Ditch) published in the Rapid City Journal on June 10 and 17, 1987 was not correct. The legal description for the ditch diversion point and the irrigated acreage should have been in Range 7 East not Range 6 East as advertised. Enclosed is a copy of the published notice of hearing.

The legal notice of hearing will need to be readvertised to correct the error. The readvertisement is needed to ensure Vested Right No. 2023-2 is free from any potential legal problems due to inaccurate public notice. The Division of Water Rights will pay the cost of readvertisement. Enclosed is a copy of the readvertisement notice. Please review and notify our office if any corrections are needed.

A copy of the readvertisement notice has also been sent to the Rapid City Journal (342-0280). Be sure to call the paper immediately and authorize publication of the readvertisement. Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before January 13, 1988 with 2nd publication 1 week later.

READVERTISEMENT OF NOTICE OF HEARING To Validate
Vested Right Application No. 2023-2 to Appropriate Water

Notice is hereby given that E.R. Woody Pelkey (Leedy Ditch) whose mailing address is 3501 Western Ave, Rapid City, South Dakota filed an application to validate a vested right claim on June 26, 1986. Readvertisement of this notice is to correct the original notice of hearing published on June 10 and 17, 1987 for Vested Right Application No. 2023-2. The original advertisement gave notice of a vested right claim to appropriate 1.00 cubic feet of water per second (cfs) from Rapid Creek to irrigate 19.5 acres with a claimed priority date of April 1, 1877. The legal description of the irrigated acreage and the Rapid Creek diversion point for Leedy Ditch should have been in R7E not R6E. The correct diversion point location for Leedy Ditch is in the NE 1/4 SW 1/4 Section 9 and the irrigated acreage in the E 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 9; NW 1/4 SW 1/4 Section 10; all in T1N, R7E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2023-2 for 1.0 cfs because 1) water has been appropriated as described for irrigation with a ~~claimed~~ priority date of April 1, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, 523 E Capitol, Joe Foss Bldg, Pierre SD, March 2, 1988 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 February 19, 1988. 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, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garness _____

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

Water was taken from the Rapid City Journal

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

City _____ of Rapid City

County of Pennington _____ and State of South Da
that the said notice was published in said newspaper on the follo
two dates:

January 13, 1988

January 20, 1988

Mary K. Garness
(Signature)

Bookkeeper
(Title)

January 20, 1988
(Date Signed)

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, 46-2A-18; 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,
46-5-49; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15 and
74:02:01:19 thru 74:02:01:22.
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,
DWRNR, Joe Foss Bldg., Pierre,
S.D., (605-773-3352) for assistance
prior to the hearing date. The time
of the hearing will be automatically
extended for at least twenty days
upon written request of the
applicant or any person who has
filed a petition to oppose or support
the application. The request for
extension must be filed with the
Chief Engineer by February 19,
1988.



Cost of Printing: Ran 10 12/16 inch legal advertising

on January 13 & 20 @ \$4.20 per inch = \$90.30

Ran public notice of hearing L152

E. R. Woody Pelky

Jan. 13, 20 L152
READVERTISEMENT OF
NOTICE OF HEARING
TO VALIDATE VESTED RIGHT
APPLICATION NO. 2023-2
TO APPROPRIATE WATER
Notice is hereby given that E.R.
Woody Pelkey (Leedy Ditch),
whose mailing address is 3501
Western Ave., Rapid City, South
Dakota filed an application to
validate a vested right claim on
June 26, 1986. Readvertisement of
this notice is to correct the original
notice of hearing published on June
10 and 17, 1987 for Vested Right
Application No. 2023-2. The original
advertisement gave notice of a
vested right claim to appropriate
1.00 cubic feet of water per second
(cfs) from Rapid Creek to irrigate

19.5 acres with a claimed priority
date of April 1, 1877. The legal
description of the irrigated acreage
and the Rapid Creek diversion point
for Leedy Ditch should have been in
R7E not R4E. The correct diversion
point location for Leedy Ditch is in
the NE1/4SW1/4 Section 9 and the
irrigated acreage in the E1/2SW1/4,
N1/2SE1/4, SW1/4SE1/4 Section 9;
NW1/4SW1/4 Section 10; all in T1N,
R7E.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends
VALIDATION of Vested Water
Right Application No. 2023-2 for 1.0
cfs because 1) water has been
appropriated as described for
irrigation with a priority date of
April 1, 1877; 2) the use has been
developed without unlawful
impairment of existing rights; 3) it
is a beneficial use of water and 4) it
is in the public interest.

Validation of this application will
be considered by the Water
Management Board at Room 216,
Joe Foss Building, 523 E. Capitol,
Pierre, S.D., March 2, 1988 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 validation,
2) approve the validation with
qualifications, 3) defer, or 4) deny
validation of the 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
February 19, 1988. The petition may
be informal, but it must include a



Department of Water & Natural Resources

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

MAY 2 1988

E.R. Woody Pelkey
Leedy Ditch
3501 Western Ave
Rapid City SD 57702

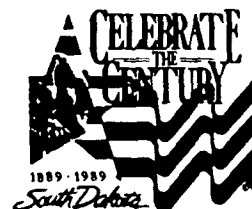
Dear Mr. Pelkey:

Enclosed are your Reissued Vested Right Water and Water License No. 2023-2. As long as you use the water beneficially, as stated in the Water License, the 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

enclosures



SOUTH DAKOTA Department of
Water & Natural Resources

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

November 2, 1990

Leslie J. England
Attorney At Law
Suite 102, Western Mutual Building
731 St. Joseph Street
Rapid City, SD 57701

Dear Mr. England,

Enclosed are copies of documents for Water License No. 2023-2, Leedy Ditch, which you requested. I spoke with Ron Duvall and he said that we have not had anybody going on record to contest the transfer of the water right.

If you have any questions feel free to contact me.

Sincerely,



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

enclosure



March 16, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dept. of Game Fish and Parks
Attn: Dave Lindy
3305 W South St.
Rapid City, SD 57702

Dear Mr. Lindy:

This letter is in response to your request for information on Leedy Ditch. I checked our records and have found that we have three water rights listed that are still active and use the Leedy ditch. The amount of water these water rights are allowed to divert for irrigation total 1.083 cfs with the irrigation season being March 15 to November 30. As I indicated I will be checking on the status of these this summer.

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

Sincerely,

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

Conversation or File Documentation

0646-2C
2023-2NAME OF PERSON OR FILE: E. R. (WOODY) PELKEY (LEEDY DITCH)ADDRESS: 3501 WESTERN AVENUE COUNTY PENNINGTONDATE: 8/10/92 TELEPHONE 342-4440RE: CANCELLATION OF WATER RIGHTS NOS 0646-2B & 0646-2C

COMMENTS:

I SPOKE WITH MR PELKEY. I EXPLAINED TO HIM THAT
VESTED WATER RIGHT NO 0646-2, LEEDY DITCH, WAS SPLIT
FOUR WAYS IN THE LATE 1950'S. THE C.T. OF RAPID
CITY USES THEIR PORTION TO IRRIGATE MEADOWBROOK GOLF
COURSE. THE OTHER THREE WATER RIGHTS WERE USED TO
IRRIGATE PRIVATE PROPERTY ALONG THE DITCH. IN 1986
LEEDY DITCH FILED A VESTED WATER RIGHT CLAIM NO
2023-2^{WHICH} WAS VALIDATED ON MARCH 2, 1988. THE VALIDATION
WAS BASED ON INFORMATION OBTAINED FROM WATER RIGHT NO.
0646-2. THE LAND COVERED UNDER WATER RIGHT NOS
0646-2B & 0646-2C WERE ALSO COVERED BY VESTED
WATER RIGHT NO 2023-2.

MR PELKEY AGREED THAT WATER RIGHT NOS 0646-2B
and 0646-2C CAN BE CANCELLED BECAUSE THE LAND
IS IRRIGATED UNDER VESTED WATER RIGHT NO. 2023-2.

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: Mark D. Smith



June 15, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2023-2

Bryan Schnell
PO Box 8151
Rapid City, SD 57709

RE: Leedy Ditch

Dear Mr. Schnell:

Thank you for getting in touch with us regarding the transfer of the vested right for Leedy Ditch.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the change. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

The check or money order for the filing fee should be made out to the Water Rights Program. If you have any questions concerning Vested Water Right No. 2023-2 or completion of the transfer form, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2023-2

Date: 6/16/99

I/We request that Vested Water Right No. 2023-2

formerly owned by: E. R. Woody Pelkey (Leedy Ditch), 3501 Western Avenue, Rapid City, SD 57702

be transferred to: (name & address) Leedy Ditch, 3501 Western Avenue, Rapid City, SD 57702

(contact person – Bryan Schnell, PO Box 8151, Rapid City, SD 57709)

Telephone No. 605 343 2885

Title to the following described land(s)/property has been transferred as described above:

19.5 acres – W ½ SE ¼, NE ¼ SE ¼, E ½ SW ¼ Section 9 and the NW ¼ SW ¼ Section 10, T1N, R7E

I/We understand that the validity of Vested Water Right No. 2023-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

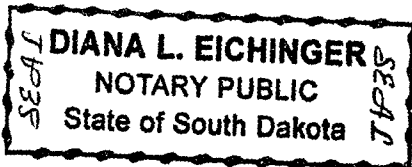
STATE OF SOUTH DAKOTA)

County of Pennings)

I/We Bryan Schnell being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Bryan Schnell
(Signed)

Subscribed and sworn to before me this 16th day of June, 19 99.



Diana L. Eichinger
(Notary Public)

my commission
Expires 5/22/2004

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
- violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416149

Pierre, June 21, 19 99

RECEIVED OF Leedy Ditch, 3501 Western Ave., 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
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Vested Water Right No. 2023-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1999

2023-2

Bryan Schnell
PO Box 8151
Rapid City, SD 57709

RE: Leedy Ditch

Dear Mr. Schnell:

Thank you for sending in the transfer of ownership form and filing fee for Vested Water Right No. 2023-2. The transfer has been completed and the vested right is now listed under Leedy Ditch.

Your name is listed in the files as contact person for Leedy Ditch. It will not be necessary for the water right to be transferred again if the contact person changes.

Enclosed is your Receipt No. 416149 in the amount of \$2.50. If you have any questions concerning the vested right, please get in touch with either Mark Rath or myself.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 18, 2002

Donna Mayer
Register of Deeds
315 St Joseph St
Rapid City SD 57701

Dear Donna Mayer:

I need to know who owns the following land:

T1N-R7E Section 9 N 1/2 SE 1/4, SW 1/4 SE 1/4, and E 1/2 SW 1/4
T1N-R7E Section 10 NW 1/4 SW 1/4

I need to know who owns the lands listed above and their mailing address.

If you need further assistance, do not hesitate to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer

2023-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2023-2, Leedy Ditch

ADDRESS: COUNTY: Pennington County

DATE: September 15, 2006 TELEPHONE:

RE: Flow being diverted by Leedy Ditch

COMMENTS:

On Friday, September 15, 2006, I viewed the Leedy Ditch intake and measured the flow that was being diverted. Leedy Ditch had contacted Rapid City regarding the flow being diverted through the raceways in the park. It is my understanding that fish from Cleghorn Fish Hatchery were released into the raceways that wind through the park since re-construction of the hatchery was beginning. According to John Wagner, Rapid City Water Superintendent, Leedy Ditch had contacted the city concerned that their water right may be impaired.

Water Right No. 2023-2 authorizes a diversion of 1.0 cfs at the Leedy Ditch intake. The following is what I found.

At the parshall flume there was 9 inches of water through the 1 foot throat at the flume. This equates to a flow of 2.5 cfs.

Using the jump measured on a yardstick of 2.5 inches to calculate a velocity of 3.6 fps and a depth of 7 inches through the throat, I arrived at a flow calculation of 2.1 cfs.

Finally, I estimated the flow going over the spillway at Canyon Lake at 1 – 2 cfs. There is also a boil through the dam that is visible below the dam that provides additional flow downstream. I am unable to quantify the amount of water coming through the dam.

Based on my investigation, the Leedy Ditch water right is being satisfied.

Attached are picture taken of the lake, diversion and parshall flume.

Name *Eric Henderson*

Leedy Ditch Water Right No. 2023-2
September 15, 2006



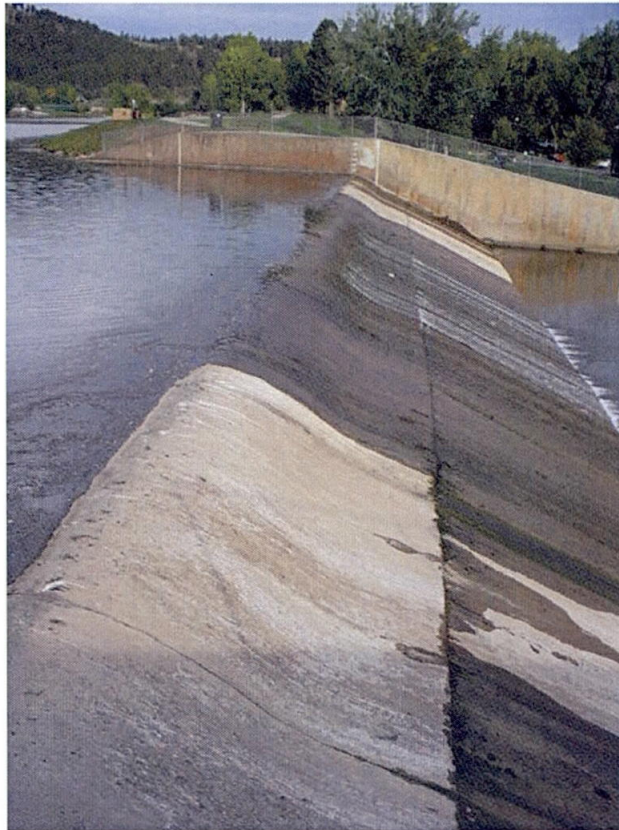
Leedy Ditch parshall flume measuring device located below Canyon Lake spillway.



Leedy Ditch headgate located on right bank of Rapid Creek below Canyon Lake spillway.



Canyon Lake spillway 9-15-2006



Canyon Lake spillway 9-15-2006

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2023-2

Date: April 25, 2023

I/We request that Water Right/Permit No. 2023-2 formerly owned by:

Leedy Ditch be transferred to:

New Owner Name: Leedy Ditch Association, Inc.

Address: PO Box 8151 mobile: 605-390-2885

City, State, Zip Rapid City, SD 57709 email: pir@rap.midco.net

Title to the following described land(s)/property has been transferred as described above:

This is the same description previously on the permit. It is unchanged:

19.5 acres- W1/2SE1/4, NE1/4SE1/4, E1/2SW1/4 Section 9 and the NW1/4SW1/4 Section 10, T1N, R7E

☒ I understand that the validity of Water Right/Permit No. 2023-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Bryan Schnell, for the Leedy Ditch Association, the new owner, certify that the above information is true and correct.

Bryan Schnell
Bryan Schnell (Apr 25, 2023 08:58 MDT)

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

McMath, Genny

Subject: FW: [EXT] Merchant Email Receipt

From: Auto-Receipt <noreply@mail.authorize.net>
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 25-Apr-2023 10:41:08 CDT

===== ORDER INFORMATION =====

Invoice :

Description : Water Rights Transfer of Ownership Amount : 51.25 (USD) Payment Method: MasterCard xxxx4389
Transaction Type: Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.
Auth Code : 02583P
Transaction ID : 64330683071
Address Verification : Street Address: No Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID :
First Name : Bryan
Last Name : Schnell
Company :
Address :
City :
State/Province :
Zip/Postal Code : 57709
Country :
Phone :
Fax :
E-Mail : pir@rap.midco.net

===== CUSTOMER SHIPPING INFORMATION =====

First Name :
Last Name :
Company :
Address :
City :
State/Province :



2023-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 25, 2023

2023-2

Bryan Schnell
Leedy Ditch Association Inc
PO Box 8151
Rapid City SD 57709

Dear Mr. Schnell:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 2023-2.

The vested water right formerly listed under Leedy Ditch is now listed under Leedy Ditch Association Inc.

A receipt for the filing fee was automatically emailed to you when you submitted your credit card payment. If you have any questions, please let us know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us