

PERMITS TRANSFERRING WATER AND ACREAGE

WATER RIGHT NO. 2040-2, SOUTH SIDE DITCH

MAY 3, 1880 PRIORITY DATE LICENSED FOR: 23.4 CFS 1,877.0 AC

		REDUCED BY:		REMAINING:		PERMIT APPROVED
2217-2	CITY OF RAPID CITY (KELLER PROPERTY)	0.4 CFS	35.5 AC	23.0 CFS	1841.5 AC	7-22-92
2218-2	CITY OF RAPID CITY (STROMER PROPERTY)	2.76 CFS	241.7 AC	20.24 CFS	1599.8 AC	7-22-92
2249-2	CITY OF RAPID CITY (WEBER PROPERTY)	1.28 CFS	113.0 AC	18.96 CFS	1486.8 AC	5-5-93
2296-2	CITY OF RAPID CITY (JUNDT PROPERTY)	2.85 CFS	253.4 AC	16.11 CFS	1233.4 AC	1-6-94
2234-2	CITY OF RAPID CITY (EISENBRAUN PROPERTY)	0.79 CFS	70 AC	15.32 CFS	1163.4 AC	5-1-96
2360-2	CITY OF RAPID CITY (SOETAERT PROPERTY)	0.37 CFS	32.6 AC	14.95 CFS	1130.8 AC	7-10-96
2397-2	CITY OF RAPID CITY (EISENBRAUN PROPERTY)	0.59 CFS	59.3 AC	14.36 CFS	1071.5 AC	2-25-98
2415-2	CITY OF RAPID CITY (GORDON HOWIE PROPERTY)	1.64 CFS	146 AC	12.72 CFS	925.5 AC	12-2-98
2411-2	CITY OF RAPID CITY (EISENBRAWN & BAUER PROPERTY)	0.04 CFS	3.6 AC	12.68 CFS	921.9 AC	10-1-98
2513-2	CITY OF RAPID CITY (GALEN STEEN (GORDIE HOWIE)	0.91 CFS	81 AC	11.77 CFS	840.9 AC	12-3-04
2676-2 2768-2	CITY OF RAPID CITY	1.73 CFS	154 AC	10.04 CFS	686.9 AC	10-15-17
						
2770-2	CITY OF RAPID CITY (Brian Dail Shareholder)	0.25 CFS	--	9.79 CFS	--	10-15-17
2884-2	Rapid Valley Sanitary District	0.765 CFS		9.025 CFS		03-14-25

Considered: _____

Vested Right Claim
WATER PERMIT NO. 2040-2

MAP No. same

Name of Applicant South Side Ditch c/o Don Jundt, Pres.

Post Office Address Route 2, Box 4920A, Rapid City SD 57701

Amount of Water Claimed 23.4 cfs Total Acres 1880⁷⁷

Source of Water Supply Rapid Creek

Water to be used for irrigation County Pennington

About 4 miles NW of Caputa

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Oct 21, 1987 Fee _____ Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 15 - Nov 1

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

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

Diversion Point Rapid Creek: SE 1/4 NW 1/4

section 15 - T1N - R8E

Land to be Irrigated see application

Well Log: Driller NA Licensed YES _____ NO _____

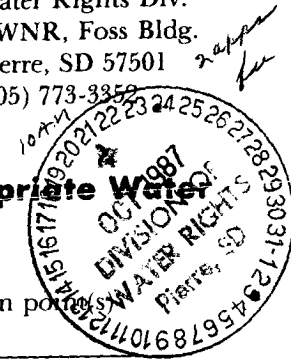
Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Tim Tollefsrud Reviewed and the Number
assigned on October 21, 1987 By Ron Durvall

Mail to: Water Rights Div.
DWNr, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

(See instructions)

No.	2040-2	Hydrologic Unit	10120110
Basin	Upper Cheyenne River		
Newspaper	Rapid City Journal, P.O. Box 450		



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant South Side Ditch, Don Jundt, President Phone No. _____

Post Office Address Route 2, Box 4920A Rapid City, South Dakota State 57701
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 23.4 Total acres irrigated ~~1880~~ 1877

3. Source of Water supply Rapid Creek

4. Location of point of diversion SE 1/4 NW 1/4 Section 15 - T1N - R8E
3760 feet N43° E from the SW 1/4 Corner of Section 15 - T1N - R8E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used April 15 - November 1

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.
SEE ATTACHED SHEET	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ (Specify) _____ Other: _____

9. Crops to be Irrigated: Alfalfa, Grass

10. Give a description of proposed project. (Attach sheet if more space is needed)

Diversion dam and headgate located in the NW 1/4 of Section 15-T1N-R8E. Approximately 6 miles of main ditch with laterals used to transport water to various users on the ditch.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

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

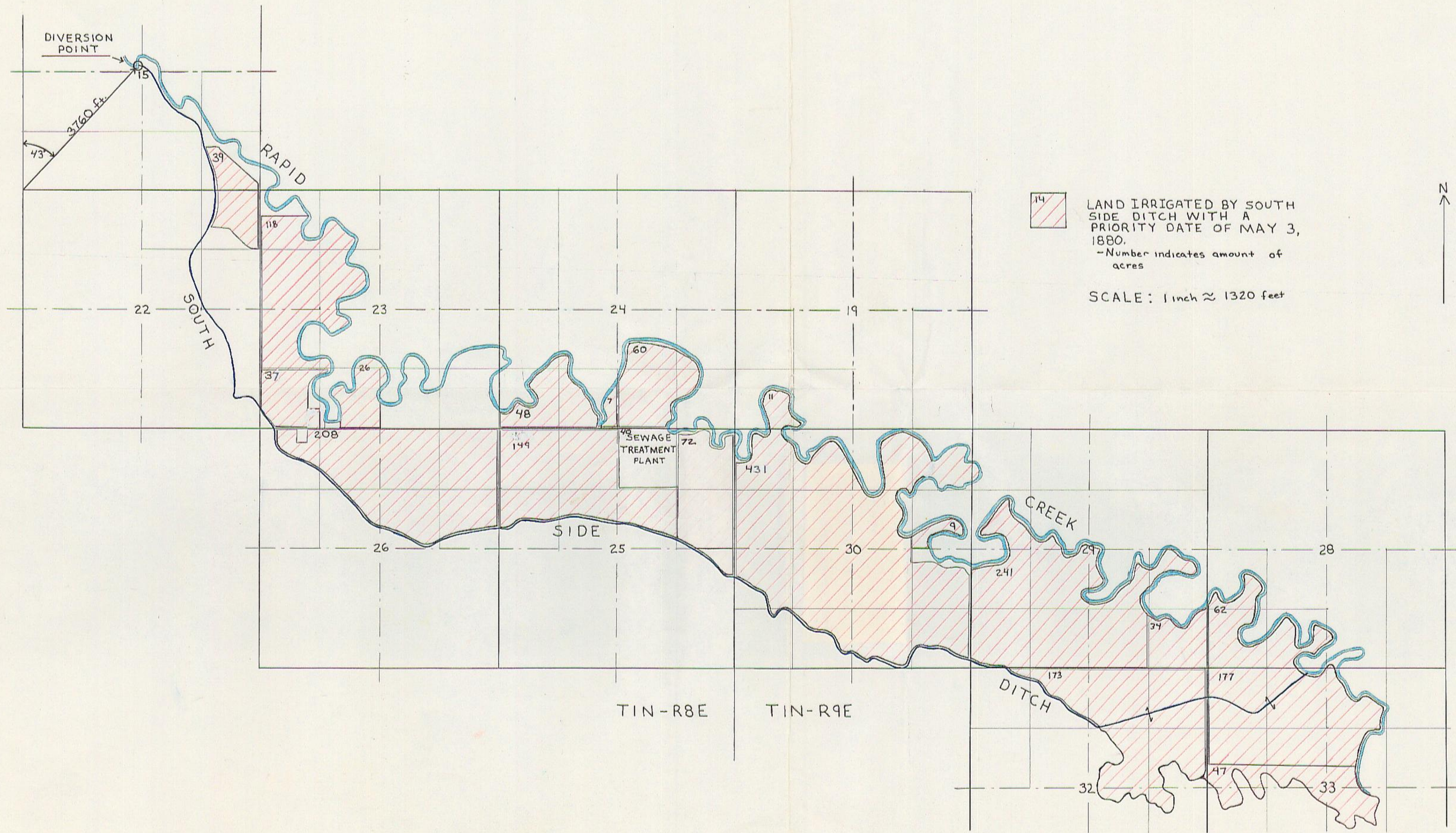
I, Donna H. D. Jundt, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Donald H. Jundt

Subscribed and sworn to before me this 19th day of October 1987

Dorothy M. Jundt
Notary Public

SOUTH SIDE DITCH



Drawn By:
 Tim Tollefsrud 10/1/87
 Tim Tollefsrud
 Natural Resources Engineer

SOUTH SIDE DITCH *Application*
VESTED RIGHT - LIST OF IRRIGATED LAND

PRIORITY DATE -
MAY 3, 1880

DIVERSION POINT
SE1/4 NW1/4 SEC 15-T1N-R9E

LAND IRRIGATED BY QUARTER
QUARTER SECTION

ACRES	LEGAL DESCRIPTION OF ACRES	ACRES	LEGAL DESCRIPTION OF ACRES
13	SE1/4 SE1/4 SEC 15-T1N-R8E	4	SE1/4 NW1/4 SEC 29-T1N-R9E
26	NE1/4 NE1/4 SEC 22-T1N-R8E	17	SW1/4 NW1/4 SEC 29-T1N-R9E
37	SW1/4 SW1/4 SEC 23-T1N-R8E	10	NE1/4 SE1/4 SEC 29-T1N-R9E
31	NW1/4 SW1/4 SEC 23-T1N-R8E	19	NW1/4 SE1/4 SEC 29-T1N-R9E
22	SE1/4 SW1/4 SEC 23-T1N-R8E	34	SE1/4 SE1/4 SEC 29-T1N-R9E
8	NE1/4 SW1/4 SEC 23-T1N-R8E	40	SW1/4 SE1/4 SEC 29-T1N-R9E
40	SW1/4 NW1/4 SEC 23-T1N-R8E	33	NW1/4 SW1/4 SEC 29-T1N-R9E
1	SW1/4 SE1/4 SEC 23-T1N-R8E	38	NE1/4 SW1/4 SEC 29-T1N-R9E
20	SE1/4 NW1/4 SEC 23-T1N-R8E	40	SE1/4 SW1/4 SEC 29-T1N-R9E
15	NW1/4 NW1/4 SEC 23-T1N-R8E	40	SW1/4 SW1/4 SEC 29-T1N-R9E
7	NE1/4 NW1/4 SEC 23-T1N-R8E		
2	NW1/4 SW1/4 SEC 24-T1N-R8E	18	SE1/4 SW1/4 SEC 30-T1N-R9E
2	NE1/4 SW1/4 SEC 24-T1N-R8E	40	NE1/4 SW1/4 SEC 30-T1N-R9E
25	SE1/4 SW1/4 SEC 24-T1N-R8E	34	NW1/4 SW1/4 SEC 30-T1N-R9E
26	SW1/4 SW1/4 SEC 24-T1N-R8E	24	NE1/4 NW1/4 SEC 30-T1N-R9E
3	NE1/4 SE1/4 SEC 24-T1N-R8E	28	NW1/4 NW1/4 SEC 30-T1N-R9E
5	SE1/4 SE1/4 SEC 24-T1N-R8E	40	SW1/4 NW1/4 SEC 30-T1N-R9E
15	NW1/4 SE1/4 SEC 24-T1N-R8E	40	SE1/4 NW1/4 SEC 30-T1N-R9E
37	SW1/4 SE1/4 SEC 24-T1N-R8E	9	SE1/4 NE1/4 SEC 30-T1N-R9E
18	SE1/4 NW1/4 SEC 25-T1N-R8E	20	NE1/4 NE1/4 SEC 30-T1N-R9E
22	SW1/4 NW1/4 SEC 25-T1N-R8E	18	NW1/4 NE1/4 SEC 30-T1N-R9E
40	NE1/4 NW1/4 SEC 25-T1N-R8E	34	SW1/4 NE1/4 SEC 30-T1N-R9E
40	NW1/4 NW1/4 SEC 25-T1N-R8E	27	NE1/4 SE1/4 SEC 30-T1N-R9E
29	SW1/4 NE1/4 SEC 25-T1N-R8E	30	SE1/4 SE1/4 SEC 30-T1N-R9E
30	SE1/4 NE1/4 SEC 26-T1N-R8E	37	SW1/4 SE1/4 SEC 30-T1N-R9E
34	SW1/4 NE1/4 SEC 26-T1N-R8E	40	NW1/4 SE1/4 SEC 30-T1N-R9E
40	NW1/4 NE1/4 SEC 26-T1N-R8E	4	NW1/4 SE1/4 SEC 32-T1N-R9E
40	NE1/4 NE1/4 SEC 26-T1N-R8E	5	NE1/4 SE1/4 SEC 32-T1N-R9E
11.5	SE1/4 NW1/4 SEC 26-T1N-R8E	4	NW1/4 NW1/4 SEC 32-T1N-R9E
15	NW1/4 NW1/4 SEC 26-T1N-R8E	23	NE1/4 NW1/4 SEC 32-T1N-R9E
37.5	NE1/4 NW1/4 SEC 26-T1N-R8E	25	SW1/4 NE1/4 SEC 32-T1N-R9E
11	SW1/4 SW1/4 SEC 19-T1N-R9E	32	SE1/4 NE1/4 SEC 32-T1N-R9E
2	SW1/4 SE1/4 SEC 28-T1N-R9E	40	NE1/4 NE1/4 SEC 32-T1N-R9E
8	NW1/4 SW1/4 SEC 28-T1N-R9E	40	NW1/4 NE1/4 SEC 32-T1N-R9E
19	SE1/4 SW1/4 SEC 28-T1N-R9E	25	SW1/4 NE1/4 SEC 33-T1N-R9E
33	SW1/4 SW1/4 SEC 28-T1N-R9E	25	NW1/4 NE1/4 SEC 33-T1N-R9E
1	NW1/4 NW1/4 SEC 29-T1N-R9E	35	SW1/4 NW1/4 SEC 33-T1N-R9E
		37	SE1/4 NW1/4 SEC 33-T1N-R9E
		37	NE1/4 NW1/4 SEC 33-T1N-R9E
		40	NW1/4 NW1/4 SEC 33-T1N-R9E
		2	NE1/4 SW1/4 SEC 33-T1N-R9E
		6	NW1/4 SW1/4 SEC 33-T1N-R9E
		17	NW1/4 SE1/4 SEC 33-T1N-R9E

TOTAL ACRES IRRIGATED

1877

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 2040-2

South Side Ditch
(applicant)

Route 2, Box 4920A, Rapid City
(post office address)

SD
(state)

57701
(zip code)

Date of receipt of Application October 21, 1987.

Validated December 2, 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 May 3, 1880.
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 _____

23.4 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 Apr 15 - Nov 1.

The applicable portions of the Location Certificate filed June 17, 1880 have been incorporated into Vested Water Right No. 2040-2 and the abandoned portions of the Location Certificate have been cancelled.

Vested Water Right No. 2040-2 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

MAY 2 1988

, 1988.

ATTACHMENT A
VESTED WATER RIGHT NO. 2040-2

1. That Vested Water Right No. 2040-2 is subject to domestic use rights. Diversion of natural flow water under Water Right No. 2040-2 is contingent upon supplies being available first to domestic users.
2. That the existing flow measuring device be maintained at or near the point of diversion for South Side Ditch.

STATE OF SOUTH DAKOTA

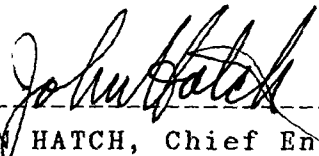
VESTED RIGHT WATER LICENSE NO. 2040-2 FOR IRRIGATION

(1) South Side Ditch, Don Jundt, President of RR #2, Box 4920A, Rapid City, SD 57701 made Application No. 2040-2, October 21, 1987, for validation of a vested right claim to appropriate 23.4 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2040-2 was validated December 2, 1987, with a priority date of May 3, 1880. 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 23.4 cubic feet of water per second for beneficial use. The location of the diversion point is: 3760 feet N43°E from the SW corner of Section 15, T1N, R8E (SE 1/4 NW 1/4)

The location of the irrigated acreage is listed on Attachment 1.

(3) Pursuant to Section 46-5-30.1 South Side Ditch, Don Jundt, President, of RR #2, Box 4920A, Rapid City, SD 57701 the holder(s) and/or owner(s) of Vested Water Right No. 2040-2 is issued a license to appropriate 23.4 cubic feet of water per second from Rapid Creek with a priority date of May 3, 1880 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. 2040-2 and subject to South Dakota State Law.



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

ATTACHMENT 1 to Water License No. 2040-2

The location of the irrigated acreage is:

ACRES		ACRES	
13	SE1/4 SE1/4 SEC 15-T1N-R8E	4	SE1/4 NW1/4 SEC 29-T1N-R9E
		17	SW1/4 NW1/4 SEC 29-T1N-R9E
26	NE1/4 NE1/4 SEC 22-T1N-R8E	10	NE1/4 SE1/4 SEC 29-T1N-R9E
		19	NW1/4 SE1/4 SEC 29-T1N-R9E
37	SW1/4 SW1/4 SEC 23-T1N-R8E	34	SE1/4 SE1/4 SEC 29-T1N-R9E
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22	SE1/4 SW1/4 SEC 23-T1N-R8E	33	NW1/4 SW1/4 SEC 29-T1N-R9E
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40	SW1/4 NW1/4 SEC 23-T1N-R8E	40	SE1/4 SW1/4 SEC 29-T1N-R9E
1	SW1/4 SE1/4 SEC 23-T1N-R8E	40	SW1/4 SW1/4 SEC 29-T1N-R9E
20	SE1/4 NW1/4 SEC 23-T1N-R8E		
15	NW1/4 NW1/4 SEC 23-T1N-R8E	18	SE1/4 SW1/4 SEC 30-T1N-R9E
7	NE1/4 NW1/4 SEC 23-T1N-R8E	40	NE1/4 SW1/4 SEC 30-T1N-R9E
		34	NW1/4 SW1/4 SEC 30-T1N-R9E
2	NW1/4 SW1/4 SEC 24-T1N-R8E	24	NE1/4 NW1/4 SEC 30-T1N-R9E
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		27	NE1/4 SE1/4 SEC 30-T1N-R9E
18	SE1/4 NW1/4 SEC 25-T1N-R8E	30	SE1/4 SE1/4 SEC 30-T1N-R9E
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40	NE1/4 NW1/4 SEC 25-T1N-R8E	40	NW1/4 SE1/4 SEC 30-T1N-R9E
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30	SE1/4 NE1/4 SEC 26-T1N-R8E	4	NW1/4 NW1/4 SEC 32-T1N-R9E
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33	SW1/4 SW1/4 SEC 28-T1N-R9E	2	NE1/4 SW1/4 SEC 33-T1N-R9E
		6	NW1/4 SW1/4 SEC 33-T1N-R9E
1	NW1/4 NW1/4 SEC 29-T1N-R9E	17	NW1/4 SE1/4 SEC 33-T1N-R9E

TOTAL ACRES IRRIGATED

1877

SOUTH SIDE DITCH

IRRIGATOR	NUMBER OF ACRES	LEGAL DESCRIPTION OF IRRIGATED LAND	COMMENTS
RICHARD LAMB	13 26	SE1/4 SE1/4 SEC 15-T1N-R8E NE1/4 NE1/4 SEC 22-T1N-R8E	
BESSIE-LYLE MORRIS	3 40 5 20	NE1/4 SW1/4 SEC 23-T1N-R8E SW1/4 NW1/4 SEC 23-T1N-R8E NE1/4 SW1/4 SEC 23-T1N-R8E SE1/4 NW1/4 SEC 23-T1N-R8E	
BUD DAIL ESTATE	15 7	NW1/4 NW1/4 SEC 23-T1N-R8E NE1/4 NW1/4 SEC 23-T1N-R8E	
VIC HALLETT	4 6 2	NW1/4 NW1/4 SEC 26-T1N-R8E NE1/4 NW1/4 SEC 26-T1N-R8E SE1/4 NW1/4 SEC 26-T1N-R8E	
JOHN NELSON	4	NW1/4 NW1/4 SEC 26-T1N-R8E	
ARDELL SAYLER	13 8	NE1/4 NW1/4 SEC 26-T1N-R8E SE1/4 NW1/4 SEC 26-T1N-R8E	
RONALD GOOD	7 14	NW1/4 NW1/4 SEC 26-T1N-R8E NE1/4 NW1/4 SEC 26-T1N-R8E	
DAVE HUFFMAN	31	NW1/4 SW1/4 SEC 23-T1N-R8E	
PETE BENEDICT	4.5 1.5	NE1/4 NW1/4 SEC 26-T1N-R8E SE1/4 NW1/4 SEC 26-T1N-R8E	
CLARENCE GEARY	20	SE1/4 SW1/4 SEC 23-T1N-R8E	
DENNIS SKYBERG	3	SE1/4 SW1/4 SEC 23-T1N-R8E	
FRANK THOMAS	2	SW1/4 SW1/4 SEC 23-T1N-R8E	
FRANK BOYER	35	SW1/4 SW1/4 SEC 23-T1N-R8E	
REINHOLD EISENBRAUN	40 30	NE1/4 NE1/4 SEC 26-T1N-R8E SE1/4 NE1/4 SEC 26-T1N-R8E	
ERWIN EISENBRAUN	40 34	NW1/4 NE1/4 SEC 26-T1N-R8E SW1/4 NE1/4 SEC 26-T1N-R8E	
WAYNE ANDERSON	26 25 2 2 40 40 22 18	SW1/4 SW1/4 SEC 24-T1N-R8E SE1/4 SW1/4 SEC 24-T1N-R8E NE1/4 SW1/4 SEC 24-T1N-R8E NW1/4 SW1/4 SEC 24-T1N-R8E NW1/4 NW1/4 SEC 25-T1N-R8E NE1/4 NW1/4 SEC 25-T1N-R8E SW1/4 NW1/4 SEC 25-T1N-R8E SE1/4 NW1/4 SEC 25-T1N-R8E	

SOUTH SIDE DITCH VESTED RIGHT
PAGE 2

CITY OF RAPID CITY	11	NW1/4 NW1/4 SEC 30-T1N-R9E
	40	SW1/4 NW1/4 SEC 30-T1N-R9E
BUD STEEN	29	SW1/4 NE1/4 SEC 25-T1N-R8E
	37	SW1/4 SE1/4 SEC 24-T1N-R8E
	15	NW1/4 SE1/4 SEC 24-T1N-R8E
	3	NE1/4 SE1/4 SEC 24-T1N-R8E
	5	SE1/4 SE1/4 SEC 24-T1N-R8E
BRUCE WEBBER	16	NE1/4 NW1/4 SEC 30-T1N-R9E
	26	SE1/4 NW1/4 SEC 30-T1N-R9E
	34	NW1/4 SW1/4 SEC 30-T1N-R9E
	26	NE1/4 SW1/4 SEC 30-T1N-R9E
	11	SE1/4 SW1/4 SEC 30-T1N-R9E
EDDIE RYPKEMA	17	NW1/4 NW1/4 SEC 30-T1N-R9E
	11	SW1/4 SW1/4 SEC 19-T1N-R9E
LEE AHRLIN	8	NE1/4 NW1/4 SEC 30-T1N-R9E
	14	SE1/4 NW1/4 SEC 30-T1N-R9E
	14	NE1/4 SW1/4 SEC 30-T1N-R9E
	7	SE1/4 SW1/4 SEC 30-T1N-R9E
	18	NW1/4 NE1/4 SEC 30-T1N-R9E
	21	NE1/4 NE1/4 SEC 30-T1N-R9E
	34	SW1/4 NE1/4 SEC 30-T1N-R9E
	40	NW1/4 SE1/4 SEC 30-T1N-R9E
	27	NE1/4 SE1/4 SEC 30-T1N-R9E
	37	SW1/4 SE1/4 SEC 30-T1N-R9E
	30	SE1/4 SE1/4 SEC 30-T1N-R9E
DR. CASEY	9	SE1/4 NE1/4 SEC 30-T1N-R9E
PAUL BUNN	17	SW1/4 NW1/4 SEC 29-T1N-R9E
	4	SE1/4 NW1/4 SEC 29-T1N-R9E
	33	NW1/4 SW1/4 SEC 29-T1N-R9E
	38	NE1/4 SW1/4 SEC 29-T1N-R9E
	40	SW1/4 SW1/4 SEC 29-T1N-R9E
	40	SE1/4 SW1/4 SEC 29-T1N-R9E
	19	NW1/4 SE1/4 SEC 29-T1N-R9E
	40	SW1/4 SE1/4 SEC 29-T1N-R9E
	10	NE1/4 SE1/4 SEC 29-T1N-R9E
FRANCIS SHECKEL	4	NW1/4 NW1/4 SEC 32-T1N-R9E
	23	NE1/4 NW1/4 SEC 32-T1N-R9E
	40	NW1/4 NE1/4 SEC 32-T1N-R9E
	40	NE1/4 NE1/4 SEC 32-T1N-R9E
	25	SW1/4 NE1/4 SEC 32-T1N-R9E
	32	SE1/4 NE1/4 SEC 32-T1N-R9E
	4	NW1/4 SE1/4 SEC 32-T1N-R9E
	5	NE1/4 SE1/4 SEC 32-T1N-R9E
WALLY KOERS	34	SE1/4 SE1/4 SEC 29-T1N-R9E

SOUTH SIDE DITCH VESTED RIGHT
PAGE 3

DON JUNDT	8	NW1/4 SW1/4 SEC 28-T1N-R9E
	33	SW1/4 SW1/4 SEC 28-T1N-R9E
	19	SE1/4 SW1/4 SEC 28-T1N-R9E
	2	SW1/4 SE1/4 SEC 28-T1N-R9E
	40	NW1/4 NW1/4 SEC 33-T1N-R9E
	37	NE1/4 NW1/4 SEC 33-T1N-R9E
	25	NW1/4 NE1/4 SEC 33-T1N-R9E
	35	SW1/4 NW1/4 SEC 33-T1N-R9E
	37	SE1/4 NW1/4 SEC 33-T1N-R9E
	25	SW1/4 NE1/4 SEC 33-T1N-R9E
	2	NE1/4 SW1/4 SEC 33-T1N-R9E
	6	NW1/4 SW1/4 SEC 33-T1N-R9E
	17	NW1/4 SE1/4 SEC 33-T1N-R9E

TOTAL ACREAGE	1877
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Amended Location Notice
of
The Lower Rapid Ditch Company

#2588

The undersigned, the Lower Rapid Ditch Company, a corporation duly created, organized, and existing under and by virtue of the laws of the Territory of Dakota, having purchased of the original locators and now being the owners and in the actual possession of that certain water right, location ditch, and appurtenances mentioned and described in that certain notice of location, did on the third day of May A.D., 1880, signed by Wm. H. Hopkins, P. M. A. Chaffee, Frank C. Crocker, Emmett W. James, George W. Mentch, Alexander Shoemaker, George Cret-singer, Frank Burgess, Jacob Spahr, Alexander Shelleto, and John W. Nowlin, and duly recorded in the office of the Register of Deeds of Pennington County, Territory of Dakota, (now State of South Dakota) on the 17th day of June A.D., 1880, at 11:00 o'clock and 15 minutes A.M. in Book "E" on page 20 and 21 of the records of location, reference to which is hereafter made and said corporation having duly complied with the laws of the said Territory of Dakota, in diverting 2500 inches by miners measure ment of the waters of Rapid Creek at a point of diversion on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 15 in township one north of range eight east in said Pennington County, under and by virtue of the rights acquired by said original location aforesaid and extending its line of ditch along the course specified and to the point of termination stated in said location notice to wit: to a point in section 33 township one north of range nine east B.H.M., along the south side of said Rapid Creek in a southeasterly direction from said point of diversion a distance of about seven miles, more or less; now, therefore, the undersigned waiving no rights acquired under and by virtue of said prior location, appropriation and continued possession and work there-under by retaining and insisting upon the same, make this its amended water right location for the purpose of more definitely defining its rights and interests in and to the same, and to more particularly describe the same, and to more specifically locate its said line of ditch from said point of diversion to point of termination, therefore, notice is hereby given to all whom it may concern, that the Lower Rapid Ditch Company, a corporation duly organized under the laws of Dakota Territory hereby claims and appropriates and has a valid right to the possession, occupation and enjoyment over and through the following lands lying and being in Pennington County, State of South Dakota, for the exclusive right of way for the purpose of constructing and using a flume or water ditch from a point on the south side of Rapid Creek in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 15 township one north of range 8 east of the B.H.M., said point being the place where the water is diverted from said Rapid creek under said original water right location above described, referred to, and running from thence southeasterly in said original ditch about seven miles through the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of section 15 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 22 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of section 22, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 23, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of section 26, NE $\frac{1}{4}$ of section 25, all in township one, north of range 8 east B.H.M., S $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$.

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT ARCHIVOGRAPHIC REPRODUCTIONS. REDUCTION 35% ROLL NO. 1 DATE MICROFILMED 5-4-82 BY SPENCER GREEN CREATOR

Location of Water right.

Know all men by these presents, that we, the undersigned, claim by right of location and actual appropriation two thousand five hundred (2500) inches (miner's measurement) of the waters of Rapid Creek, as a water right commencing at a dam constructed in said Rapid Creek in section 15, township one north of range 8 east in Pennington County, Dakota Territory, which said dam and the ditches and flumes leading therefrom, is for the purpose of diverting the water of said Rapid Creek from its natural channel and by ditches and flumes conducting the same in a southeasterly direction on the south bank of said stream as shall be most advantageous for manufacturing, milling, irrigating, domestic, and other useful purposes, to the terminal point of said water right, located and fixed in section 33, township one, north of range nine east, with the right of re-itching, and re-fluming along the line of said water location as the uses and purposes herein set forth may require.

Names of Locators:

Date of Location
May 3, 1880

William H. Hopkins
P. K. A. Chaffee
Frank C. Crocker
Emmett W. James
George W. Mentch
Alexander Shoemaker
George Gretsinger
Frank Burgess
Jacob Spahr
Alexander Shelleto
John W. Nowlin

Filed for Record June the 17th A.D. 1880 at 11:15 o'clock A.M.
recorded in Book E, page 20 and 21 of Location Records

Wm. S. Maguire
Register of Deeds
By A. P. Sterling, Deputy

Book E Location Certificate Records
page 20 & 21

DATE RECORDED

GREEN CREEK

W $\frac{1}{2}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of section 30; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 29, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of section 32, W $\frac{1}{2}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 33 all in township one north of range nine east B.H.M., to about the center of said NE $\frac{1}{4}$ of said NW $\frac{1}{4}$ of section 33 township one, north of range nine east B.H.M., at which last named point, being the terminal point, the water is again returned to its natural channel, said ditch to be of sufficient dimensions to carry 2500 inches, miner's measurement, of water under six-inch pressure, and said corporation also claims, and has appropriated, and does hereby appropriate and has a valid right to the enjoyment and use of 2500 inches, miner's measurement, of the waters under a six inch pressure, of said Rapid creek for manufacturing, milling, irrigating, domestic, and other useful purposes, the same to be diverted from, and has been so diverted, from said Rapid Creek at the head of said ditch in said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 15, township one, north of range eight east B.H.M., as aforesaid, to be conveyed from thence through the above described flume or water ditch on the south side of said Rapid Creek in a southeasterly direction through and over the premises and along the line of said ditch described as aforesaid a distance of about seven miles, more or less to the terminal point of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 33, township one, north of range nine east, B.H.M., where said water is returned to its natural channel into Rapid Creek; together with all and singular the rights, hereditaments and appurtenances thereunto belonging or appertaining. This amended location notice was duly posted on Rapid Creek at the point of diversion of said water from Rapid creek at the head of said ditch on the 16th day of Sept. A.D., 1893.

Date of amended location notice, Sept. 16, A.D., 1893.

This amended location notice is duly made on behalf of said corporation by the directors thereof duly authorized to make the same, and under the seal of said corporation.

SEAL

The Lower Rapid Ditch Company
By

George W. Montch, President
Harry D. Blair, Secretary
H. K. Leedy, Treasurer
John F. Grady,
Jay P. Eastman, Directors
Isaac Platt,

State of South Dakota }
County of Pennington. } ss.

Harry D. Blair being duly sworn on oath says that he is a native born citizen of the United States, over the age of 21 years and a resident of said county and state. That on the 16th day of Sept. 1893, he posted a true duplicate of the above amended location notice at head of said ditch at point where water is diverted from Rapid Creek as specified in said above notice, that said notice was posted upon the headgate of said ditch and being the most conspicuous place at said point of the diversion of water into said ditch.

Subscribed and sworn to before me Sept. 16, 1893 Harry D. Blair

(SEAL)

H. P. Lewis, Notary Public

Filed for record this 16th day of October, A.D., 1893, at 3 P.M. and in Book K page 401.

LOW 1-2-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A HIGHER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25 ROLL NO 1 DATE MICROFILMED 5-4-88

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 of 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) South Side Ditch, Don Jundt, President
 Post Office Address Route 2, Box 4920A Rapid City, South Dakota 57701
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation May 3, 1880 Date of Posting May 3, 1880
 Date of recording June 17, 1880 Recording date Pennington Co. E 20 & 21
Where Book Page
B. Date of start of construction of water supply system 1880C. Date that water was first applied to beneficial use May 3, 1880D. Name of owner of original water supply system Lower Rapid Ditch CompanyE. Amount of water originally applied to beneficial use 50 cfsF. Present Use of Water - Amount of water now being used irrigation - 23.4 cfs <Date that this water was first used May 3, 1880

G. Chronological History of Water Use

1. Location Notice-located on May 3, 1880-claimed 50 cfs
2. Amended Location Notice-posted September 16, 1893
3. Court decreed South Side Ditch 23.4 cfs prior in right to Hawthorne Ditch (1899)
4. Court decreed South Side Ditch 23.4 cfs prior in right to Fiegal Right (1900)
5. Court decreed South Side Ditch 23.4 cfs prior in right to Brennan Estate (1935)
6. 1880 acres to be Vested
7. Water has been put to beneficial use continually since construction of the ditch.

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

State of South Dakota)

County of Pennington) ^{SS}

I, Donald D. Jundt the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Donald D. Jundt xSubscribed and sworn to before me Shirley M. Plummer , 19 87
Notary Public
 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.

Donald D. Jundt 19 87
 (Print name)

 _____ 19_____
 (Print name)

my Commission expires 8-14-94

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

441022

Pierre, October 21, 1987

RECEIVED OF South Side Ditch, Don Jundt, RR 2, Box 4920A, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2040-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00VR
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 John Hatch
Chief Engineer JOHN HATCH (ms)

REPORT ON VESTED RIGHT APPLICATION NO. 2040-2
South Side Ditch
October 15, 1987

Vested Right Application No. 2040-2 requests validation of a vested right claim to appropriate 23.4 cubic feet of water per second from Rapid Creek to irrigate 1877 acres. The claimed priority date is May 3, 1880. The point of diversion is located in the SE1/4 of the NW1/4 of Section 15 - T1N - R8E, Pennington County.

DISCUSSION

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, South Side Ditch has submitted this Application No. 2040-2 to validate a vested water right claim. The following findings are from the investigation of South Side Ditch.

A notice of water appropriation (no number was assigned this certificate) was filed with the Pennington County Register of Deeds and recorded in Book E, Page 20 and 21 of the Location Certificate records. The notice claimed the right to 2500 miner's inches of water. The date of recording was June 17, 1880 and the date of posting was May 3, 1880.

A Seventh Judicial Court decision in Lower Rapid Ditch Co, et al vs Hawthorne Ditch Co, et al decreed 900 miner's inches of water to Lower Rapid Ditch Co. This decision was recorded September 26, 1899 in Book 9 of Judgements, pages 100-103.

A Seventh Judicial Court decision in Lower Rapid Ditch Co., et al vs. John Chitty, et al decreed 900 miner's inches of water to Lower Rapid Ditch Co. This decision was recorded May 11, 1901 in Book 9 of Judgements, pages 342-345.

A third decision by the Seventh Judicial court in South Side Ditch and Water Company, et al vs. Jennie L. Brennan, et al decreed 23.4 cfs to South Side Ditch. This decision was filed on June 3, 1936.

South Dakota statutes states that 1.0 cfs is equal to 50 miner's inches. The Seventh Judicial Court in 1899 defined a miner's inch as the flow required to produce 2250 cubic feet of water in a 24 hour period. Reducing this value produces a value of 1.0 cfs is equal to 38.4 miner's inches. The 900 miner's inches decreed South Side Ditch is equal to 23.4 cfs using the courts definition of a miner's inch.

South Side Ditch was investigated by Division of Water Rights Engineers during the Fall of 1986 and the Summer of 1987. Water is diverted through a headgate by means of a diversion dam on Rapid Creek. A parshall flume with a throat width of 2.65 feet used to measure the ditch flow is located below the headgate. The headgate is capable of diverting 23.4 cfs and the ditch is capable of carrying 23.4 cfs. This amount has been diverted and put to beneficial use in the past. Any surplus water or irrigation return flow is returned to Rapid Creek. There is approximately six miles of main ditch with laterals used to transport water to individual users on the ditch.

SDCL 46-5-6 allows the diversion of one cfs for each 70 acres of irrigation. Applying this rate to the number of acres claimed by this vested right application, the total diversion rate allowed by state law would be 26.8 cfs. The amount claimed by this vested right, 23.4 cfs, is less than the amount allowed by present law. Since the court found that the Ditch was entitled to 23.4 cfs, this should be the amount validated by Vested Right Application No. 2040-2.

CONCLUSIONS

1. A location Certificate filed for record June 17, 1880 claimed the right to divert 2500 miner's inches of water. South Dakota statutes state that 1.0 cfs is equal to 50 miner's inches.
2. A Seventh Judicial court decreed South Side Ditch 900 miner's inches of water in 1899 and 1901. Another Seventh Judicial Court decision in 1936 decreed South Side Ditch 23.4 cfs. The court defined 1.0 cfs as equal to 38.4 miner's inches.
3. South Side Ditch is capable of diverting and transporting 23.4 cfs.
4. South Side Ditch has diverted and put to beneficial use 23.4 cfs of water in the past.
5. Water has been put to beneficial use continuously since the system was constructed.
6. The 23.4 cfs claimed by this application is less than the amount allowed by present state law to irrigate 1877 acres.
7. It is recommended Vested Right Application No. 2040-2 be validated with a priority date of May 3, 1880 for 23.4 cfs to irrigate 1877 acres.
8. It is recommended if Vested Right Application No. 2040-2 is validated, that the applicable portions of the Location Certificate filed June 17, 1880 be incorporated into Vested Right No. 2040-2 and that the abandoned portions of the Location Certificate be cancelled.



Tim Tollefsrud
Natural Resources Engineer

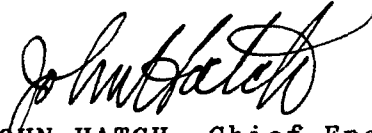
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2040-2, South Side Ditch

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. 2040-2, South Side Ditch, c/o Don Jundt, President, Route 2, Box 4920A, Rapid City SD.

The Chief Engineer is recommending VALIDATION of Application No. 2040-2 for 23.4 cfs and that the applicable portions of the Location Certificate filed June 17, 1880 have been incorporated into No. 2040-2 and the abandoned portions of the Location Certificate have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of May 3, 1880, 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 with the following qualifications.

1. That Vested Water Right No. 2040-2 is subject to domestic use rights. Diversion of natural flow water under Water Right No. 2040-2 is contingent upon supplies being available first to domestic users.
2. That the existing flow measuring device be maintained at or near the point of diversion for South Side Ditch.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 26, 1887

SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 28, 1987

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

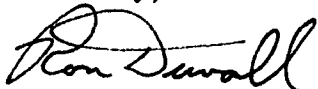
South Side Ditch
c/o Don Jundt, President
Route 2, Box 4920A
Rapid City SD 57701

Dear Mr. Jundt:

Your Application No. 2040-2 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

October 28, 1987

RAPID CITY JOURNAL
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2040-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Side Ditch, c/o Don Jundt, Route 2, Box 4920A, Rapid City SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. 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 November 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 2040-2 to Appropriate Water

Notice is hereby given that South Side Ditch, c/o Don Jundt, President whose mailing address is Route 2, Box 4920A, Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 23.4 cubic feet of water per second (cfs) from Rapid Creek to irrigate 1,877 acres via the South Side Ditch with a claimed priority date of May 3, 1880. The Rapid Creek diversion point for South Side Ditch is located in the SE 1/4 NW 1/4 Section 15, T1N, R8E. The irrigated acreage is located in the SE 1/4 SE 1/4 Section 15; NE 1/4 NE 1/4 Section 22; W 1/2, SW 1/4 SE 1/4 Section 23; S 1/2 Section 24; NW 1/4, SW 1/4 NE 1/4 Section 25; NE 1/4, SE 1/4 NW 1/4, N 1/2 NW 1/4 Section 26; all in T1N, R8E; SW 1/4 SW 1/4 Section 19; SW 1/4 SE 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 28; S 1/2 NW 1/4, S 1/2 Section 29; E 1/2 SW 1/4, NW 1/4 SW 1/4, N 1/2, SE 1/4 Section 30; N 1/2 SE 1/4, N 1/2 NW 1/4, NE 1/4 Section 32; W 1/2 NE 1/4, NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 33; all in T1N, R9E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2040-2 for 23.4 cfs and that the applicable portions of Location Certificate filed June 17, 1880 be incorporated into No. 2040-2 and that the abandoned portions of the Location Certificate be cancelled because 1) water has been appropriated as described for irrigation with a priority date of May 3, 1880, 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 Howard Johnson's, Roosevelt and Jefferson Rooms, Rapid City SD, December 2, 1987 at 1:00 pm.

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 November 20, 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.

(continued)

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 November 20, 1987.

No. _____

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:

November 4, 1987

November 11, 1987

Mary K. Garness
(Signature)

Bookkeeper
(Title)

November 11, 1987

(Date Signed)



Cost of Printing: Ran 11 4/16 inch legal advertising
in the Rapid City Journal on November 4 & 11 @ \$4.20
per inch = \$94.50

Ran public notice of hearing (water application)
South Side Ditch, Don Jundt L328

WNR-808-7/79
Proof of Publication

Nov. 4, 11 L328

NOTICE OF HEARING
TO VALIDATE VESTED RIGHT
APPLICATION NO. 2040-2
TO APPROPRIATE WATER

Notice is hereby given that South Side Ditch, c/o Don Jundt, President, whose mailing address is Route 2, Box 4920A, Rapid City, South Dakota has filed an application to validate a vested right claim to appropriate 23.4 cubic feet of water per second (cfs) from Rapid Creek to irrigate 1,877 acres via the South Side Ditch with claimed priority date of May 3, 1880. The Rapid Creek diversion point for the South Side Ditch is located in the SE 1/4 NW 1/4 Section 15, T1N, R8E. The irrigated acreage is located in the SE 1/4 SE 1/4 Section 15; NE 1/4 NE 1/4 Section 22; W 1/4 SW 1/4 SE 1/4 Section 23; S 1/4 Section 24; NW 1/4 SW 1/4 NE 1/4 Section 25; NE 1/4 SE 1/4 NW 1/4 N 1/4 NW 1/4 Section 26; all in T1N, R8E; SW 1/4 SW 1/4 Section 19; SW 1/4 SE 1/4 NW 1/4 SW 1/4 S 1/4 SW 1/4 Section 28; S 1/4 NW 1/4 S 1/4 Section 29; E 1/4 SW 1/4 NW 1/4 SW 1/4 N 1/4 SE 1/4 Section 30; N 1/2 SE 1/4 NW 1/4 NE 1/4 Section 32; W 1/2 NE 1/4 NW 1/4 N 1/2 SW 1/4 NW 1/4 SE 1/4 Section 33; all in T1N, R9E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2040-2 for 23.4 cfs and that the applicable portions of Location Certificate filed June 17, 1880 be incorporated into No. 2040-2 and that the abandoned portions of the Location Certificate be canceled because 1) water has been appropriated as described for irrigation with a priority date of May 3, 1880, 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 Howard Johnson's, Roosevelt and Jefferson Rooms, Rapid City, S.D., December 2, 1987 at 1:00 p.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 November 20, 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, 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 November 20, 1987.

**South Dakota
Department of
Game, Fish and Parks**

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 16, 1987



Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 2040-2 on Rapid Creek, Pennington County.

GF&P is an interested and potentially affected party by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water right claim could affect the quantity of water available for natural resource management.

Thank you for the opportunity to comment on this pending water right application.

Sincerely,


Richard J. Beringson
Secretary

RJB/lđ

cc: South Side Ditch % Don Jundt, Pres.



City of Rapid City

RAPID CITY, SOUTH DAKOTA 57701

OFFICE OF CITY ATTORNEY

22 Main Street
Rapid City, South Dakota 57701
Telephone: 605-394-4140

November 20, 1987

John Hatch, Chief Engineer
South Dakota Department of Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



RE: Application No. 2040-2

Dear Mr. Hatch:

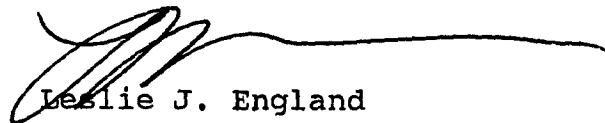
This will serve as the petition of the City of Rapid City as an interested party who may be affected by the above pending application.

The interest of the City of Rapid City in the pending application is that the City of Rapid City is a junior appropriator on Rapid Creek and has a contractual obligation to replace water taken into its municipal system for the benefit of the above referenced applicant. The Rapid City urban area including Rapid Valley and Ellsworth Air Force Base, has a population in excess of 70,000 people who are dependent upon Rapid Creek for daily water supply.

Please provide copies of the pertinent engineering reports, recommendations, and applications so that the City of Rapid City may determine whether it may support or oppose the pending application.

Yours very truly,

OFFICE OF THE CITY ATTORNEY


Leslie J. England

LJE/sd
cc: Don Jundt, South Side Ditch Co.



EQUAL OPPORTUNITY EMPLOYER

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

November 20, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the filings made by the S.D. Department of Game, Fish and Parks to the attached list of applicants, some confusion exists regarding the intent of the filings. For your information when dealing with inquiries to the nature of the GF&P interest in the upcoming hearings the following information should be useful.

GF&P intends to participate in the upcoming water right validations by supporting the water rights staff recommendations that will bring each water right into legal compliance with existing laws, e.g. appropriate quantities of water for the land base, appropriately sized and gauged headgates for the right in question, abandonment of unused quantities of water, etc. GF&P filed with your office and each applicant so that we would officially be parties to the hearing process and be able to carry out the mandated duties of the Department under SDCL Chapter 41. We also are of the opinion that the Department would have been negligent in not participating in proceedings that relate to water resource allocation directly affecting waters that support fish and wildlife values.

I hope this information will aid you in describing the nature of the interest the Department of Game, Fish and Parks has in the upcoming proceedings. If you have any questions you can contact me at 773-5511.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Koth".

Ron Koth
Water Permits Coordinator

RK/ld

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No 2040-2, South Side Ditch

For:

Don Jundt, President
Route 2, Box 4920A
Rapid City, SD 57701

Interested:

Leslie J. England, attorney
City of Rapid City
22 Main Street
Rapid City SD 57701

Richard Beringson, Secretary
SD Dept. of Game, Fish & Parks
Anderson Bldg., 445 E Capitol
Pierre SD 57501

SOUTH Dakota Department of
Water & Natural Resources

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

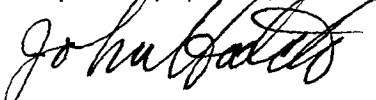
MAY 2 1988

South Side Ditch
Don Jundt, President
Route 2, Box 4920 A
Rapid City, South Dakota 57701

Dear Mr. Jundt:

Enclosed are your Validated Vested Water Right and Water License No. 2040-2.
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

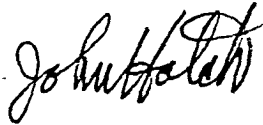
 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
December 18, 1989

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

TO: South Side Ditch
c/o Wayne Anderson, President
Rt 5, Box 460
Rapid City SD 57701

FROM: JOHN HATCH, Chief Engineer
Water Rights Division



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

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

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

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

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

cc: Dave Lamb, Vice-President
Merlin Stromer, Secretary/Treasurer

CERTIFICATION

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

South Side Ditch, c/o Wayne Anderson, President
Rt 5, Box 460
Rapid City, SD 57701

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

Secretary/Treasurer: Merlin Stromer
RR 2, Box 630
Rapid City, SD 57732

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of December, 1989.



John Hatch
Notary Public

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

818 St. Joe Street

Mailing Address P. O. Box 2670

Rapid City, South Dakota 57709

605-343-1040

Telecopier 605-343-1503

January 25, 1990

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

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



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

Re: Notice of Request to Remove
Trees from Ditch

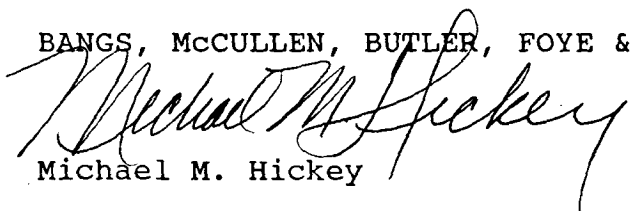
Dear Mr. Hatch:

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

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

Sincerely,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


Michael M. Hickey

MMH/dcc

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



Department of Water & Natural Resources

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

February 2, 1990

NOTICE

TO: South Side Ditch
c/o Wayne Anderson, President
Route 5, Box 460
Rapid City SD 57701

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

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

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

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

After all evidence is taken at the hearing, the Board is authorized to: 1) order removal of trees and brush from South Side Ditch as outlined in the Notice dated December 18, 1989, 2) take no action, 3) amend Vested Water Right No. 2040-2 to add qualifications, 4) defer action or do some combination of the above. The Board has legal authority and jurisdiction to consider this matter and may amend Vested Water Right No. 2040-2 pursuant to SDCL 46-1-4, 46-1-14, 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17 and 46-7-3.

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

cc: John Haak, Assistant Attorney General
Dave Lamb, Vice President
Merlin Stromer, Secretary/Treasurer
Michael M Hickey, Attorney

CERTIFICATION

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

South Side Ditch, c/o Wayne Anderson, President
Rt 5, Box 460
Rapid City, SD 57701

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

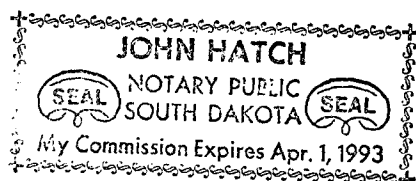
Secretary/Treasurer: Merlin Stromer
RR 2, Box 630
Rapid City, SD 57732

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

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 25, 1991

Bruce Webber
RR 2 Box 4420
Rapid City, SD 57701

Dear Mr. Webber:

Enclosed is a copy of the information that you requested concerning South Side Ditch. If you have any additional questions, feel free to contact me.

Sincerely,

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



Department of Water & Natural Resources

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

April 11, 1991

Wright Water Engineers, Inc.
Attn: Guy Warren
2490 W 26th Ave
Suite 100A
Denver, Co 80211

Dear Mr. Warren:

Enclosed is a copy of the water right license for South Side Ditch which you requested. If you need any further information feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Rath". The signature is stylized with a large, sweeping "M" and "R".

Mark D. Rath
Natural Resources Engineer II
Water Rights Division

enclosures

Memo to File 901-046.010
December 20, 1991
Page 2

It was agreed that the pro rata share method was a more accurate and more fair method of determining maximum headgate diversion than basing this on miners inches.

We are sending two separate reports to Mark Rath summarizing these calculations with respect to the Long and Pelle properties, respectively.

SOUTH SIDE DITCH

For purposes of calculating the maximum allowable diversion rate that can be transferred from a specific property, we will use the 1,877 validated acreage and the 23.4 cfs South Side headgate diversion rate. We will also use the pro rata acreage method as determined above, but will use the appropriate carriage loss for the South Side Ditch and the 1,187 total acres.

In the case of the procedure to estimate the farm headgate diversion, we will use the 1,078 acres irrigated in 1989 as estimated by the Bureau of Reclamation. It was agreed that this is a reasonable thing to do since this is the one year for which we have a reliable estimate of irrigated acres. We will, however, also do some calculations to determine the farm headgate diversion for some other years in the 1980's when we have ditch headgate diversion data. In this case, we will estimate what the acreage would have been in those years. All of this additional calculation is designed to give Del Broz and Mark Rath some additional support for using the 1,078 acres and the 1989 data as the basis for our determination of consumptive use.

LME:ard
901-046.010
(RAPIDC/MURPHANDS.LME)
cc: Leslie J. England
Guy Warren
Gary Witt



LESLIE J. ENGLAND
(ALSO ADMITTED IN COLORADO)

LAW FIRM OF
LESLIE JAMES ENGLAND
SUITE 102, WESTERN MUTUAL BUILDING
731 ST. JOSEPH STREET
RAPID CITY, SOUTH DAKOTA 57701

TELEPHONE (605) 341-7600
FAX (605) 343-4131

January 3, 1992

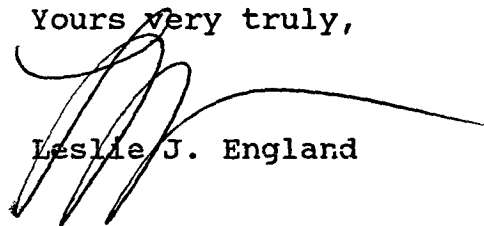


Genny McMath
Water Rights Division
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Genny:

As discussed with Mark Rath today, please provide copies of all documents on file concerning the South Side Ditch and Water Company, License No. 2040-2. Please do not limit your search, as it is necessary to review any and all documentation in your files concerning this irrigation ditch. Thank you, Genny, very much for your attention and assistance in this request.

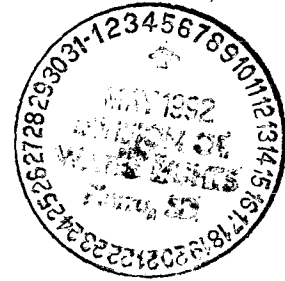
Yours very truly,



Leslie J. England

LJE/kmr

BY-LAWS
OF
SOUTH SIDE DITCH & WATER COMPANY



ARTICLE I.

The number of directors of the corporation shall be five. The officers shall consist of a President, Vice-President, Secretary-Treasurer, who shall be chosen by the directors from among themselves.

ARTICLE II.

SECTION 1. A Board of Directors shall be elected at the Annual Meeting of the Stockholders. Each director shall hold office until the next Annual Meeting of Shareholders and until his successor shall have been elected and qualified.

SECTION 2. No Stockholder shall be eligible for election as a member of the Board of Directors unless he is a bona fide owner of at least two shares of the capital stock of the company at the time of his election.

ARTICLE III.

SECTION 1. The regular Annual Meeting of the Stockholders shall be held in the first 15 days of March of each year at the office of the company, or at the time and place designated by the Executive Board as announced in the Notice of Annual Meeting. A representation of a majority of the capital stock shall be necessary for the transaction of the business of all meetings of stockholders. At such meetings, a representation by proxy, duly appointed, shall be allowed, such proxy in writing, and filed with the secretary of the company; and each share shall be entitled to one vote. The place where the principal business of the company is to be transacted shall be at the Registered Agents, or at such place as shall be, from time to time, designated by the Executive Board.

SECTION 2. A regular meeting of the Executive Board shall be held without other notice than this By-Law immediately after, and at the same place as the Annual Meeting of the Stockholders. The Executive Board may provide by resolution the time and place for the holding of additional regular meetings without other

notice than such resolution. Special meetings of the Board of Directors may be called by or at the request of the President or any two members of the Executive Board. The person or persons authorized to call such special meetings of the Executive Board may fix the place and time for holding any special meeting of the Executive Board called by them, notifying each Director. A majority of the Executive Board shall constitute a quorum for the transaction of business.

SECTION 3. Notice of the regular Annual Meeting of the Stockholders shall be written, stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall unless otherwise prescribed by statute, be delivered not less than five nor more than fifteen days before the date of the meeting, either personally or by mail, by or at the direction of the President, or the Secretary, or the persons calling the meeting, to each Shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the Shareholder at his address as it appears on the stock transfer books of the corporation with postage thereon prepaid.

SECTION 4. Special meetings of the Shareholders, for any purposes unless otherwise prescribed by statute, may be called by the President or by the Executive Board, and shall be called by the President at the request of the holders of not less than fifty percent of all the outstanding shares of the corporation entitled to vote by the meeting.

ARTICLE IV.

SECTION 1. PRESIDENT. The President shall preside at the meetings of the directors or stockholders. He shall sign, as president, all certificates of stock, and all contracts, and other instruments in writing which have been first approved by the Board of Directors. He shall draw all checks and warrants upon the treasurer. He shall call the Directors together whenever he deems it necessary; and he may also call special meetings of the Stockholders at his discretion. He shall have the casting vote at all meetings of the Stockholders or Board of Directors. He shall supervise all the officers and employees of the company; and he shall have, subject to the advise and control of the

directors, the general superintendence of the affairs of the company. In the absence of the President, the Vice-President shall perform his duties.

SECTION 2. TREASURER. It shall be the duty of the Treasurer to keep safely all the monies of the company, and disburse the same under the direction of the Board of Directors, on warrants or orders signed by the President and Secretary. At each Annual Meeting of the Stockholders, he shall submit a complete statement of his accounts for the past year, with the proper vouchers. He shall make no payment except upon a warrant or order drawn by the President and countersigned by the Secretary. He shall discharge such other duties pertaining to his office as shall be prescribed by the Board of Directors.

SECTION 3. SECRETARY. It shall be the duty of the Secretary to keep a record of the meetings of the Stockholders and the Board of Directors. He shall keep the book of blank certificates of stock, fill up and countersign all the certificates of stock, fill up and countersign all the certificates issued, and make the corresponding entries on the margin of each book, on such issuance. He shall also keep a book to be known as the "Stock and Transfer Book", in which must be kept a record of all stock; the names of the Stockholders alphabetically arranged; installments paid or unpaid; assessments levied and paid or unpaid; a statement of alienation, sale or transfer of stock made, the date thereof, and by and to whom. He shall countersign all checks, and have charge of the corporate seal, and affix the same to all instruments requiring the seal. He shall keep proper account books, and discharge such other duties pertaining to his office as shall be prescribed by the Board of Directors.

ARTICLE V.

The Board of Directors shall have power; 1. To call meetings of the Stockholders when they deem the same necessary. 2. To appoint and remove, when necessary, all employees and agents of the company, prescribe their duties, fix their compensation, and require from them security for the faithful performance of their duties. 3. To make rules and regulations not inconsistent with the laws of the State of South Dakota, or By-Laws

of the company, for the guidance of the officers and the management of the affairs of the company. 4. To declare dividends out of the surplus profits, whenever they shall deem it expedient. 5. To levy and collect such assessments as in their judgment may be necessary for the use of the company. 6. To incur such indebtedness as they may deem necessary; provided, however, that no indebtedness over Five Thousand dollars shall at any time be incurred by the company, and to authorize the execution, by the President and Secretary, of any note or obligation for such indebtedness. 7. To exercise, conduct and control all the corporate powers, business and property of the company.

ARTICLE VI.

It shall be the duty of the Board of Directors: 1. To cause to be kept a complete record of all their meetings and acts, and also of the proceedings of the Stockholder; and to present a full statement at the regular Annual Meeting of the Stockholders, showing in detail the assets and liabilities of the company, and generally the condition of its affairs. 2. To supervise all the acts of the officers and employees, require the Secretary and Treasurer to keep full and accurate books and accounts, and to prescribe the form and mode of keeping such books. 3. To cause to be issued to the Stockholders, in proportion to their several interests, certificates of stock, not to exceed in the aggregate the capital stock of the company. 4. Generally to supervise, control and manage all the property, business and affairs of the corporation.

ARTICLE VII.

By resolution of the Executive Board each member of the Executive Board may be paid his expenses, if any, of attendance at each meeting of the Executive Board and may be paid a stated salary as a director or a fixed sum for attendance at each meeting of the Executive Board or both. No such payment shall preclude any director from serving the corporation in any other capacity and receiving compensation. The salaries of the officers shall be fixed from time to time by a majority vote of the Shareholders and no officer shall be prevented from receiving such salary by reason he is also a member of the Executive Board of the corporation.

ARTICLE VIII.

No contract, by any officer of the company shall be valid without the previous authorization or ratification of the Board of Directors.

ARTICLE IX.

Certificates of stock shall be of such form and devise as the Board of Directors shall direct, and each certificate shall be signed by the President and Secretary under the corporate seal, and express on its face its number, date of issuance, number of shares for which, and the persons to whom issued. Several certificates may be issued to the same person or persons, provided that in the aggregate they do not exceed the number of shares belonging to such person or persons. The Certificate Book shall contain a margin, on which shall be entered the number, date, number of shares, and the name or names of the person or persons expressed in the corresponding certificates.

ARTICLE X.

SECTION 1. Shares of the capital stock of the company may be transferred at any time by the holder or holders thereof, or by attorney legally constituted, or by legal representative. But no transfer shall be valid except between the parties thereto, until entered in the proper form on the books of the company. The surrendered certificate or certificates shall be cancelled before a new certificate shall be issued in lieu thereof, except that in the case of a lost, destroyed, or mutilated certificate, a new one may be issued therefor upon such terms and indemnity to the corporation as the Executive Board perscribe.

SECTION 2. No stock shall be transferred to any person who does not own rights to water from the water system of the South Side Ditch & Water Company.

SECTION 3. If at any time after the enactment of this By-Law, land owned by a Stockholder and having water rights to water from this water system is transferred by a said Stockholder herein share or shares of stock in an amount proportionate to the portion of said land transferred shall be transferred upon the books of this corporation to the new land buyer and the old stock surrendered.

ARTICLE XI.

The books and papers, in the hands of the Secretary and Treasurer, shall at all times during reasonable business hours to be open to the inspection of the Board of Directors, and of any Stockholder.

ARTICLE XII.

No person shall be eligible to an office in this corporation unless he is the holder in good faith of at least two shares of the capital stock of the company at the time of his election or appointment.

ARTICLE XIII.

Any Stockholder failing to pay any assessment duly levied by the Board of Directors shall be subject to the provisions of the statutes and laws of South Dakota for the collection of such assessments.

ARTICLE XIV.

The Board of Directors have the authority to employ a Ditch Superintendent, whose duty it shall be to have the control and sale of the waters, conducted through the ditch of the company, at such rate per inch, and under such regulations, as may be fixed by the Board of Directors. The Stockholders of the corporation shall be charged uniformly for the waters they receive, and no waters shall be sold or diverted to the use or benefit of any other person as long as the same may be needed or demanded by any Stockholder.

ARTICLE XV.

Each Stockholder shall have an account with this corporation in a book provided for that purpose, in which he shall be credited with all money paid, materials furnished or labor performed for the corporation, and in which he shall be charged with all waters used by him or benefits derived by him from the corporation. This book shall be kept by the Secretary of the company upon the report of the Ditch Superintendent. Each share of the capital stock of the corporation shall be entitled to such an amount of water as may, from time to time, be fixed or designated by the Board of Directors.

ARTICLE XVI.

These By-Laws may be altered or amended at any Annual Meeting of the Stockholders of the company, or at any special Stockholders' meeting called for that purpose, by a vote of two thirds of the subscribed stock.

ARTICLE XVII.

These By-Laws shall always remain in the possession of the Secretary of the company.

X

WE the undersigned being the holders of capital stock of the said corporation, South Side Ditch and Water Company, do hereby adopt the foregoing By-Laws, consisting of seventeen Articles; and do hereby signify in writing our assent to the same.

Dated Rapid City, South Dakota, this 18th day of March, A.D., 1990

Merlin Sturmer	49.5 shares
Dennis Casey proxy to Merlin Sturmer	1 share
Wayne Anderson	21 shares
Cath Anderson proxy to Wayne Anderson	8 shares
Frank Bayen proxy to Wayne Anderson	5 shares
Egle Morrow	7 shares
Shirley A. Foray	5 $\frac{3}{4}$ shares
Lee Abbin - Don Hurst	35
Bruce C. Weber	18 shares
Reinhold A. Reinbreun	8 shares
Donald H. Fundt	50 $\frac{1}{2}$ shares



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1993

NOTICE

TO: Wayne Anderson
South Side Ditch Company
PO Box 648
Rapid City, SD 57709

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

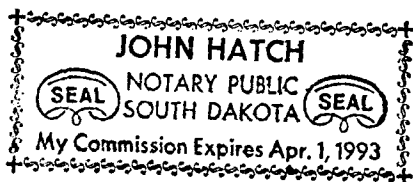
SUBJECT: Request for Continued Sealing and Maintenance of Rapid Valley Irrigation Ditches.

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

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

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

cy: Rapid Valley Water Conservancy District
US Bureau of Reclamation





2040-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 23, 1993

NOTICE

TO: Wayne Anderson
South Side Ditch Company
PO Box 648
Rapid City, SD 57709

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

John Hatch

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

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

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

cy: Rapid Valley Water Conservancy District
US Bureau of Reclamation



F A X T R A N S M I T T A L M E M O
TO: Sue Drysdale
DEPT: Remat FAX #: 341-3460
FROM: Genny McMath PHONE: 773-3352
CO: DENR-W. Rights FAX #: 773-4068
Post-It brand fax transmittal memo 7671

NO. OF
PAGES

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

September 22, 1993

Pennington Title Company
725 Kansas City Street
Rapid City, SD 57701

Attention: Shari

Dear Shari:

The legal descriptions you FAXED to me are within the area described in Vested Right Nos. 1736-2 (Cyclone Ditch) and 2040-2 (Southside Ditch).

Filing a Notice of Transfer of Ownership with our office will not be necessary since the vested rights are under the ditch company names and not specific share holders.

As we discussed last week, in order to obtain the information you need for a "title search", you should contact the ditch companies. They have current information concerning share holders and land ownership among the share holders. The names and addresses are as follows:

Don Bradeen
Cyclone Ditch
Box 1377
Rapid City, SD 57709

Wayne Anderson
Southside Ditch
PO Box 648
Rapid City, SD 57709

We do have maps of the areas described in each of the vested rights, if that would be of help to you. If you would like a copy of the maps and/or copies of Vested Right Nos. 1736-2 and 2040-2, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

COMMITMENT FOR TITLE INSURANCE

File No.: 789 P-64644

SCHEDULE A

1. Effective date: SEPTEMBER 10, 1993 at 8:00 A.M.
2. Policy or policies to be issued:
 - A. Owners Policy, (4-6-90) Standard Coverage (XX) Amount: \$ 124,000.00

Name of proposed Insured:

WILLIAM A. KINGHORN AND TERESA E. KINGHORN

3. The estate or interest in the land described or referred to in this Commitment and covered herein is FEE SIMPLE.
4. Title to the fee simple estate or interest in said land is at the effective date hereof vested in:

UNDIVIDED 1/2 INTEREST: KENNETH J. LIPP AND LESLIE JO LIPP, HUSBAND
AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS
TENANTS IN COMMON

UNDIVIDED 1/2 INTEREST: JOSEPH R. LIPP AND MARCELLA LIPP, HUSBAND
AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS
TENANTS IN COMMON

5. The land referred to in this Commitment is described as follows:

TRACT THREE (3), EXCEPT LOT ONE (1) THEREOF, OF SMITH ADDITION IN THE
NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) AND THE NORTHWEST
QUARTER (NW1/4) OF SECTION TWENTY-SIX, TOWNSHIP ONE NORTH, RANGE
EIGHT EAST OF THE BLACK HILLS MERIDIAN (26, T1N, R8E B1M), AS SHOWN
BY THE PLAT RECORDED IN BOOK 15 OF PLATS ON PAGE 200, IN THE OFFICE
OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA

Don
Bradeen — 1736-2 Cyclone Ditch (NE1/4SW1/4 & NW1/4)
Wayne
Anderson — 2040-2 Southside Ditch (NW1/4)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1993

Wayne Anderson
South Side Ditch
PO Box 648
Rapid City, SD 57709

Dear Mr. Anderson:

This letter is in regard to our December 8, 1993 telephone discussion concerning irrigation of the Jundt property by the South Side Ditch water right. There are 286 acres located in Sections 28 and 33 all in T1N-R9E authorized for irrigation by Water Right No. 2040-2. Additional acres located in Sections 28 and 33 irrigated by the South Side Ditch water right are not authorized. Either a vested water right claim or a water permit application would need to be filed to include any additional acres.

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

Sincerely,

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

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Wayne Anderson, President South Side Ditch Co.

File No. 2040-2 and 2296-2

Address: Rapid City, SD County: Pennington

Date: 12/8/1993 Telephone: 393-0382

RE: Water Permit Application No. 2296-2

Comments:

I called Wayne Anderson concerning the ditch maintenance report for both Little Giant and South Side ditches. He said he would be sending them in.

Mr. Anderson indicated he called the office on December 3, 1993 about irrigated acreage from South Side Ditch concerning the proposed water right transfer of the Jundt property to the City of Rapid City. He said the report for the transfer listed 286 acres irrigated in Sections 28 and 33; T1N-R9E, but the report listed 275 acres irrigated based on Dan Bjerke and Terry Rathbuns inspection. I told him the report also stated that a 40 acre parcel of which approximately 32 irrigated acres were excluded. I told him this indicated that approximately 307 total acres were being irrigated which is more than is authorized by Water Right No. 2040-2. I told him the Division had not been aware of this condition. I told him to include these acres for irrigation either a vested water right claim or water permit application would need to be filed to include these acres. Mr. Anderson requested a letter stating this.

Mr. Anderson asked if it were permissible for the City of Rapid City to make the inspection for the water right transfer. I told him that the Division does not physically check the land irrigated when other water right transfers are filed with us. I told him that if he believes there is a discrepancy with the land irrigated he should bring the matter up before the Water Management Board at which time the City of Rapid City would also be available to testify on their inspection.

I told Mr. Anderson that I spoke with MDU concerning damaging Little Giant Ditch. I told him MDU indicated they would repair any leakage they caused. Mr. Anderson wanted a letter concerning this.



Mark D Rath
Natural Resources Engineer

STATE OF SOUTH DAKOTA

REISSUED

VESTED RIGHT WATER LICENSE NO. 2040-2

(1) The South Side Ditch, Don Jundt President, RR 2 Box 4920A, Rapid City, SD 57701 was issued Vested Right Water License No. 2040-2, May 2, 1988 for a water right to divert 23.4 cubic feet of water per second (cfs) from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Vested Right Water License No. 2040-2, with a priority date of May 3, 1880 was validated by the Water Management Board on December 2, 1987. Construction of the described water supply system the application of water to beneficial use of was completed and complied with applicable provisions of South Dakota Water Law.

Vested Right No. 2040-2 was originally validated and licensed for 23.4 cfs from Rapid Creek to irrigate 1,877 acres. Since that time, the City of Rapid City obtained permits to transfer the use of a portion of Rapid Creek natural flows historically used to irrigate land from the South Side Ditch.

The following six permits were issued to the City of Rapid City:

Permit No.	Original owner of land	South Side Ditch Vested Right reduced by:		Amount Remaining in Vested Right		Permit Approved
2217-2	Keller property	0.49 cfs	34.0 acres	23.00 cfs	1843.0 acres	7-22-92
2218-2	Stromer property	2.76 cfs	241.0 acres	20.24 cfs	1602.0 acres	7-22-92
2249-2	Weber property	1.28 cfs	113.0 acres	18.96 cfs	1489.0 acres	5-5-93
2296-2	Jundt property	2.85 cfs	253.4 acres	16.11 cfs	1235.6 acres	1-6-94
2234-2	Eisenbraun property	0.79 cfs	70.0 acres	15.32 cfs	1165.6 acres	5-1-96
2360-2	Soetaert property	0.37 cfs	32.6 acres	14.95 cfs	1133.0 acres	7-10-96

Vested Right Water License No. 2040-2 is being reissued to reduce the original license by the above amounts. The reissued license reflects the diversion rate and acreage still authorized for irrigation by South Side Ditch.

(2) It is certified that the vested right owner 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 14.95 cubic feet of water per second for beneficial use. The location of the diversion point is 3,760' N43°E from the SW corner of Section 15, T1N, R8E (SE¼ NW¼).

continued

Vested Right Water License No. 2040-2

(3) The vested right owner has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 15, T1N, R8E	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0 acres	Section 19, T1N, R9E	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.0 acres
Section 22, T1N, R8E	NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.0 acres	Section 29, T1N, R9E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 acre
Section 23, T1N, R8E	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.0 acres	Section 30, T1N, R9E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.0 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.0 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.0 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.0 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.0 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0 acre		NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$	9.0 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.0 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.0 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.0 acres
Section 24, T1N, R8E	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.0 acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$	30.0 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres	Section 32, T1N, R9E	NW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0 acres		NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0 acres		NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
Section 25, T1N, R8E	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.0 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	22.0 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$	25.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.0 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres
Section 26, T1N, R8E	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0 acres			
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres			
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.5 acres			
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.0 acres			
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.5 acres			
				TOTAL	1133.0 acres

continued

page 3

Vested Right Water License No. 2040-2

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Side Ditch, Don Jundt, President, RR 2 Box 4920A, Rapid City, SD 57701 the holders and/or owners of Vested Water Right No. 2040-2 is issued a license to appropriate water, the right to use 14.95 cubic feet of water per second from Rapid Creek with a priority date of May 3, 1880 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 2040-2 and subject to South Dakota State Law.



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

AUG 8 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

2040-2

Don Jundt, President
South Side Ditch
RR 2 Box 4920A
Rapid City, SD 57701

Dear Mr. Jundt:

Enclosed is Reissued Vested Right Water License No. 2040-2. As you are aware, there have been six water permits issued to the City of Rapid City which transferred portions of the irrigation use authorized under No. 2040-2 to the city for municipal purposes. Water License No. 2040-2 has been reissued to reflect the diversion rate and acreage still authorized for irrigation by South Side Ditch.

As long as you use the water beneficially, as stated in the water 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 us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

gm



United States Department of the Interior



BUREAU OF RECLAMATION

Dakotas Area Office

P.O. Box 1017

Bismarck, North Dakota 58502

IN REPLY REFER TO:

DK-500 (Barrios)

October 11, 2000

Mr. Jerry Hammerquist
President, Board of Directors
Rapid Valley Water Conservancy District
P.O. Box 26
Caputa SD 57725

Subject: Contract Administration Memorandum, Contract No. 11r-1413, Rapid Valley Project
(Deerfield), South Dakota

Dear Mr. Hammerquist:

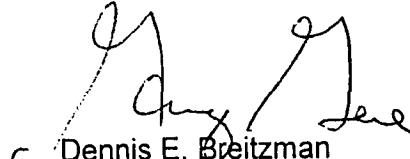
During technical discussions regarding renewal of the Rapid Valley Water Conservancy District's (District) long-term contract for water from Pactola Reservoir, the District asked Reclamation to clarify how acreage limitation provisions of contract 11r-1413 (Contract) are administered. This letter is Reclamation's response to the District's request.

Article 34 of the Contract provides that no water shall be delivered through or by means of the project works to or for more than 160 acres of irrigable land owned by a single landowner.

Reclamation considers the District to be in compliance with this article as long as the District can demonstrate that, during any 24-hour period, the quantity of water delivered by Reclamation to the District under the Contract does not exceed the quantity of water which the District delivers to single farm units of 160 acres or less. Put another way, the District would need to have water sources other than project water for any deliveries to acreages in excess of 160 acres owned by a single landowner.

If you have any questions regarding this letter or any further questions, please contact Rich Barrios of my staff at 701-250-4242, extension 3305.

Sincerely,


Dennis E. Breitzman
Area Manager

2040-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 29, 2018

1461A-2
1736-2
2040-2

Andrea Andersen
4555 Reservoir Rd
Rapid City SD 57703

Dear Ms. Andersen:

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

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

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

Sincerely,

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

enclosures