

Considered: _____

Future Use
WATER PERMIT NO. 2086-2

HAP No. same 394-4162

Name of Applicant City of Rapid City

Post Office Address 300 - 6th Str., Rapid City SD 57701

Amount of Water Claimed 9991 ac-ft Total Acres NA

Source of Water Supply Madison Formation

Water to be used for municipal purposes County Pennington

About _____ miles _____ of Rapid City limits.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received May 18, 1989 Fee ~~\$255.00~~
\$227.50 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Points portions of sections within city limits:

secs. 13, 24-29, 32-36 - 2N-7E; secs 1-5, 8-17, 21-23 - 1N-

R7E; secs 28-33 - T2N-R8E; secs 4-9, 17, 18 - T1N-R8E

Land to be Irrigated NA

Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Madison Formation

Type of Map plat PREPARED BY Keith Johnson Reviewed and the Number

assigned on June 1, 1989 By Ron Durrall

No. 2086-2 Hydrologic Unit 10120110
 Map No. same Basin Upper Cheyenne
 Newspaper Rapid City Journal, PO Box 450, 57709

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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☒ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

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

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

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



1. Name of Applicant Water Division, City of Rapid City Phone No. 394-4162

Post Office Address 300 - 6th Street, Rapid City State SD 57701
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) ~~XXXXXX~~ A. F. 9991 acre-feet annually

3. Source of water supply Madison Aquifer

1. Location of point of diversion Within the corporate city limits of the City of
Rapid City. see letter dated May 24, 1989

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used all year Jan 1 - Dec 31

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

-attached sheet-

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

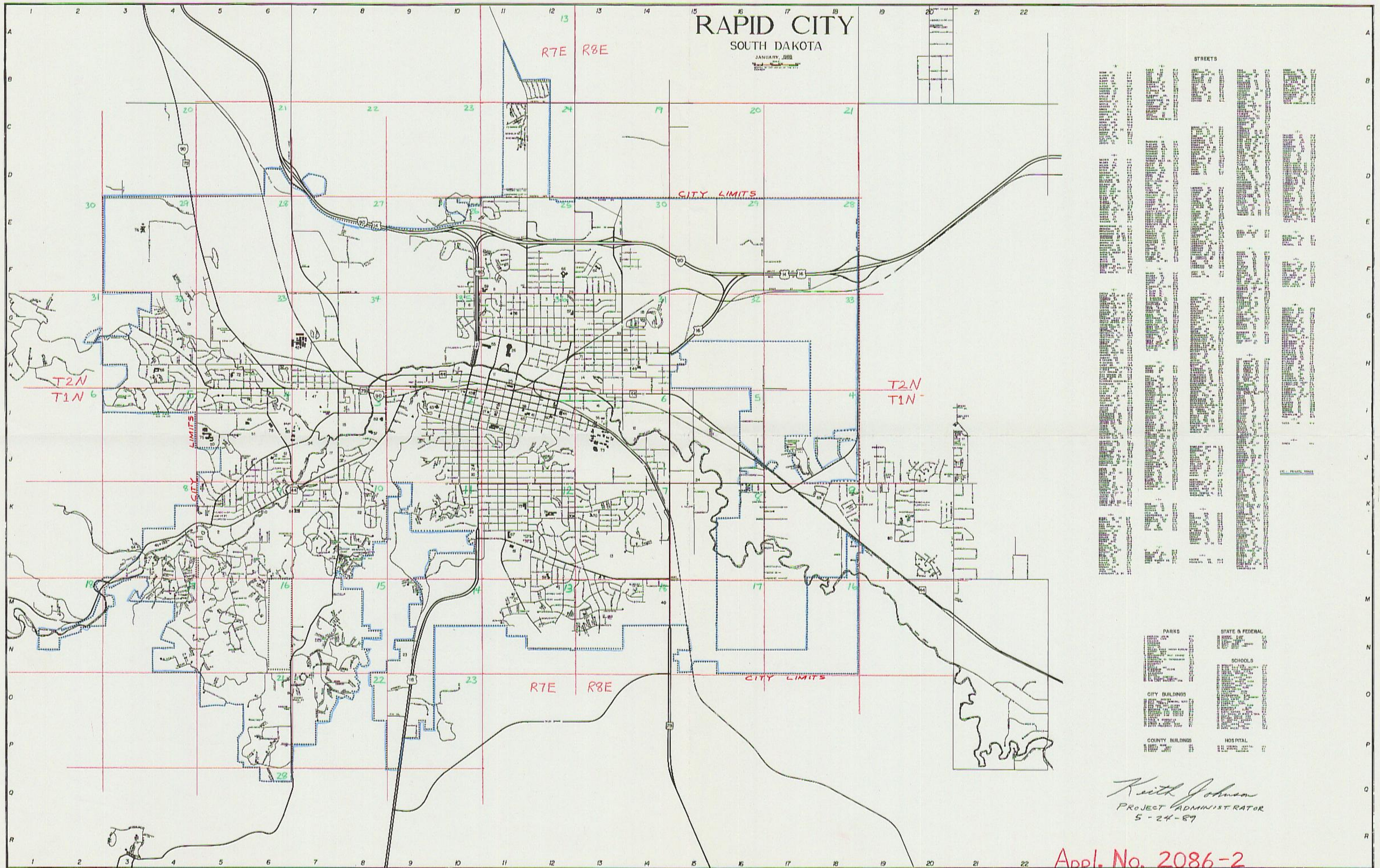
STATE OF SOUTH DAKOTA)
 County of Pennington)^{ss}

I, Keith T. Carls, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed [Signature]

Subscribed and sworn to before me this 16th day of May 1989

[Signature]
 Notary Public



STREETS

1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	32nd	33rd	34th	35th	36th	37th	38th	39th	40th	41st	42nd	43rd	44th	45th	46th	47th	48th	49th	50th	51st	52nd	53rd	54th	55th	56th	57th	58th	59th	60th	61st	62nd	63rd	64th	65th	66th	67th	68th	69th	70th	71st	72nd	73rd	74th	75th	76th	77th	78th	79th	80th	81st	82nd	83rd	84th	85th	86th	87th	88th	89th	90th	91st	92nd	93rd	94th	95th	96th	97th	98th	99th	100th
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PARKS

STATE & FEDERAL

SCHOOLS

CITY BUILDINGS

COUNTY BUILDINGS

HOSPITAL

Keith Johnson
PROJECT ADMINISTRATOR
5-24-87

Appl. No. 2086-2

SOUTH DAKOTA
WATER PERMIT No. 2086-2

Date of first receipt of application May 18, 1989.

Date returned to applicant for corrections, amendments or changes May 22, 1989.

Date of receipt of corrected application July 6, 1989.

The Water Management Board approved Future Use Water Permit Application No. 2086-2 on July 26, 1989 for the City of Rapid City, Water Division, 300 6th Street, Rapid City, South Dakota 57701 subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 2086-2 appropriates 9991 acre-feet of water annually for future use from the Madison Formation. Water is to be reserved for future use in portions of the following sections located within the city limits of Rapid City: Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. This permit does not authorize construction of any works or placement of water to beneficial use.
2. The water reserved for future use is for municipal use by the City of Rapid City.
3. The date from which applicant may claim right is May 18, 1989.

QUALIFICATIONS

1. That Future Use Permit No. 2086-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Madison Formation. Wells will be approximately 800-1200 feet deep.
4. Approval of this permit reserves 9991 acre-feet annually.

WATER MANAGEMENT BOARD

By: _____

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

AUG 15 1989

(date)

ATTACHMENT TO FUTURE USE WATER PERMIT NO. 2086-2

CITY OF RAPID CITY

Following a hearing by the Water Management Board on May 24, 1990, Future Use Water Permit No. 2086-2 was amended by deleting a section of qualification No. 3. Qualification No. 3 of Permit No. 2086-2 was amended to read as follows:

3. This permit is approved for groundwater from the Madison Formation.

MEMORANDUM

TO: Water Rights Division
FROM: Rodger Kruger
RE: Application for Permits to Appropriate Water
DATE: May 10, 1989
DISTRIBUTION:

Item 7: Brief Description of Proposed Project

Wells are intended to tap the Madison Aquifer. A small diameter hole (4 to 6 inches) will be drilled to completion within the Madison Aquifer. If tests show that this well is likely to be a good supply, then the hole will be reamed to match flow rates. A large diameter hole (16 to 20 inches) will be reamed until the Madison Aquifer is reached. The hole will then be cased and grouted. A reduced diameter (10 to 12 inches) open hole will then be reamed within the Madison Aquifer.

The Madison Aquifer is expected to be about 300 feet in depth. Normally the hole within the Madison Aquifer will be open and not screen.

Under Form 2A, Well Information, 300 feet would be added to the drill hole depth to take the hole to the bottom of the Madison Aquifer. This diameter is expected to be a reduced size from the upper drill hole.

The water will be used to expand the domestic supply of the City of Rapid City. To secure other sources in order to lessen our reliance on the Deerfield and Pactola Reservoirs.





MEMORANDUM

TO: Water Rights Division
FROM: Rodger Kruger
RE: Filing Fees for Application for Water Permit and/or Right
DATE: May 11, 1989
DISTRIBUTION:

Filing fee for SE 1/4 NE 1/4, Sec 32, T2N, R7E of BHM, known as City Springs area.

Amount of water claimed is 2.67 cfs.
Is equal to 1932.71 acre feet per year.

First 120 acre feet is \$150.00	=	\$150.00
Second 120 acre feet is \$75.00	=	75.00
Each addition 120 AF is \$25.00	=	<u>375.00</u>
(1932.71-240=14.11 x 120)		\$600.00 ✓

Filing fee for NW quarter section of Sec 3, T1N, R7E of BHM, known as Camp Rapid area.

Amount of water claimed is 2.67 cfs.
Is equal to 1932.71 acre feet per year.

First 120 acre feet is \$150.00	=	\$150.00
Second 120 acre feet is \$75.00	=	75.00
Each addition 120 AF is \$25.00	=	<u>375.00</u>
(1932.71-240=14.11 x 120)		\$600.00

Filing fee for SE 1/4 NW 1/4, Sec 10, T1N, R7E of BHM, known as the Meadowbrook area.

Amount of water claimed is 2.67 cfs.
Is equal to 1932.71 acre feet per year.

First 120 acre feet is \$150.00	=	\$150.00
Second 120 acre feet is \$75.00	=	75.00
Each addition 120 AF is \$25.00	=	<u>375.00</u>
(1932.71-240=14.11 x 120)		\$600.00

Filing fee for future use, including the corporate city limit of the City of Rapid City.

Amount of water claimed is 15.60 cfs.
Is equal to 11293.31 acre feet per year.

First 120 acre feet is \$150.00	=	\$150.00
Second 120 acre feet is \$75.00	=	75.00
Each addition 120 AF is \$25.00	=	<u>2325.00</u>
(11293.31-240=92.11 x 120)		\$2550.00 x 10%
		or \$255.00

Total Fees are: \$600 + \$600 + \$600 + \$255 = \$2055.00

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Rapid City,ADDRESS: 300 - 6th Street, Rapid City SD COUNTY PenningtonDATE: May 19, 1989 TELEPHONE _____RE: permit applications for Madison Formation

COMMENTS:

Contacted Rodger Kruger regarding the following:1) Total pumping capacity for the 3 applications to appropriate water:Mr. Kruger stated that the pumping capacity was intended to be 2.67 cfs/site (3 sites) for a total capacity of 8.01 cfs2) The number of wells to be constructed:Mr. Kruger stated that the city hoped 3 wells would be sufficient to obtain 8.01 cfs. I informed Mr. Kruger that if the application is approved, then the city would be limited to 3 wells. I also informed Mr. Kruger the 3 applications could be combined into one application to reduce the application fee.Mr. Kruger instructed me to combine the applications and to make the application for up to 6 wells to appropriate a total of 8.01 cfs.

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

NAME: Ron D. Small



Department of Water & Natural Resources

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

May 22, 1989

Rodger Kruger
City of Rapid City, Water Division
300-6th Street
Rapid City SD 57701

Dear Mr. Kruger:

This letter is in response to the water permit applications received on May 18, 1989 from the City of Rapid City. The following information is needed to complete the application to reserve water for future use:

- 1) A map outlining the proposed future use area needs to be submitted as part of the application. The map needs to be completed and signed according to directions on the enclosed instruction sheet.
- 2) An attachment specifying the legal description of the proposed future use area also needs to be submitted.

During our phone conversation on May 19, 1989, I indicated the three applications to appropriate water could be combined into one application. You instructed me to combine the applications and stated the city hoped to appropriate 8.01 cfs from three wells. I stated that if more than three wells are needed to obtain 8.01 cfs, then the city would need to make another application for the additional wells. You instructed me to revise the application to appropriate 8.01 cfs from up to six wells located within three sites.

The application fee will be less since the three applications are to be combined for a diversion rate of 8.01 cfs. The application fee for both the future use application and the combined application is \$1655.00 rather than \$2055.00. Enclosed is the Purchase Order for \$2055.00. A revised purchase order needs to be submitted for \$1655.00.

The future use permit application can not be processed for consideration by the Water Management Board until the application is complete. Please submit the map and the legal description of the future use area to complete the application and contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





City of Rapid City

RAPID CITY, SOUTH DAKOTA 57701

Office of Water and Wastewater
300 Sixth Street
605-394-4162



May 24, 1989

Ron Duvall
Natural Resources Engineer
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

This letter is in response to application for future water use within the legal corporate municipal limits of the City of Rapid City as they exist on the date of this letter.

Enclosed is a description map, outlining the legal corporate municipal limits as they presently exist. This future use application is to be confined within these limits.

Area included are Sections 13, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, & 36 of township T2N, R7E of BHM.

Also, Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, & 23 of township T1N, R7E of BHM.

Also, Sections ~~19, 20, 21~~, 28, 29, 30, 31, 32, & 33 of township T2N, R8E of BHM.

Also, Sections 4, 5, 6, 7, 8, 9, 17, & 18 of township T1N, R8E of BHM.

Also, any of the original City of Rapid City township within the above limits.

If there are any further questions, please let me know.

Sincerely,

Rodger Kruger, Water Superintendent
City of Rapid City
(605) 394-4162

enc.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER



Department of Water & Natural Resources

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

May 31, 1990

NOTICE

Keith Carlyle, Mayor
City of Rapid City
300 6th Street, Water Division
Rapid City, SD 57701

Dear Mayor Carlyle:

This letter is in response to action taken by the Water Management Board at the hearing on May 24, 1990 to amend the qualifications on Future Use Water Permit No. 2086-2. The Board amended Permit No. 2086-2 by deleting "Wells will be approximately 800 - 1200 feet deep." from qualification No. 3. The enclosed "attachment" should be placed with the permit.

Please contact us if you have any questions.

Very truly yours,

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

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

enclosure

cc: Dan Bjerke, City of Rapid City

CERTIFICATION

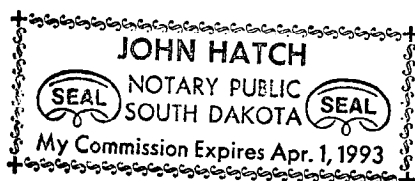
I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice pertaining to Water Permit No. 2086-2 addressed as stated on the Notice.

Karen Schaeck

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of June, 1990.



John Hatch
Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Rapid CityADDRESS: 300 Sixth Street COUNTY PenningtonDATE: June 1, 1989 TELEPHONE 394-4162RE: Future Use Area

COMMENTS:

Contacted Rodger Kruger, Water Supt., in regard to a city map and letter received on May 25, 1989.

I informed Mr. Kruger that portions of sections 21, 22, 31 - T2N-R7E; 18, 28 - T1N-R7E; and 10, 16 - T1N-R8E located within the city limits were not included in the legal description of the future use area. Mr. Kruger stated that these small outlying areas could be omitted from the future use application.

I also informed Mr. Kruger that sections 19, 20, 21 - T2N-R8E were not located within the city limits according to the city map. Mr. Kruger indicated that including those three sections was an oversight and could the three sections could be removed from the application.

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

NAME: Ron Dunsall

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Rapid CityADDRESS: _____ COUNTY PenningtonDATE: June 6, 1989 TELEPHONE 394-4162RE: Amount of water requested in permit application

COMMENTS:

I spoke with Roger Kruger, Water Superintendent for the City of Rapid City today. I explained to him that their request for 15.60 cfs (11,294 acre-feet annually) would require Legislative approval. He requested that I changed the amount of water requested from 15.6 cfs to 13.8 cfs (9991 acre-feet annually).

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



Department of Water & Natural Resources

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

June 8, 1989

Roger Kruger
City of Rapid City
Water Division
300 6th Street
Rapid City, SD 57701

Dear Mr. Kruger:

This is in response to the water permit application fee received yesterday for Rapid City's Water Permit Application Nos. 2085-2, 2086-2.

Since the amount of water appropriated for future use was reduced from 11,294 acre-feet (15.6 cfs) to 9991 acre-feet (13.8 cfs), the permit application fee is \$227.50, not \$255 as submitted.

I am enclosing the check for \$1665 that was submitted. The application fees for each of the water permit applications is as follows:

Water Permit No. 2085-2	-----	\$1400
Water Permit No. 2086-2	-----	\$ 227.50
Total	-----	\$ 1627.50

Please submit the correct amount for the water permit applicaiton fees at your earliest convenience. Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 6, 1989

RECEIVED OF City of Rapid City, 300 Sixth Street, Rapid City, SD 57701

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

Fee for Application for Permit No. <u>2086-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	227	50
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 _____	227	50
(Any Other Work Provided by Law)		
Total	227	50

By

John Hatch
Chief Engineer

Report on Application Nos. 2085-2 and 2086-2
City of Rapid City
June 19, 1989

Application No. 2085-2 is to appropriate 8.01 cfs from up to six wells 800 to 1200 feet deep. The points of diversion are to be located within portions of the following three sites: 1) SE1/4 NE1/4 of Section 32-T2N-R7E; 2) NW1/4 of Section 3, E1/2 NE1/4 of Section 4; both in T1N-R7E; and 3) S1/2 NW1/4 of Section 10, T1N-R7E. The water is to be used for municipal purposes by the City of Rapid City.

Application No. 2086-2 is to appropriate 9991 acre-feet of water annually for future use from the Madison Formation. Water is to be reserved for future use from the Madison Formation. Water is to be reserved for future use in portions of the following sections located within the city limits of Rapid city: sections 13, 24 thru 29, 32 thru 36; all in T2N, R7E; sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N, R7E; sections 28 thru 33; all in T2N, R8E; and sections 4 thru 9, 17, 18; all in T1N, R8E. The water is to be reserved for the purposes of providing future municipal water supplies to the City of Rapid City. Approval of this application will not authorize construction of any works or placement of water to beneficial use.

Aquifer - Madison Limestone (MDSN)

The Madison (locally called Pahasapa) is a medium crystalline dolomitic limestone which is cavernous in the upper half (Cattermole, 1969). Locally the formation is 300 to 400 feet thick and in general the formation thins from North to South along the axis of Black Hills (Allen, 1984). The Madison underlies 1.48 million acres and contains 29.8 million acre feet of recoverable water in Pennington County alone (Allen, 1984). Recharge to the Madison occurs through streamflow losses in sinkhole areas along the major drainages and by infiltration of precipitation. Regionally ground water moves from North to South and from West to East. This is shown by potentiometric surface map which is simply a contour of water surface as it moves from higher to lower elevations by gravity. Recharge estimates for the entire Black Hills have been estimated to range from 140,000 to 400,000 acre feet per year (Woodward Clyde, 1981).

Well yields from the Madison are very unpredictable and are reported to range from 22 to more than 500 gpm in this area (Peter, 1985). Nearly all investigators agree that the Madison is an aquifer which contains excellent quality water especially near the outcrop and is basically an undeveloped source in terms of quantity.

The Division of Water Rights monitors two Madison Limestone observation wells in Pennington County. These are PE-65A and PE-86A. Records for these wells indicate the Madison responds to seasonal precipitation changes and to droughts (lack of recharge). In general terms, the data indicates that existing development has not affected the aquifer (Water Rights, 1989). Hydrographs for these two wells are included with this report.

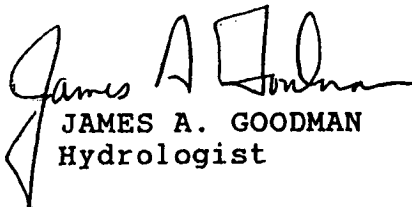
There is one major obstacle concerning any groundwater development from the Madison Aquifer. That is what will be the potential for affecting springflow such as Cleghorn Springs. This is a very serious question with no easy answer. The Division of Water Rights in cooperation with the USGS and the City of Rapid City will begin drilling additional observation wells in order to monitor potential effects when the City begins to test and develop the Madison. For the most part the Madison is under artesian condition, although water table conditions exist in the recharge area just a few miles to the west of Rapid City.

Review of Existing Water Permits

There are 15 water permits issued for Madison Limestone wells in Pennington County. Of these permits. Nos. 433-2 and 454-2 are located within the future use area. Permit Nos. 1154-2, 1838-2 and 1858-2 are within 1 mile of the future use area. The proposed diversion points area #2 and area #3 for applicaiton 2085-2 are approximately 1 mile from permit nos. 454-2 and 433-2, respectively. There are other existing permits from surface water sources and many permits from the Minnelusa Formation in this area. Water level data indicates there is a potential for water moving upward from the Madison into the Minnelusa Formation. Although the formations overlies one another, there appears to be a confining layer within the Minnelusa at least partially separating the two formations hydrologically. Generally, the upper Minnelusa has a lower water level than the Madison (Water Rights, 1989) and this is consistent with information from observation wells in the Northern Black Hills. A list of Madison well Permits for Pennington County is included.

Conclusions

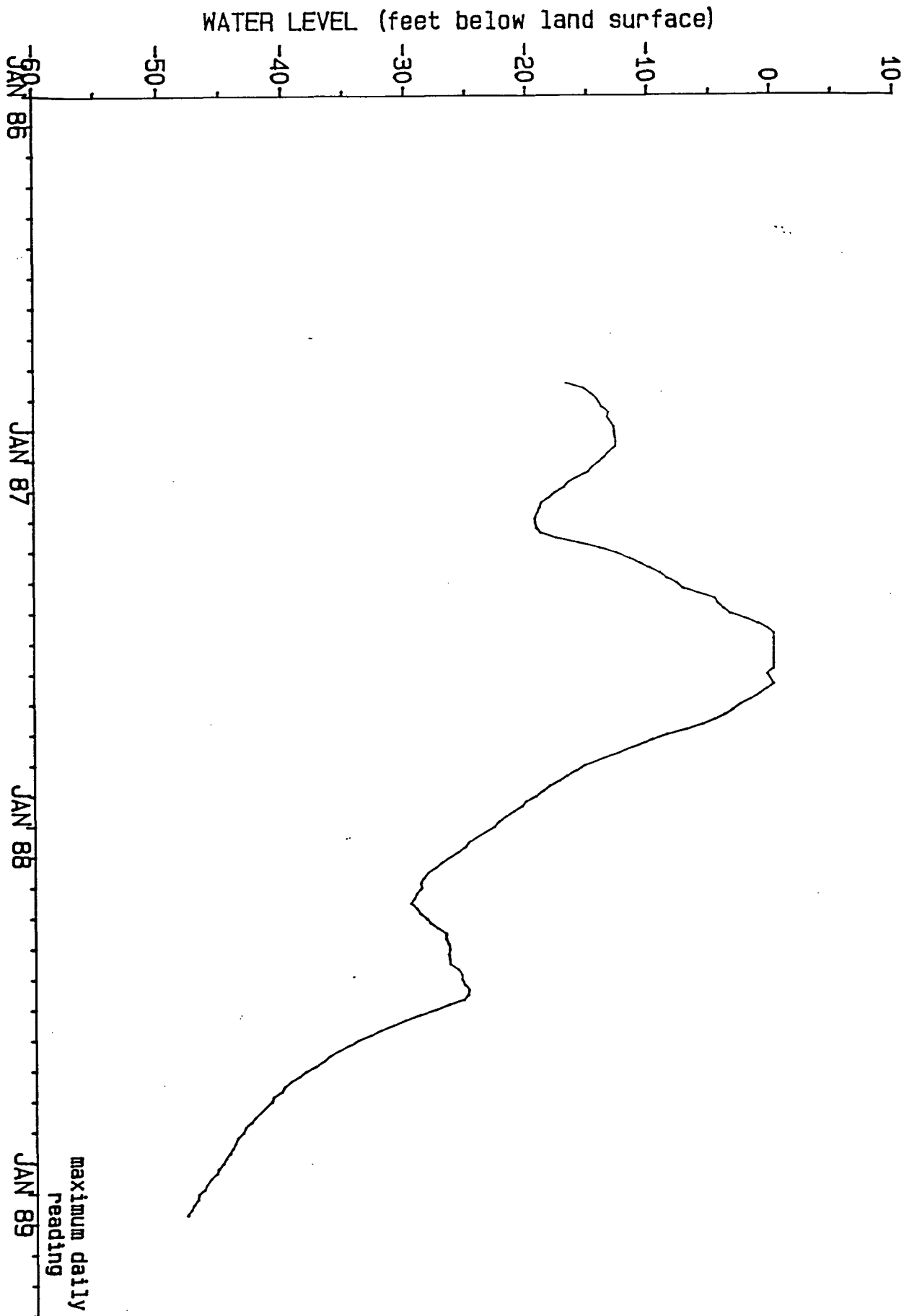
1. Water is available from the Madison Formation.
2. Further testing will be necessary to evaluate the potential of continuous long term withdrawals from wells on springflow in this area. Well spacing as proposed by application 2085-2 should be reasonable, however, two wells at each site is not advisable until test pumping is completed.
3. The aquifer is under artesian conditions and fluctuations in the water table will occur as a result of pumping.
4. Interference with existing diversions (wells) is unlikely to be adverse because of distance between sites and the fact that present withdrawals are not significantly impacting observation well water levels in this area.
5. The Division of Water Rights is proposing to complete 4 observation wells in Rapid City this year. Two near Cleghorn Springs and 2 near City Springs. The purpose of these wells is to help evaluate the testing of the Madison by the City of Rapid City, monitor leakage effects between the Madison and Minnelusa, evaluate pumping effects on spring flow and establish permanent monitoring stations.
6. There are many domestic and permitted wells completed into the Minnelusa Formation in the Rapid City area. Short term affects of pumping from the Madison will probably not affect water levels in the Minnelusa; however, affects are likely in the long term. These affects should not adversely affect water availability from the aquifers.
7. The Madison contains water of excellent chemical quality and Rapid City needs to diversify water supply sources and not be so dependent upon surface water.
8. Wells drilled must comply with SD Well Construction Standard 74:02:04:30 and must be open to the Madison Limestone only.


JAMES A. GOODMAN
Hydrologist

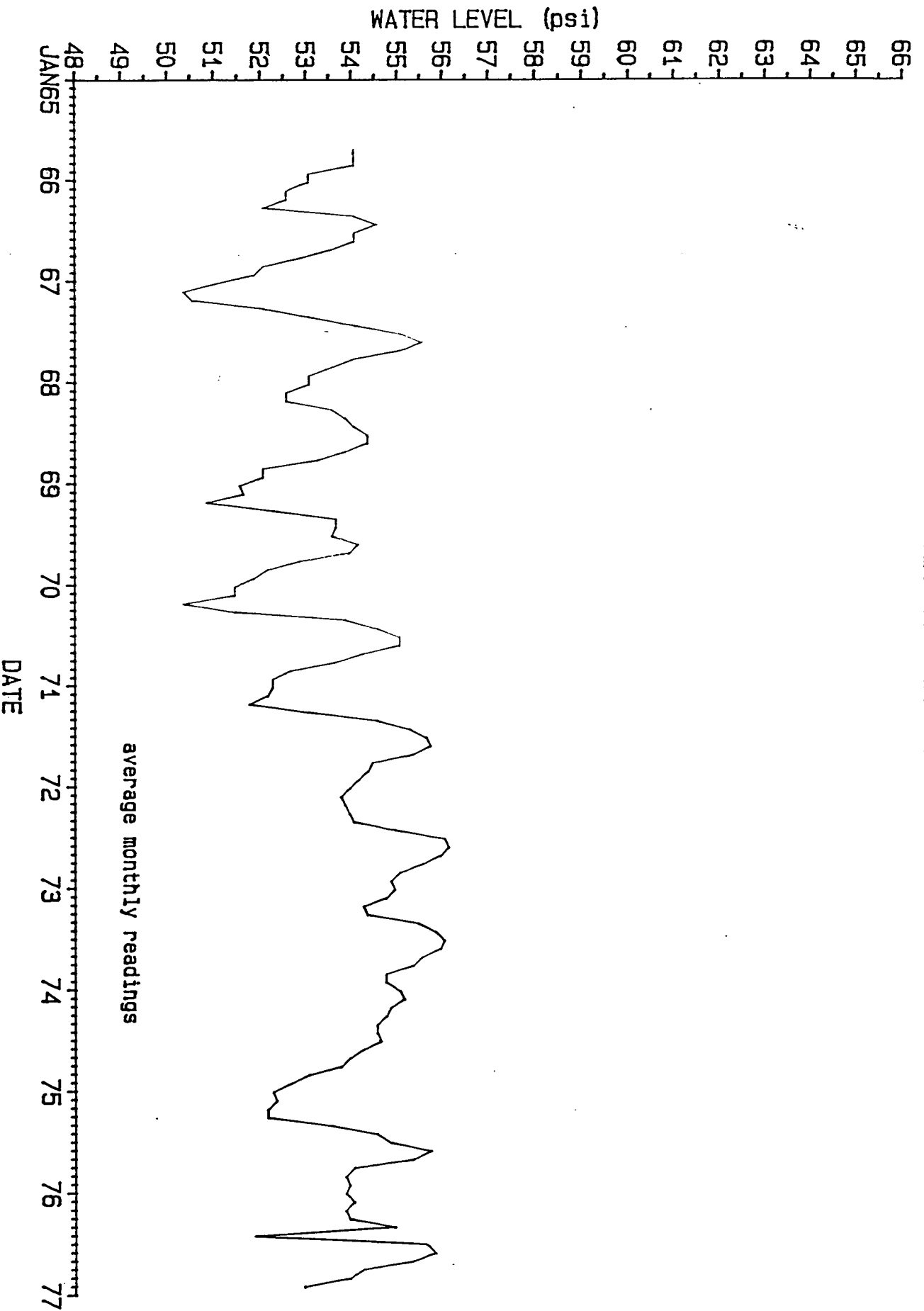
Bibliography

- Allen, J.C. 1984, Analysis of Ground Water and Streamflow Data Western Dakotas Region of SD, Task 3 and 4, Ground Water Resources Inventory, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069
- Cattermole, J.M., 1969, Geologic Map of Rapid City West Quadrangle, Map GQ-828, USGS, Washington, DC
- Peter K.D., 1985, Availability and Quality of Water from Bedrock Aquifers in the Rapid City Area, SD, WRI 85-4022, USGS, Rapid City, SD 57709
- Water Rights, 1989, Records of Observation Wells Completed in Madison Limestone and Minnelusa Formation in Black Hills, unpublished data, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501
- Woodward, Clyde, 1981, Well Field Hydrology, ETSI EIS, At SD DWR, Division of Water Rights, Pierre, SD 57501

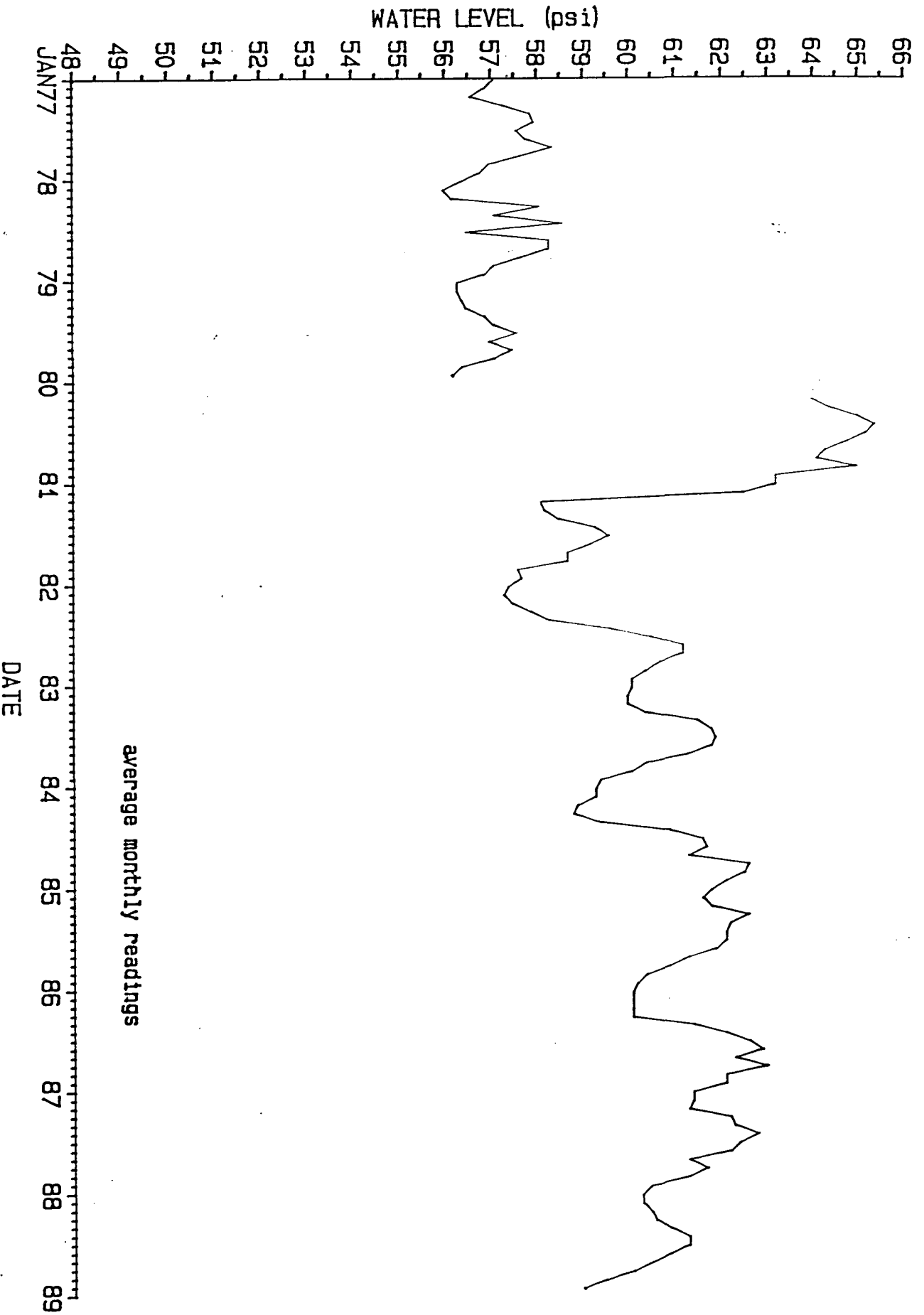
MADISON AQUIFER OBSERVATION WELL DIVISION OF WATER RIGHTS WELL PE-86A



SIoux PARK #2



SIoux PARK #2



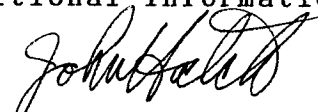
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE WATER PERMIT
APPLICATION NO. 2086-2, Rapid City SD

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 Future Use Water Permit Application No. 2086-2, City of Rapid City, Water Division, 300 - 6th Street, Rapid City SD.

The Chief Engineer is recommending APPROVAL of Future Use Application No. 2086-2 because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) that the quantity of water reserved will be needed by the City of Rapid City, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 2086-2 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Madison Formation. Wells will be approximately 800-1200 feet deep.
4. Approval of this permit reserves 9991 acre feet annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 19, 1989



Department of Water & Natural Resources

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

June 23, 1989

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

City of Rapid City
Water Division
300 - 6th Street
Rapid City SD 57701

Dear Sir:

Water Permit Application Nos. 2085-2 and 2086-2 for municipal and future use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication 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 Intent to Appropriate Water 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
East Capitol
Pierre, South Dakota 57501-3181

June 23, 1989

Rapid City Journal
PO Box 450
Rapid City SD 57709

Dear Sir:

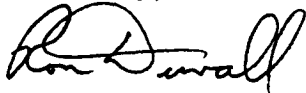
Enclosed is a Notice of Hearing on Application Nos. 2085-2 and 2086-2 to be published twice. Please publish the first notice on or before June 28, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Rapid City, Water Division, 300-6th Street, 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: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application No. 2085-2 to Appropriate Water and
Application No. 2086-2 to Reserve Water For Future Use

Notice is given that the City of Rapid City, Water Division, 300-6th Street, Rapid City SD 57701 has filed a water permit application and a future use application. Application No. 2085-2 is to appropriate a total of 8.01 cubic feet of water per second from up to 6 wells (Madison Formation) 800 to 1200 feet deep. The points of diversion are to be located within portions of the following three sites with no more than two wells per site: 1) SE 1/4 NE 1/4 section 32-T2N-R7E; 2) NW 1/4 section 3, E 1/2 NE 1/4 section 4; both in T1N-R7E; and 3) S 1/2 NW 1/4 section 10-T1N-R7E. Water is to be used for municipal purposes by the City of Rapid City.

Application No. 2086-2 is to appropriate 9991 acre-feet of water annually for future use from the Madison Formation. Water is to be reserved for future use in portions of the following sections located within the city limits of Rapid City: sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; sections 28 thru 33; all in T2N-R8E; and sections 4 thru 9, 17, 18; all in T1N-R8E. The water is to be reserved for the purpose of providing future municipal water supplies to the City of Rapid City. This application does not authorize construction of any works or placement of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2085-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 2086-2 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

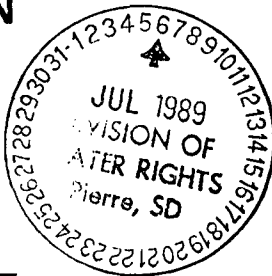
(continued)

These hearings are adversary proceedings. Any person filing a petition and/or the applicant 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 by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.



I, Mary K. Garness

certify that the attached printed Notice 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:

June 28, 1989

July 5, 1989

Mary K. Garness
(Signature)

Bookkeeper
(Title)

July 5, 1989
(Date Signed)

Cost of Printing: Ran 12 5/16 inches legal advertising in
the Rapid City Journal on June 28 & July 5 @ \$4.20
per inch = \$103.42

Ran public notice of hearing L413

June 28, July 5 L413
NOTICE OF HEARINGS
ON APPLICATION NO. 2085-2
TO APPROPRIATE WATER AND
APPLICATION NO. 2085-2
TO RESERVE WATER
FOR FUTURE USE
Notice is given that the City of
Rapid City, Water Division, 300-
6th Street, Rapid City, S.D. 57701
has filed a water permit applica-
tion and a future use application.
Application No. 2085-2 is to ap-
propriate a total of 8.01 cubic feet
of water per second from up to 6
wells (Madison Formation) 800 to
1200 feet deep. The points of di-
version are to be located within
portions of the following three
sites with no more than two wells
per site: 1) SE 1/4 NE 1/4, Section 32,
T2N-R7E; 2) NW 1/4 Section 3, E 1/2
NE 1/4 Section 4; both in T1N-R7E;
and 3) S 1/2 NW 1/4, Section 10, T1N-
R7E. Water is to be used for mu-
nicipal purposes by the City of
Rapid City.
Application No. 2086-2 is to ap-
propriate 9991 acre-feet of water
annually for future use from the
Madison Formation. Water is to
be reserved for future use in por-
tions of the following sections lo-
cated within the city limits of
Rapid City: Sections 13, 24 thru 29,
32 thru 36; all in T2N-R7E; Sec-
tions 1 thru 5, 8 thru 17, 21 thru 23;
all in T1N-R7E; Sections 28 thru
33; all in T2N-R8E; and Sections 4
thru 9, 17, 18; all in T1N-R8E. The
water is to be reserved for the
purpose of providing future mu-
nicipal water supplies to the City
of Rapid City. This application
does not authorize construction of
any works or placement of water
to beneficial use.
Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
2085-3 because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully im-
paired, 3) it is a beneficial use of
water and 4) it is in the public
interest.
Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Future Use Appli-
cation No. 2086-2 because 1) un-
appropriated water is available,
2) the quantity of water reserved
will be needed, 3) will be a ben-
eficial use of water and 4) it is in
the public interest.
These applications will be con-
sidered by the Water Management
Board at the Hilton Inn, Deerfield
Room, 445 Mt. Rushmore Road,
Rapid City, S.D., on July 26, 1989
at 10:00 a.m. The Chief Engineer's
recommendation is not final or
binding upon the Board. The
Board is authorized to 1) approve,
2) approve with qualifications, 3)
defer or 4) deny these applications
based on the facts presented at
the public hearing.
Any interested person that in-
tends to participate in a hearing
before the Board by presenting
evidence or cross-examining wit-
nesses according to SDCL 1-26,
must file a written petition with
BOTH the applicant and Chief
Engineer by July 14, 1989. The
Chief Engineer's address is "Wa-
ter Rights Division, Foss Building,
523 E. Capitol, Pierre, S.D. 57501
(605-773-3352)." The petition may
be informal, but must include a
statement describing the peti-
tioner's interest in an application,
the petitioner's reasons for oppos-
ing or supporting an application
and the signature and mailing
address of the petitioner or legal
counsel if legal counsel is ob-
tained. The applicant need not file
a petition. Contact the Water
Rights Division to request infor-
mation on these applications or to
assure access to the hearing by
the handicapped.
These hearings are adversary
proceedings. Any person filing a
petition and/or the applicant have
the right to be represented by a
lawyer. These hearings are ad-
versary proceedings. Any person
filing a petition and/or the appli-
cant have the right to be repre-
sented by a lawyer. These and
other due process rights will be
forfeited if not exercised. Deci-
sions of the Board may be ap-
pealed to the Circuit Court and
State Supreme Court as provided
by law. The time of a hearing will
also be automatically delayed for
at least twenty days upon written
request to the Chief Engineer
from the applicant or a petitioner.
The request for a delay must be
received by July 14, 1989.
These applications are made
pursuant to SDCL 46-1-1 thru 46-1-
9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-
9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1
thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13
thru 46-5-15, 46-5-24, 46-5-25, 46-5-
30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-
3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-
14; 46-5-38 thru 46-5-40; and Board
Rules ARSD 74:02:01:01 thru
74:02:01:15; 74:02:01:24 thru
74:02:01:25.



Department of Water & Natural Resources

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

AUG 15 1989

Keith T. Carlyle, Mayor
City of Rapid City
Water Division
300 6th St
Rapid City SD 57701

Dear Mayor Carlyle:

Enclosed is your Future Use Water Permit Application No. 2086-2,
as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the
water granted in this future use permit to beneficial use, an
application covering such facilities and water use must be
submitted to this office and approved by the Water Management
Board before construction.

Very truly yours,

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

enclosures





Department of Water & Natural Resources

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

April 30, 1990

NOTICE

TO: Keith Carlyle, Mayor
City of Rapid City
300 6th Street, Water Division
Rapid City SD 57701

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

A handwritten signature in cursive script, reading "John Hatch".

SUBJECT: Amendment of Future Use Permit No. 2086-2

The Water Management Board will consider amending Future Use Permit No. 2086-2 by deleting "Wells will be approximately 800-1200 feet deep." from qualification No. 3. The purpose of this proposed amendment is to remove the well depth restriction from qualification No. 3. Enclosed is a copy of Permit No. 2086-3 with the current qualifications.

The hearing to consider amending qualification No. 3 on Permit No. 2086-2 will be held on May 23, 1990, at 10:00 am, Pelican Room, Ramkota Inn, Highway 212 West, Watertown SD. The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-5, 46-2-9 and 46-2-11 and the hearing will be held pursuant to SDCL 46-1-14 and 46-2-17.

After all evidence is taken at the hearing, the Board may issue a decision to: 1) amend qualification No. 3 to remove the well depth restriction, 2) defer action or 3) take no action. This hearing is an adversary proceeding. Any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited, if not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: John Haak, Assistant Attorney General
Dan Bjerke, City of Rapid City

CERTIFICATION

I hereby certify that on April 30, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Amendment of Future Use Permit No. 2086-2 addressed as stated on the notice with a copy sent to Dan Bjerke also sent to the same address.

Karen Schuck

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of May, 1990.



John H. Holt
Notary Public



April 16, 1996

Dan Bjerke
City of Rapid City
300 6th Street
Rapid City SD 57701

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Bjerke:

I am writing in regard to the seven year review of Rapid City's Future Use Water Permit No. 2086-2 from the Madison Formation. Currently, our records show that 5,624 acre-feet remain in reserve under this future use permit which was issued in 1989. Below is a summary of the water permits/rights withdrawing from the future use permit.

RAPID CITY'S FUTURE USE WATER PERMIT NO. 2086-2

Permit No.	Amount Reserved	Amount Remaining
2086-2	9,991 ac-ft	5,624 ac-ft (9,991 minus 4,367)

WATER PERMIT/RIGHT WHICH APPROPRIATE WATER RESERVED BY NO. 2086-2

Permit/Right No.	Amount Reserved	Comment
2125-2	800 ac-ft	Incorporated into Water Right No. 2173-2
2155-2	1,160 ac-ft	Incorporated into Water Right No. 2275-2
2156-2	1,160 ac-ft	
2273-2	756 ac-ft*	Incorporates Permit Nos. 2085-2, 2125-2, 2271-2 and 2272-2
2275-2	491 ac-ft	Incorporates Permit No. 2155-2
TOTAL	4,367 ac-ft	

* Water Right No. 2273-2 is issued with a total annual diversion limitation of 5,394 acre-feet of water. This limitation amount includes water that was not reserved by Future Use Permit No. 2086-2

Please respond in writing by May 15, 1996, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

April 16, 1996
Dan Bjerke, City of Rapid City
Page 2

Permit No. 2086-2 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Public Works Department

300 Sixth Street

605-394-4165

FAX 605-394-6636

April 18, 1996

Ms. Karen Schlaak, Environmental Scientist
SD Dept. of Environment & Natural Resources, Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Re: Future Use Water Permit No. 2086-2

Dear Ms Schlaak:

I am in receipt of your letter dated 4/16/96 regarding the above water permit. It is the intent of the City of Rapid City as a key component of its water management plan to continue to develop ground water from the Madison Aquifer under the above future use permit as the City grows in population and commercial and industrial development. The City's overall water management plan is to obtain approximately 50% of its overall supply from the Madison Aquifer. Based on historical growth patterns, the City planners expect the City to grow to a population of 117,000 in the year 2030. In order to serve the projected population along with Ellsworth Air Force Base and Rapid Valley Sanitary District and Water Service Company, the City Water Utility is planning on a total water supply of 22,000 acre-feet annually. We expect that 7,000 - 10,000 acre-feet will be needed from the Madison Aquifer. The actual requirement will depend somewhat on the success of the City's water right acquisition.

I have included a summary of the City's past usage of the Madison Aquifer diversions from six wells for the years 1993 through 1995. 1995 water usage was down due to a very wet spring and summer.

The City is requesting the remaining 5,624 acre - feet of Madison Aquifer water under Water Permit No. 2086-2 be held in reserve for the City's future use. If you need any additional information, please call me at 605-394-4165.

Sincerely,
CITY OF RAPID CITY

Daniel L. Bjerke
Public Works Director of Engineering/Utilities



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

**MADISON AQUIFER DIVERSIONS
FOR
CITY OF RAPID CITY**

1993-1995



	<u>1995</u>	<u>1994</u>	<u>1993</u>
Well No. 5	462.7 Ac-Ft	588.0 Ac-Ft	341.4 Ac-Ft
Well No. 6	247.7	477.7	445.7
Well No. 8	405.1	569.2	592.7
Well No. 9	858.0	1,681.8	2,070.5
Well No. 10	1,299.0	1,542.0	1,041.8
Well No. 11	189.0	313.2	149.7
TOTALS	<u>3,461.5</u>	<u>5,171.9</u>	<u>4,641.8</u>

RECOMMENDATION OF CHIEF ENGINEER

FOR FUTURE USE WATER PERMIT NO. 2086-2, Rapid City SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2086-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 2086-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2086-2, 2) the City of Rapid City has demonstrated a reasonable need for the water reserved by Permit No. 2086-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 2086-2 is subject to payment of the \$135.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Rapid City.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
June 5, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

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

Dan Bjerke
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

Future Use Permit No. 2086-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Rapid City Journal printed at Rapid City (Phone #394-8300). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



June 6, 1996

Rapid City Journal
PO Box 450
Rapid City SD 57709-0450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 2086-2 to be published twice. Please publish the first notice on June 13, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Rapid City, 300 6th St, Rapid City SD 57701.

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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 2086-2

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 2086-2 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 June 13, 1996 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 2086-2

Notice is given that the Water Management Board will review Future Use Permit No. 2086-2 held by the City of Rapid City, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 2086-2. This permit was approved in 1989 to reserve 9,991 acre-feet of water from the Madison Formation located within the city limits of Rapid City: Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. Water Permit/Right Nos. 2125-2, 2155-2, 2156-2, 2273-2 and 2275-2 put a total of 4,367 acre-feet to beneficial use reserved by No. 2086-2 leaving 5,624 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 2086-2 REMAIN in EFFECT for 5,624 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at the 10:00 am, July 10, 1996 in the Floyd Matthew Training Center, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2086-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 6, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) SS

1. Patricia K. Van Patten

certify that the attached printed Notice was

taken from the Rapid City
Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

June 13, 1996

June 20, 1996

Cost of Printing: \$ 113.04

Patricia K. Van Patten
(Signature)

(Title)

6/20/96
(Date Signed)



June 13, 20 L1951

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 2086-2**

Notice is given that the Water Management Board will review Future Use Permit No. 2086-2 held by the City of Rapid City, 300 6th St., Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 2086-2. This permit was approved in 1989 to reserve 9,991 acre-feet of water from the Madison Formation located within the city limits of Rapid City. Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E, Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. Water Permit/Right Nos. 2125-2, 2155-2, 2156-2, 2273-2 and 2275-2 put a total of 4,367 acre-feet to beneficial use reserved by No. 2086-2 leaving 5,624 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 2086-2 REMAIN in EFFECT for 5,624 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at the 10:00 a.m., July 10, 1996 in the Floyd Matthew Training Center, 523 E. Capitol, Pierre S.D.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is "Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre SD 57501 (605 773-3352)" and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2086-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the hand-capped or obtain an in-

terpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 1996

NOTICE

Dan Bjerke
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 1996, to review Future Use Permit No. 2086-2. The Board allowed the permit to remain in effect subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2086-2 is \$135.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Very truly yours,

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

CERTIFICATION

I hereby certify that on July 18, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 18, 1996, regarding action taken by the Water Management Board at the hearing on July 10, 1996, to review Future Use Permit No. 2086-2, addressed as stated below:

Dan Bjerke, City of Rapid City, 300 6th Street, Rapid City, SD 57701.



Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of July, 1996



Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

415055

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 21, 19 96

RECEIVED OF City of Rapid City, 300 Sixth Street, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>2086-2</u> after period of seven years.	135	00
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 _____		

(Any Other Work Provided by Law)	Total	

By John Hatch
Chief Engineer

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: City of Rapid City

DATE: January 25, 2002

RE: Discrepancy in License???

COMMENTS:

The Report of Inspection of Permit No. 2085-2 identifies that well No. 5 is capable of diverting 2,700 gpm, well No. 6 is capable of diverting 1,827 gpm, and well No. 9 is capable of diverting 801 gpm. Based on the licensing inspection, the three wells are capable of diverting 5,328 gpm or 11.87 cfs. It appears that Water Right No. 2273-2 was erroneously licensed for 12.42 cfs.

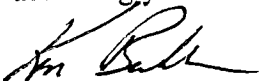
Additionally, the Well Completion Report for Well No. 5 indicates the well is only capable of producing 1,700 gpm. On January 24, 2002, I contacted John Wagner with the City of Rapid City and was informed the well produces $\cong$ 1,600 gpm. It appears that the well capacity reported for well No. 5 includes a typo and should have been 1,700 gpm. The total diversion capacity for wells No. 5, 6, and 9 is probably 4,328 gpm or 9.64 cfs.

The diversion authority for wells 5, 6, and 9 is through (a). Water Permit No. 2085-2 (8.01 cfs); (b). Water Permit No. 2271-2, which transferred diversion authority for 2.23 cfs from a well authorized by No. 2125-2 (well #7) to wells 5,6,and 9; and (c). Water Permit No. 2272-2, which transferred diversion authority for 0.44 cfs from one well, authorized by No. 2124-2 (well #8) to wells 5,6 and 9. The total diversion authorized for wells No's. 5, 6, and 9 is 10.68 cfs.

The intent of Water Right No. 2273-2 was to appropriate additional diversion authority to wells No. 5, 6, and 9 to make up for a 1.74 cfs perceived deficiency between the diversion rate based on the licensing inspection (12.42 cfs), and the diversion rate authorized for the wells (10.68 cfs).

It appears that the diversion authority for the wells exceeded the actual diversions made by the wells and some water appropriated from No. 2125-2 should revert back to Future Use Permit No. 2086-2, and that Application No. 2273-2 was unnecessary.

Wells No. 5, 6 and 9 should be re-inspected and the Water Rights may need to be adjusted accordingly.



Ken Buhler
Natural Resources Engineer

Water Rights Program File Documentation

NAME OF PERSON OR FILE: Rapid City Future Use PermitDATE: May 27, 2003

RE: Review of withdrawals from Rapid City Future Use.

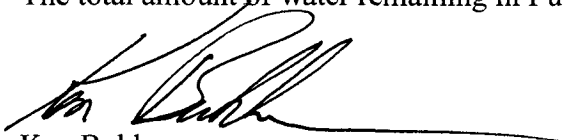
COMMENTS:

Future Use Permit No. 2086-2 originally reserved 9,991 ac-ft/yr. Withdrawals from the Future Use are shown in the table below.

PERMIT NO.	AMOUNT TAKEN FROM FUTURE USE
2125-2	800 ac-ft/yr
2155-2	1160 ac-ft/yr
2156-2	1160 ac-ft/yr ^{132 KB}
2271-2	0 additional, transfer 2125-2
2273-2	756 ac-ft/yr* ^{165.2 ac-ft/yr}
2275-2	491 ac-ft/yr

* Since errors occurred in the original inspection report, Water Right No. 2273-2 was re-inspected. Water Permit No. 2273-2 was intended to correct for the deficiency between the diversion authority for wells No. 5, 6, and 9, and the actual diversion rate from the wells. This deficiency was incorrectly calculated to be 1.74 cfs, but was actually only 0.38 cfs. Therefore, Water Right No. 2273-2 should be re-issued for 11.06 cfs. The volume of water associated with this Water Right should be 3,285.2 ac-ft/yr (800 ac-ft/yr from 2125-2, 1160 ac-ft/yr from 2155-2, 1160 ac-ft/yr from 2156-2, and 165.2 ac-ft/yr from 2273-2) 590.8 ac-ft/yr should revert back to Future Use Permit No. 2086-2. [590.8 ac-ft= (724 ac-ft/cfs*60%(reasonable useage))*(1.74 cfs (old rate)-0.38cfs(new rate))]

The total water withdrawn from future use is ^{3098.2 KB} ~~3776.2~~ ac-ft/yr.
 The total amount of water remaining in Future Use Permit No. 2086-2 should be ^{6892.8 KB} ~~6214.8~~ ac-ft/yr.


 Ken Buhler
 Natural Resources Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Dan Bjerke
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

I am writing in regard to the seven year review of Future Use Water Permit No. 2086-2 from the Madison Formation. By law, all future use permits are to be reviewed by the Water Management Board every seven years.

Our records indicate that No. 2086-2 which was obtained in 1989 reserved 9,991 acre-feet of water. The seven year review conducted in 1996 allowed 5,624 acre feet of water to remain in reserve. However, due to what appears to be an error dealing with Water Permit No. 2273-2 we believe that an additional 590.8 acre feet of water reverts back into the future use permit. Based on our current calculations, there is actually 6214.8 acre-feet of water remaining in reserve. Included is a May 27, 2003 file documentation prepared by Ken Buhler showing the city's past withdrawals from the future use permit and providing an explanation of the error that occurred with Water Right No. 2273-2.

We intend to reissue Water License No. 2273-2 to reflect the actual water use from city well Nos. 5, 6 & 9 of 11.06 cfs (3285.2 ac-ft). I believe that Ken Buhler discussed this with you and John Wagner at the recent hydrology conference. If you have any concerns about the reissuing of this water right, please let us know.

Please respond in writing by August 1, 2003, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future.

Permit No. 2086-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place for the Board's October 1st meeting. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 4, 2003

Ted Vore
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Vore:

On May 30, 2003, a letter was sent to the city regarding the seven year review of Future Use Water Permit No. 2086-2 from the Madison Formation (copy enclosed).

This is a reminder that a response regarding the city's intention for this future use permit is necessary, prior to scheduling a review before the Water Management Board. We would like to schedule the review for the Board's December hearing. Please respond in writing by October 20, 2003.

If you have any questions, please contact Eric Gronlund with this office.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure
1



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165

FAX: (605) 394-6636

Web: www.rcgov.org

October 3, 2003

Karen Schlaak
Environmental Scientist
Water Rights Program
DENR
Joe Foss Building
523 E. Capitol
Pierre, South Dakota 57501-3182

RECEIVED

OCT - 6 2003

WATER RIGHTS
PROGRAM

Re: Future Use Water Permit No. 2086-2

Dear Ms. Schlaak:

Thank you for your September 4, 2003 letter on renewal of the above referenced Water Permit. I can't imagine what happened to the May 30, 2003 letter you wrote to Mr. Bjerke.

The City of Rapid City is continuing to grow in a very positive manner. We are in continual need for additional water. We ask the State to please renew this Future Use Permit.

Enclosed please find information and statistics from our Water Division Annual Report. If there is additional information you desire we would be most pleased to provide your request.

Sincerely,

Theodore J. Vore
Acting Public Works Director

Cc: Annual Water Report



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Water Division



The Water Office has issued and recorded all purchase orders entering them into our budget control system for materials, equipment, and services; prepared payroll documents for 36.5 full-time employees on a bi-weekly basis; and has maintained a close working relationship with contractors installing new mains and service connections. The number of right-to-work permits sold to utility contractors was 446 and the Water Division Utility Maintenance Group took out 135 right-to-work permits.

The Water Billing and Service Group performed over 222,000 water meter reads and entered them into the water billing system. This group also processes all billing activities for Wastewater and Solid Waste Divisions. Crews installed 285 phone and radio read meters on new residential and commercial accounts. New water accounts for 2002 numbered 358. Meter Repair Persons repaired and changed out 634 water meters and remotes. The Utility Field crew processed 6,596 move orders. Water inquiries by the public amounted to over 100 telephone calls per day. Standby water service was provided on a 24 hour basis.

The growth of the City is once again evident in the work done by the Utility Maintenance Group, which completed 495 water taps and 509 sewer taps. The Utility Maintenance Group maintains records of all water and sewer service lines and performs locations for contractors and other utilities. Total Water, Sewer, Storm Sewer and Electrical locates for 2002 numbered 8,132. Water mains broke 64 times with an estimated cost of \$69,282.51. There were a total of 44 poly-B service lines repaired or replaced at a cost of \$42,319.72. Altogether the Utility Maintenance Group accomplished \$141,621.86 worth of emergency and construction repairs. This included \$3,663.93 in fire hydrant repairs. Standby emergency utility repair was provided on a 24 hour basis.

Water Division

The Water Production Group has once again provided a safe potable drinking water supply to Rapid City, Ellsworth Air Force Base and to Rapid Valley. Potable drinking water lab expenses to remain in compliance with the USEPA and South Dakota DENR was \$25,138.49 for 2002.

Rapid City received 10.28 inches of precipitation in 2002. This represents 6.34 inches below the 30 year average for precipitation totals. The Water Division is responsible for the operation and maintenance of the Pactola and Deerfield facilities under a temporary agreement with the Bureau of Reclamation. Pactola Reservoir finished 2002 with 46,790 acre-feet or 85% full. The water elevation peaked on May 14 at 4580.39 or .19 feet above active conservation level. Inflows recorded at Pactola Reservoir in Water Year 2002 were 22,607 acre-feet or 61% of mean. Deerfield Reservoir inflows measured 9,486 acre-feet or 95% of mean.

The Water Division traveled 311,653 miles in performing its customary services for our customers. Standby hours amounted to 1,655 hours costing \$23,537. Overtime worked was 1,996 hours costing \$48,035.

The total amount of water mains in the distribution system is 1,751,049 feet or 331 miles. The number of water valves is 4,967 and the number of fire hydrants is 2,595.



Water Division

WATER PRODUCED BY SOURCES IN 2002

=====	
SOURCE	GALLONS
JACKSON SPRINGS	2,197,759,000
MEADOWBROOK GALLERY	280,011,300
GIRL SCOUTS GALLERY	175,246,000
WATER TREATMENT PLANT METER #1	321,100,000
WATER TREATMENT PLANT METER #2	0
WELL #1	147,448,000
WELL #3	0
WELL #4	139,286,000
WELL #5	397,483,000
WELL #6	117,523,400
WELL #8	45,241,000
WELL #9	380,526,000
WELL #10	447,159,000
WELL #11	<u>89,281,000</u>

TOTAL ----- 4,738,063,700

2002 PEAKS AND AVERAGES

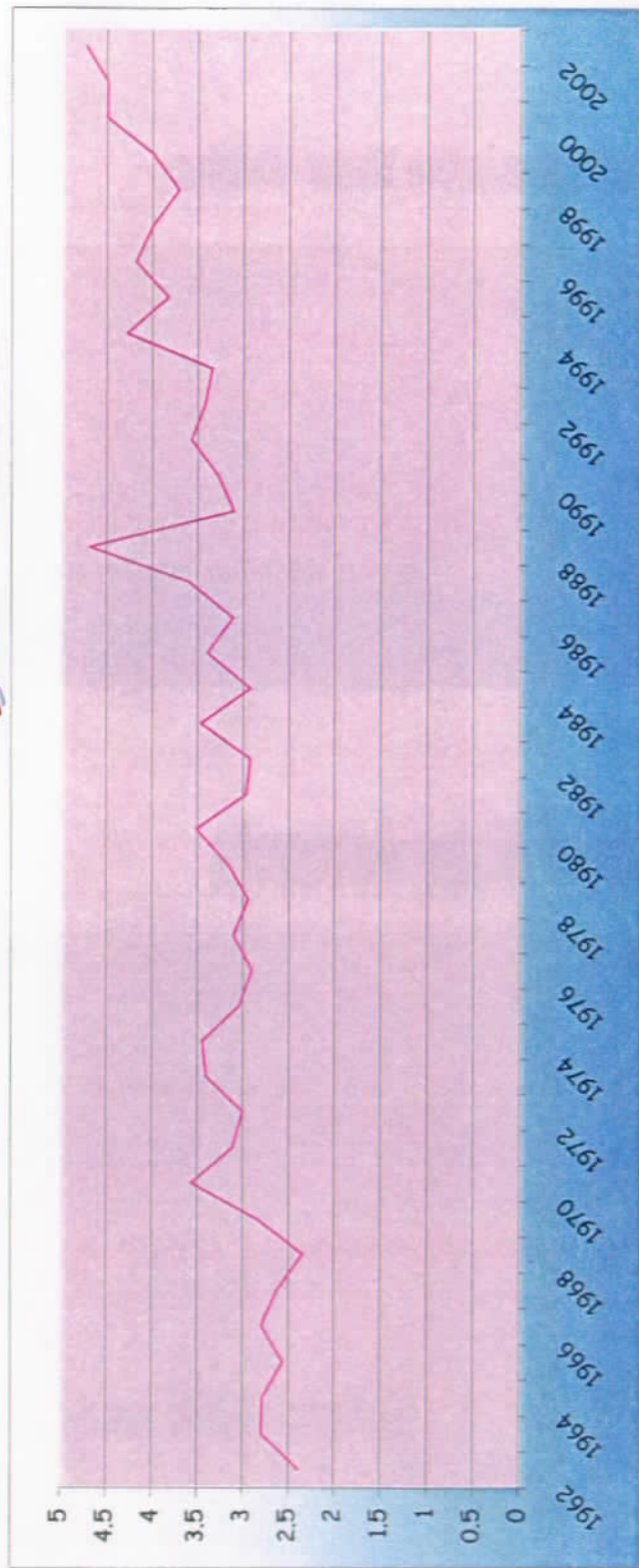
PEAK WATER PUMPAGE DAY (July 17)	31,106,600
PEAK WATER PUMPAGE MONTH (July)	770,040,900
LOWEST WATER PUMPAGE DAY (October 19)	6,948,300
LOWEST WATER PUMPAGE MONTH (February)	242,030,600
AVERAGE DAILY PUMPAGE	12,981,000
AVERAGE DAILY WINTER PUMPAGE (Jan-Mar & Nov-Dec)	8,654,850
AVERAGE DAILY SUMMER PUMPAGE (Apr - Oct)	16,033,500
*AVERAGE G/C/DAY (Summer)	234
*AVERAGE G/C/DAY (Winter)	126
TOTAL PUMPAGE FOR 2002	4,738,063,700
**TOTAL SALES FOR 2002	4,060,696,772
METERED PARK USAGE (non-revenue)	107,192,140
TOTAL METERED WATER	4,167,888,912
UNACCOUNTED FOR WATER (12%)	570,174,788

*Based on 68,430 service area.

**Does not include raw water.

Annual Water Production

1962 ~ 2002

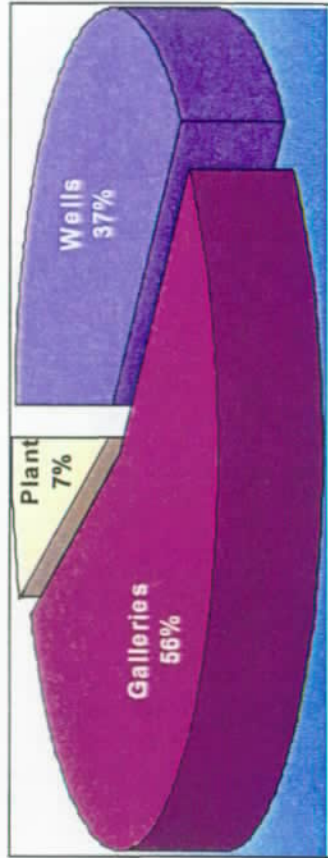


Yearly Totals

	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
	2.39	2.79	2.78	2.56	2.79	2.62	2.34	2.84	3.56	3.11	3.00	3.40	3.44	3.04	2.90	3.10	2.94	3.16	3.51
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	2.96	2.92	3.46	2.92	3.39	3.11	3.60	4.70	3.10	3.27	3.57	3.42	3.34	4.28	3.82	4.18	3.99	3.71	4.00
2000	2001	2002																	
4.50	4.49	4.73																	

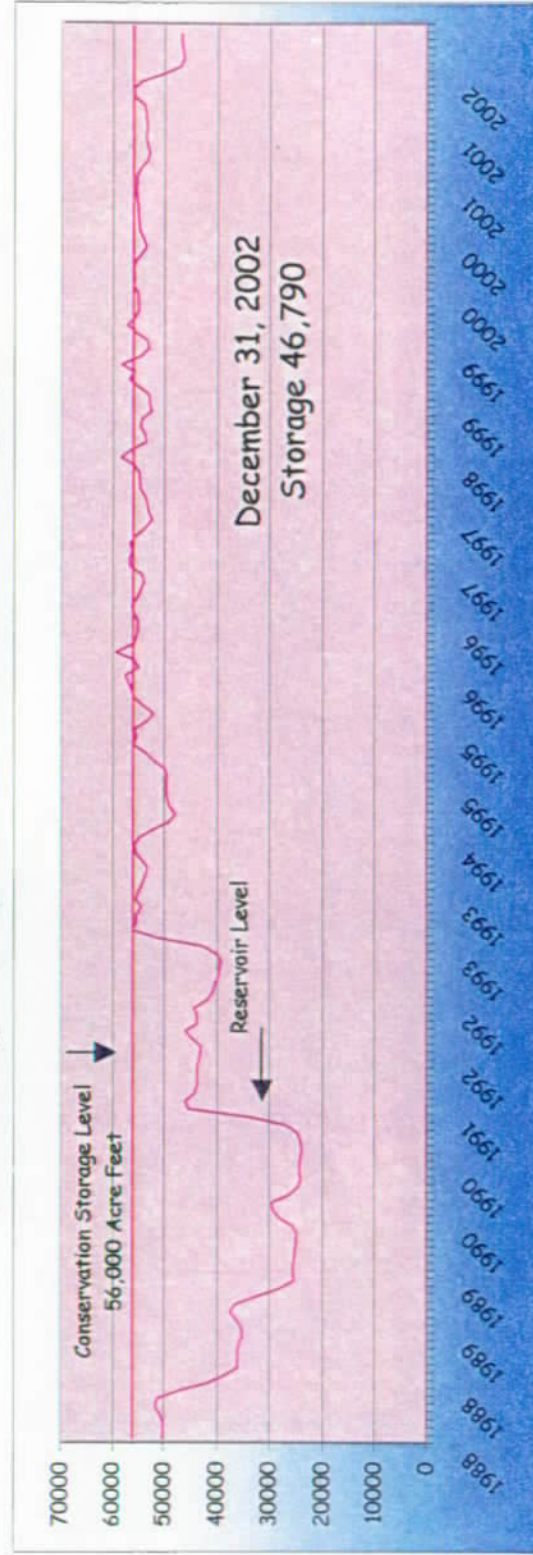
Water Division

Source of Water



Pactola Storage

January 1, 1988 ~ December 31, 2002





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2086-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2086-2, City of Rapid City, 300 6th St, Rapid City SD 577001-2724.

The Chief Engineer is recommending that Future Use Permit No. 2086-2 REMAIN in EFFECT for 6214.8 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2086-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2086-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 2086-2 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 27, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 27, 2003

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

Ted Vore, Acting Public Works Director
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Vore:

Future Use Permit No. 2086-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8300). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 27, 2003

Rapid City Journal
PO Box 450
Rapid City SD 57709-0450

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 2086-2 to be published twice. Please publish the first notice on November 5, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Rapid City, c/o Theodore Vore, Acting Public Works Director, 300 6th St, Rapid City SD 57701.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 2086-2 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 November 5, 2003 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 2086-2

Notice is given that the Water Management Board will review Future Use Permit No. 2086-2 held by the City of Rapid City, 300 6th St, Rapid City SD 57701-2724 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 2086-2. This permit was approved in 1989 and currently reserves 6214.8 acre feet from the Madison Formation located in the city limits of Rapid City: Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2086-2 REMAIN in EFFECT for 6214.8 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2086-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) SS

I, Patricia K. Van Patten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

November 5, 2003

November 12, 2003

Cost of Printing One hundred forty-three
dollars and fifty-two cents (\$143.52)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

11/12/03
(Date Signed)

RECEIVED
NOV 13 2003
WATER RIGHTS
PROGRAM

Nov. 5, 12 L1525092

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Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 2086-2 REMAIN in EFFECT for 6214.8 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at 10:00 a.m., December 3, 2003, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352), and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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interpreter for the hearing impaired may contact Eric Grönlund, Water Rights Program, (605-773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 5, 2003

NOTICE

Ted Vore, Acting Public Works Director
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Vore:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2003 to review Future Use Permit No. 2086-2. The Board allowed the permit to remain in effect for 6214.8 acre-feet of water annually. Future Use Permit No. 2086-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2086-2 is \$145.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 5, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 2003 regarding Water Right No. 549-1, 1159-2, 386B-3, 429-3, 809-3, 1141-3, 2388-3, 4545-3, 1045-3, 1962-3, 1105-3A, 1143-3A, 1146-3, 1154-3, 1170-3, 4146-3, 4147-3, 4546-3, 1225-3, Water Permit No. 1714-1, 914-2 & 1006-2, 1271-2, Future Use Permit No. 4860-3, 4798-3, 4839A-3, 2086-2, 4817-3, 3574-3. addressed as stated below:

549-1
Douglas & Martina Ham
905 2nd Ave W
Lemmon SD 57638

809-3, 1141-3, 2388-3, 4545-3
Victor & Peggy Kleinsasser
40008 198th St
Huron SD 57350

1225-3
James Esser
39063 170th St
Redfield SD 57469

1714-1
Larry Burditt
1409 Junction Ave
Sturgis SD 57785

1045-3, 1962-3
Mrs. Alvin Gutormson
2187 21st Street SE
Huron SD 57350

4860-3
Patti Arbach Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450-0157

914-2, 1006-2
Charles & Janet Vander May
HC 66 Box 81
Kadoka SD 57543

1105-3A
James Osborn
720 E 2nd St
Huron SD 57350

4798-3
Jeanne Duchscher Finance Officer
City of Parker
PO Box 265
Parker SD 57053-0265

1159-2
Judy Knecht
HC 77 Box 22
Tuthill SD 57574

1143-3A
George & Virginia Cluts
39397 US Hwy 212
Frankfort SD 57440

4839A-3
Peg Patterson Finance Officer
City of Tyndall
PO Box 29
Tyndall SD 57066-0029

1271-2
Vergil Kjerstad
12780 Black Forest Road
Rapid City SD 57702

1146-3
George or Marjorie Wiese
23233 420th Ave
Fedora SD 57337-6824

2086-2
Ted Vore Acting Public Works Director
City of Rapid City
300 6th St
Rapid City SD 57701

386B-3
Harold Booze
18004 373rd Ave
Redfield SD 57469

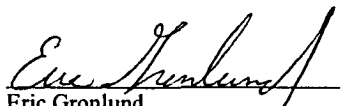
1154-3
Jesse Barton
1452 Utah Ave
Huron SD 57350

4817-3
John Sievers Manager
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

429-3
Rowan Doorn
46471 279th St
Lennox SD 57039

1170-3, 4146-3, 4147-3, 4546-3
Reed Hutchinson Attorney
Fosheim Haberstick & Hutchinson
Centre Plaza
Huron SD 57350

3574-3
Jay P Gilbertson Manager/Treasurer
East Dakota Water Development Dist
132B Airport Drive
Brookings SD 57006


Eric Gronlund
Natural Resource Engineer
Water Rights

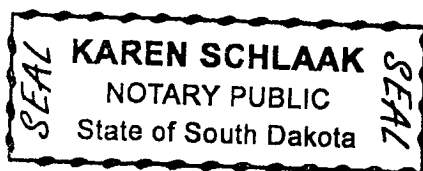
STATE OF SOUTH DAKOTA)

COUNTY OF HUGHES)

) SS

Sworn to, before me, this 8th day of December, 2003.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 20 03

RECEIVED OF City of Rapid City, Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	145	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2086-2</u> 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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	145.00

No. 0000

By Darland White
Chief Engineer gm



2086-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 21, 2010

John Wagner, Water Supt.
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Wagner:

I am writing in regard to the seven year review of Future Use Water Permit No. 2086-2 from groundwater into the Madison Formation which is held by Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 4,075 acre-feet remain in reserve under this future use permit that was issued in 1989 and last reviewed in 2003. The following table shows the water rights obtained to place water to beneficial use from this future use permit.

Water Right	*Water Permit	Amount taken from future use	Balance
2086-2		Original Future Use Permit	9,991 ac-ft/yr
2273-2	2125-2	1,556 ac-ft/yr	8,435 ac-ft/yr
2275-2	2155-2	1,651 ac-ft/yr	6,784 ac-ft/yr
2519-2	2475-2	1,936 ac-ft/yr	4,848 ac-ft/yr
2520-2	2156-2	773 ac-ft/yr	4,075 ac-ft/yr
		Remaining in Reserve	4,075 ac-ft/yr

* the referenced water permit is incorporated into the water right

Please respond in writing by November 1, 2010, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 2086-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Public Works Department

300 Sixth Street
Telephone: (605) 394-4154
FAX: (605) 394-6636
Web: www.rcgov.org

RECEIVED

SEP 28 2010

WATER RIGHTS
PROGRAM

September 27, 2010

Ms. Karen Schlaak
DENR
Joe Foss Building
523 Capitol
Pierre, SD 57501-3182

Re: Future Use Water Permit No. 2086-2, City of Rapid City, South Dakota

Dear Ms. Schlaak,

This letter is in response to your letter dated September 21, 2010 regarding Rapid City's Future Use Water Permit No. 2086-2. It is the City's intent to retain this water permit for future water needs of the City of Rapid City.

In December of 1998 we had 17,543 accounts on our water system. At the end of 2009 we had 21,355 accounts, or an increase of 21%. The Rapid City Growth Management Department predicts the City will continue to grow in population at approximately 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City.

Although our existing sources can supply our current demands, future water sources will be needed to supply future demands of Rapid City. Rapid City would like to keep all of its options open for long term water supplies. Our long-range water source master plan includes utilizing the Madison aquifer, purchasing downstream natural flow water rights and using available surface water.

I have included a copy of our water production records for years 1998 through the end of 2009. If you have any questions or need additional information, please contact me at (605) 394-4154. Thank you for your assistance with this permit.

Sincerely,

Robert B. Ellis, PE
Public Works Director



EQUAL OPPORTUNITY EMPLOYER

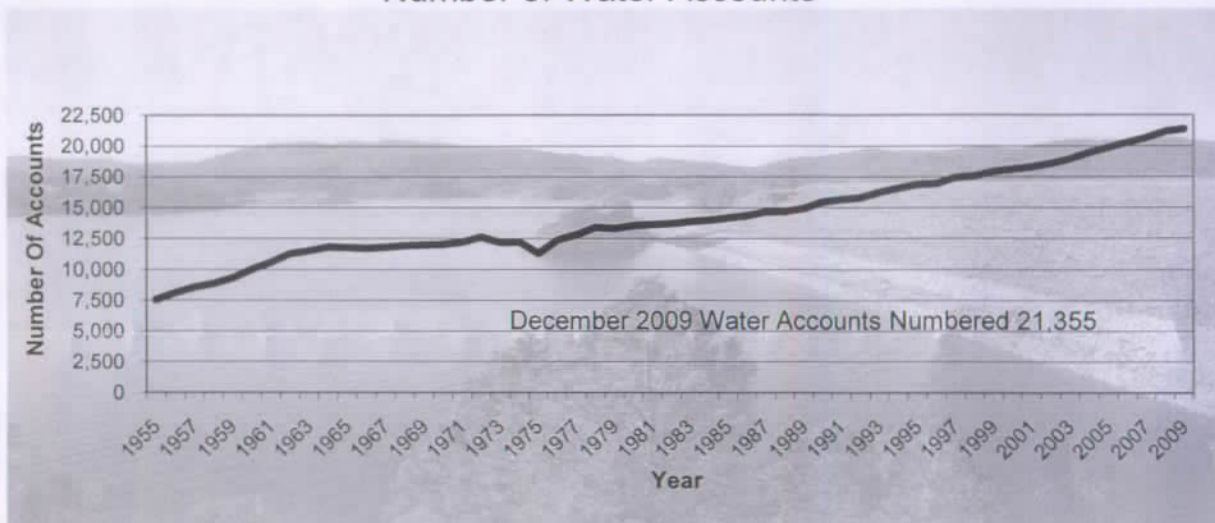
RECEIVED

SEP 28 2010

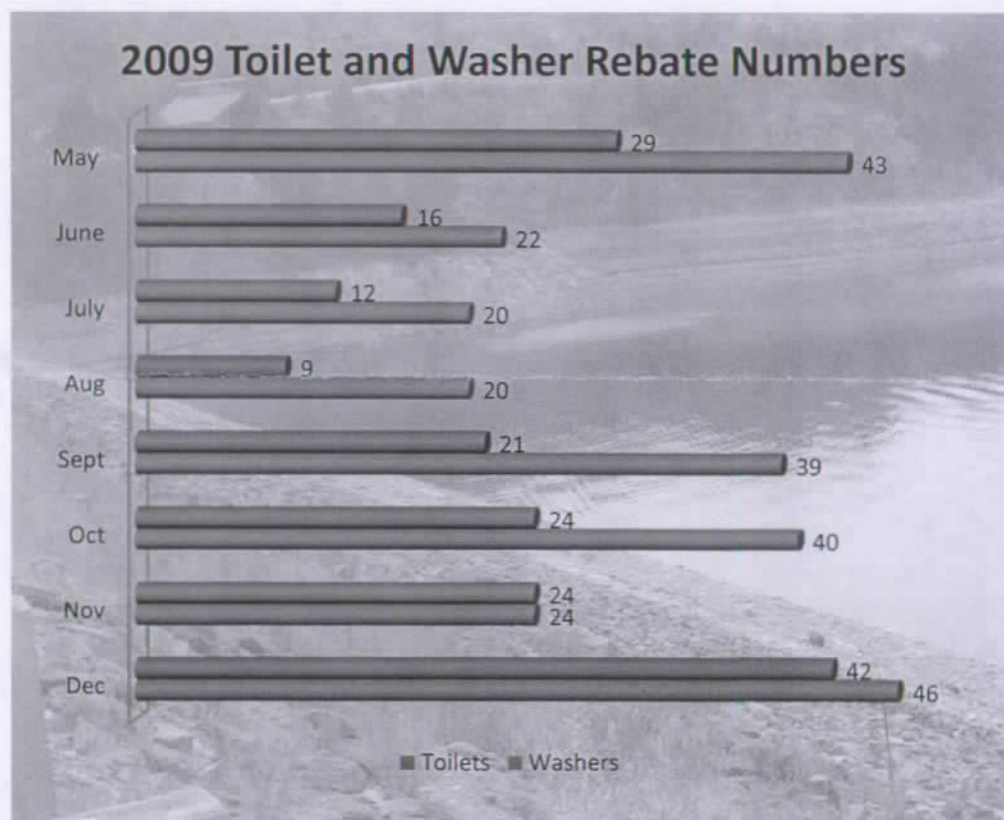
WATER RIGHTS
PROGRAM

Billing and Service Group

Number of Water Accounts



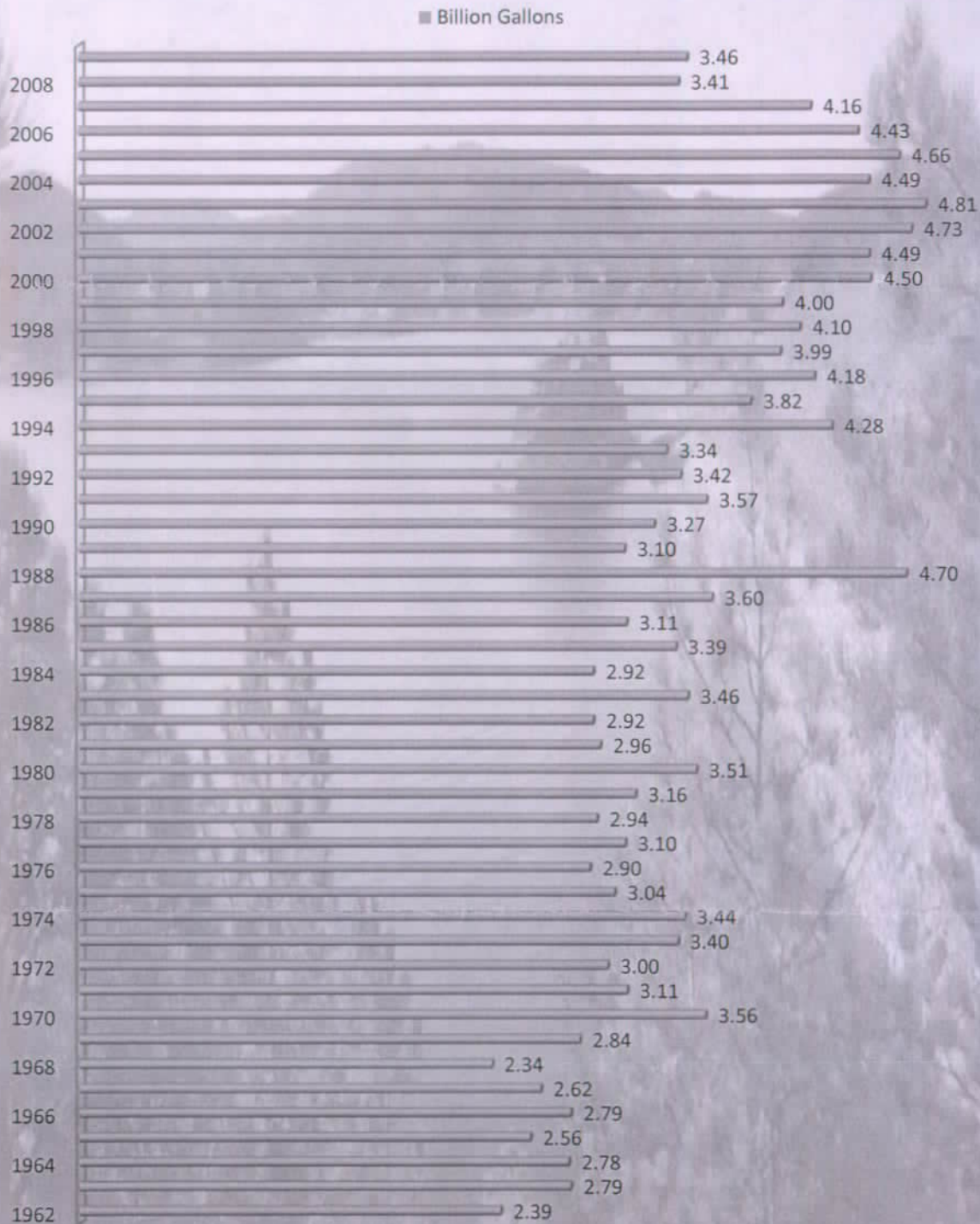
Toilet and Washer Rebate Program



SEP 28 2010

WATER RIGHTS
PROGRAM

Annual Water Production Totals





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2086-2, City of Rapid City SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2086-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 2086-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2086-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2086-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 2086-2 is subject to payment of the \$395.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 26, 2010

RECEIVED

NOV 15 2010

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

November 3, 2010

November 10, 2010

Cost of Printing One hundred twenty - two
dollars and thirty - two cents (\$122.32)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

11/10/10
(Date Signed)

Nov. 3, 10 L20524272

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2086-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at 8:30 a.m., December 1, 2010, Floyd Mathew Training Center, Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by November 22, 2010. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352), and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Steven M. Pirner, Secretary
Department of Environment
and Natural Resources.

(Published twice at the total approximate cost of \$122.32.)

Instruction to Newspaper-Publish first publication of the following Notice on November 3, 2010 with 2nd publication 7 days later. The city of Rapid City is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Published twice at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 28, 2010

Rapid City Journal
c/o Legal Advertising
PO Box 450
Rapid City SD 57701

Dear Patti:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 2086-2 to be published twice. Please publish the first notice on November 3, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 the City of Rapid City, c/o Robert B Ellis, Public Works Director, 300 6th St, Rapid City SD 57701.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 28, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 2086-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 28, 2010

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

City of Rapid City
c/o Robert Ellis, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Ellis:

Future Use Permit No. 2086-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8446). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 2, 2010

NOTICE

City of Rapid City
c/o Robert Ellis, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Ellis:

I am writing in response to action taken by the Water Management Board at the hearing on December 1, 2010 to review Future Use Permit No. 2086-2. The Board allowed the permit to remain in effect for 4,075 acre-feet of water annually. Future Use Permit No. 2086-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2086-2 is \$395.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 2, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 2, 2010 regarding Future use permits addressed as stated below:

City of Rapid City, Robert Ellis, PWD, 300 6th St, Rapid City SD 57701 **2086-3**

City of Tyndall, Larry Chester, Utility Supt., PO Box 29, Tyndall SD 57066 **4839A-3**



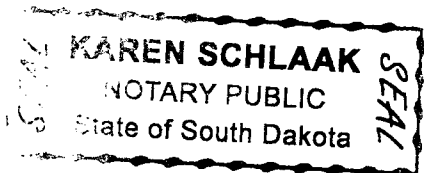
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of December, 2010.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 20 11

RECEIVED OF City of Rapid City 300 6th St Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	395 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2086-2</u> 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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	395 00

No.

04774

By

Harold Erbe
Chief Engineer



2086-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 2, 2017

City of Rapid City
Dale Tech, Public Works Director
300 Sixth Street
Rapid City SD 57701

Dear Mr. Tech:

I am writing in regard to the seven year review of Future Use Water Permit No. 2086-2 from the Madison Formation held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 4,075 acre-feet remain in reserve under this future use permit that was issued in 1989 and last reviewed in 2010.

Please respond in writing by October 31, 2017 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 2086-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 4,075 acre-feet remain in reserve, the fee will be \$395.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org

RECEIVED

OCT 30 2017

**WATER RIGHTS
PROGRAM**

October 26, 2017

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Ref: Future Use Water Permit No. 2086-2; City of Rapid City, SD

Dear Ms. Schlaak,

This letter is in response to your letter of October 2, 2017 regarding Rapid City's Future Water Permit No. 2086-2. It is the City of Rapid City's (City) intent to retain this water permit for future water needs of the City.

Attached for your information and use are graphs indicating the City's water accounts and water production over the last several decades. Both graphs show steady overall growth during these time periods. As stated during the City's last renewal request the City had 21,355 accounts at the end of 2009. At the end of 2016 the City had 23,498 water accounts or an increase of 10%. The City's population has and is expected to grow at approximately 1.5% to 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City.

Although existing sources can supply current demands, future water sources will be needed to meet future needs. Water source planning includes utilizing the Madison aquifer, natural flow water rights and available surface water. The City is currently in the process of updating its Water Utility Master Plan. Therefore, a current needs assessment is not available. However, as Rapid City is a vibrant growing community we expect water resource needs to continue to grow at or above the previous pace.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

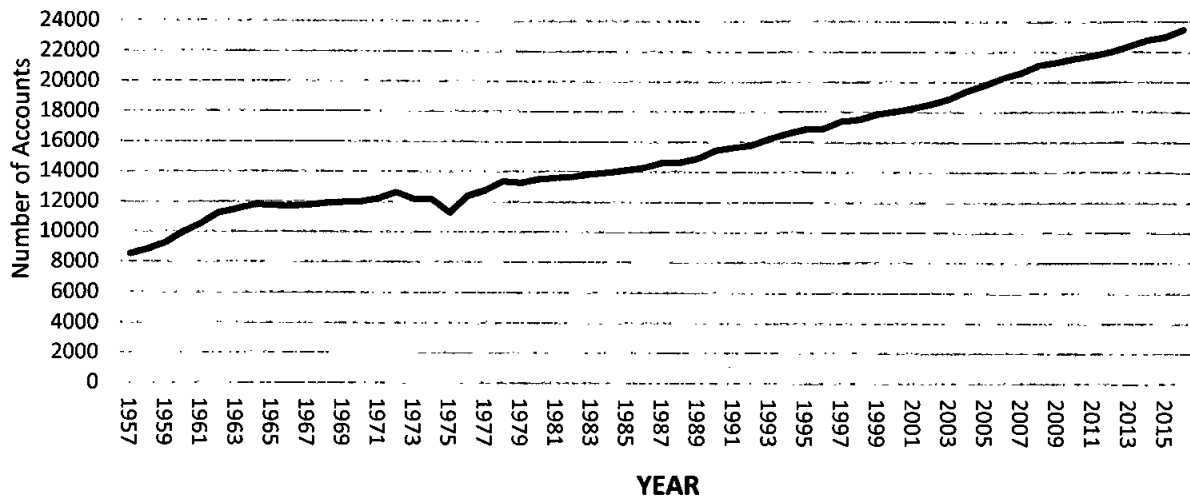
Sincerely,

Dale Tech, P.E.
Public Works Director



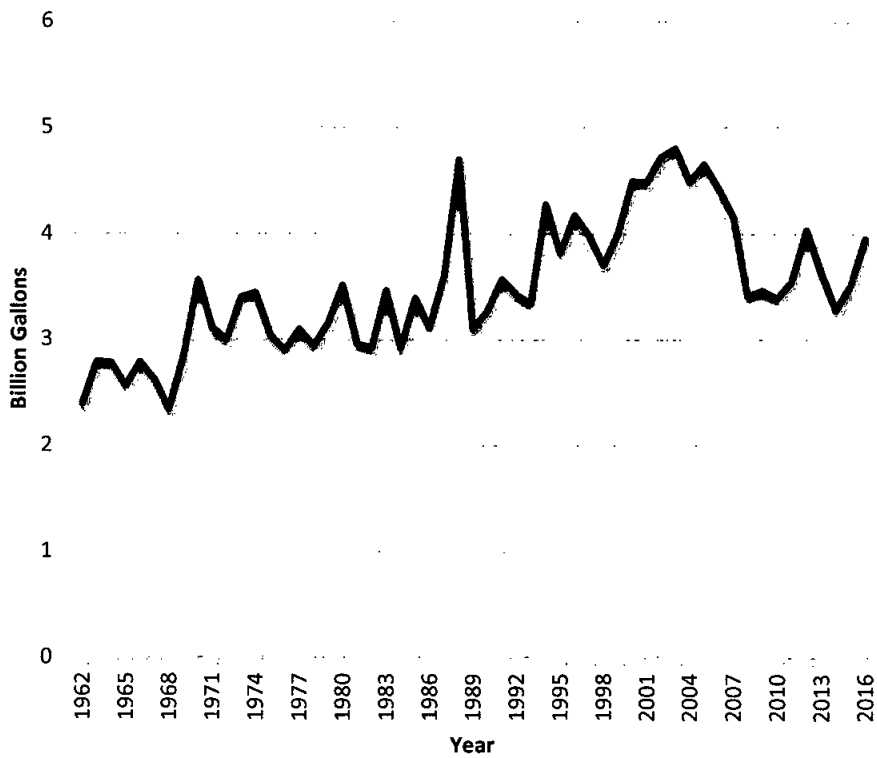
EQUAL OPPORTUNITY EMPLOYER

City of Rapid City Water Accounts



December 2016 Water Accounts Numbered 23,498

City of Rapid City Water Production





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 2086-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 2086-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 2086-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 2086-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 2086-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 2086-2 is subject to payment of the \$395.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
October 30, 2017



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 31, 2017

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

City of Rapid City
Dale Tech, Public Works Director
3006th St
Rapid City SD 57701

Dear Mr. Tech:

Future Use Permit No. 2086-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the Rapid City Journal. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on November 8, 2017. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, October 30, 2017 4:11 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2086-2, City of Rapid City
Attachments: 2086-2notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 8, 2017.

The City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 (605 394-4165) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the following Notice on November 8, 2017. The City of Rapid City is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 2086-2

Notice is given that the Water Management Board will review Future Use Permit No. 2086-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 2086-2. This permit was approved in 1989 and currently reserves 4,075 acre-feet of water from the Madison Aquifer located in the city limits of Rapid City; Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2086-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at 8:30 am, December 7, 2017 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by November 27, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2086-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 27, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 27, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 20, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Notice is given that the Water Management Board will review Future Use Permit No. 2086-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 2086-2. This permit was approved in 1989 and currently reserves 4,075 acre-feet of water from the Madison Aquifer located in the city limits of Rapid City; Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. The water is for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2086-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 2086-2 at 8:30 am, December 7, 2017 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action 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 permit owner and the Chief Engineer by November 27, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 2086-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru

74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by

Affidavit of Publication

RECEIVED

NOV 17 2017

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each _____ day _____ for _____ one _____ successive _____ day _____, the first publication there of being on the _____ 8th _____ day of _____ Nov 2017 _____ that the fees charged for the publication there of are _____ 75 _____ dollars and _____ 83 _____ cents.

Sheri Sponder

Subscribed and sworn to before me this _____ 15th _____ day of _____ November _____, _____ 2017 _____.

Dustin Rice

Notary public

DUSTIN RICE

7/1/20

My commission expires



the handicapped or obtain an interpreter for the hearing impaired may contact Eric Granlund, Water Rights Program, (605 773-3352) by November 27, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 27, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 20, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

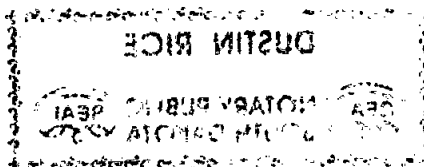
(Published once at the approximate cost of \$75.83)

IN THE _____ COURT
COUNTY OF PENNINGTON

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

Filed in the office of _____ on
the _____ day of _____
20____

Attorney for _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 11, 2017

NOTICE OF ENTRY OF ORDER

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

I am writing in response to action taken by the Water Management Board at the hearing on December 7, 2017 to review Future Use Permit No. 2086-2. The Board allowed the permit to remain in effect for 4,075 acre-feet of water annually. Future Use Permit No. 2086-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 2086-2 is \$395.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

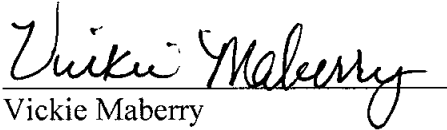
Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on December 11, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 11, 2017 regarding Notice of Order of Entry addressed as stated below:

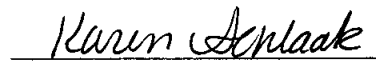
City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

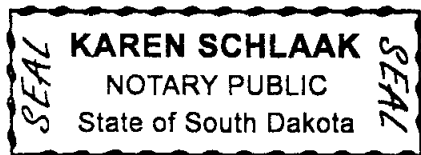
City of Tyndall
c/o Linda Pesek
PO Box 29
Tyndall SD 57066


Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of December, 2017.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 5, 20 18

RECEIVED OF City of Rapid City 300 Sixth St Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	395	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>2086-2</u> 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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	395	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08448**

By

Jeane Goodman
Chief Engineer
JMG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 16, 2024

City of Rapid City
c/o Dale Tech, Public Works Director
300 Sixth Street
Rapid City SD 57701

Dear Mr. Tech,

On September 23, 2024, we notified you that Future Use Water Permit No. 2086-2 held by Rapid City was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the city in 1989 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the September 23rd letter. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The Water Management Board will not schedule Permit No. 2086-2 for review until the above information has been submitted.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2024

City of Rapid City
c/o Dale Tech, Public Works Director
300 Sixth Street
Rapid City SD 57701

Dear Mr. Tech,

I am writing regarding the seven-year review of Future Use Water Permit No. 2086-2 from the Madison Formation held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 4,075 acre-feet remain in reserve under this future use permit that was issued in 1989 and last reviewed in 2017.

Please respond in writing by October 31, 2024, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 2086-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 4,075 acre-feet remain in reserve, the fee will be \$395.00.

Please contact Ron Duvall or me if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

October 16, 2024

Water Rights Program
Attn: Rachel Rodriguez
Department of Agriculture and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Ref: Future Use Water Permit No. 2086-2; City of Rapid City, SD

Dear Ms. Rodriguez,

This letter is in response to your letter of September 23, 2024 regarding Rapid City's Future Use Water Permit No. 2086-2. It is the City of Rapid City's (City) intent to retain this water permit for future water needs of the City.

Attached for your information and use are graphs from our master planning documents indicating the City's future water demand and population projections. The graphs illustrate anticipated steady growth in both population and water demand. The City's population growth rate from 2022-2023 was 2.24%. Rapid City's population is expected to be over 100,000 by 2034. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City.

Although existing sources can supply current demands, future water sources will be needed to meet future needs. Water source planning includes utilizing the Madison aquifer, natural flow water rights, and available surface water.

If you have questions or need additional information concerning this request please contact me at

(605) 394-4165.

Sincerely,



Dale Tech, P.E./L.S.

Attachments:

Excerpts from Water Utility System Master Plan

- Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projections (Demand Scenarios).
- Figure 2-6 Rapid City Historical and Projected Population

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2.3.2 Future Population and Employment Projections

Rapid City Planning provided population projection data from several sources including total City population estimates for years 2025, 2045, and 2115 for low, medium, and high growth conditions; Traffic Analysis Zone (TAZ) population and employment projections for the planning period 2015 to 2115 in Pennington and Meade Counties, and population data from the currently adopted comprehensive plan. Of these data sources TAZ population and employment data was considered by the City to be the most accurate representation of current projections, and as such were used as the basis for generating population, employment, and water demand projections for the WUSMP.

The TAZ and study area boundaries were overlaid via GIS union to determine study area populations and employment for year 2015 and the three future planning years of 2025, 2045, and 2115. The GIS union process allows distribution of population across a study area boundary by proportionately splitting TAZ data when a boundary line splits a TAZ area.

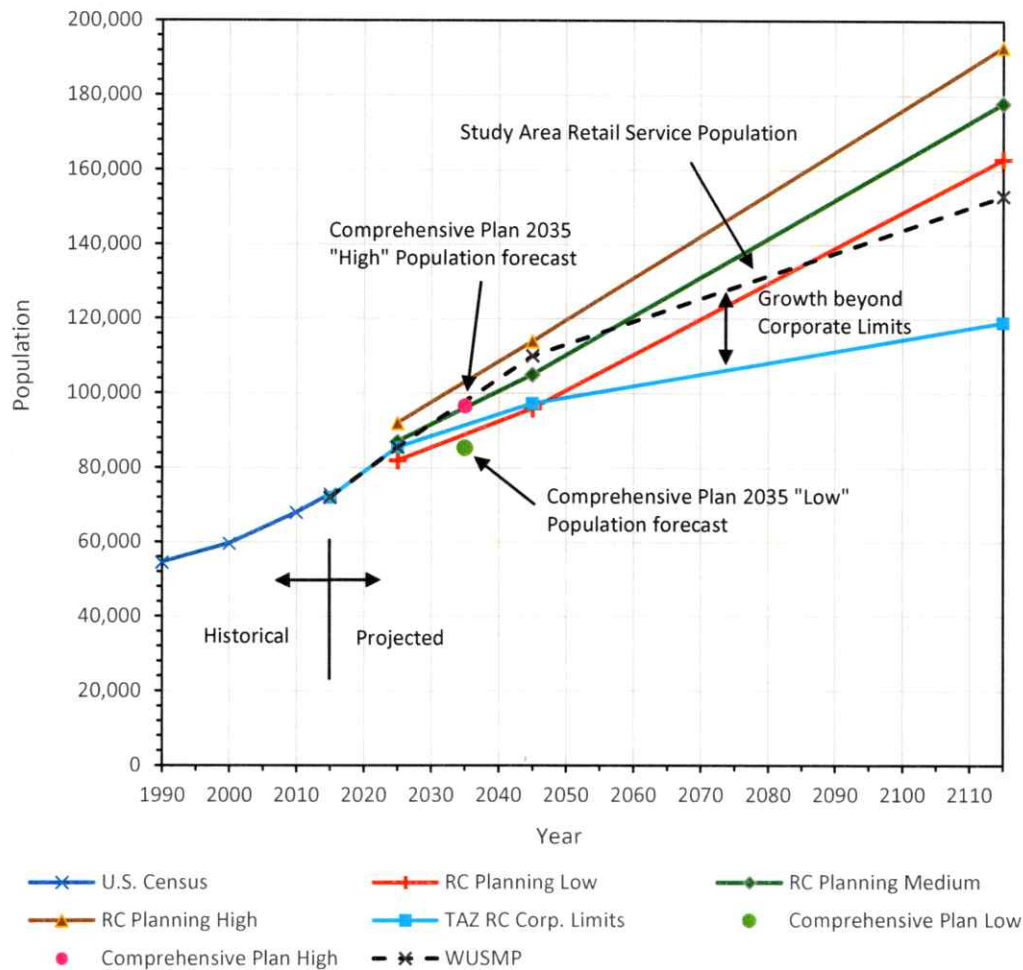


Figure 2-6 Rapid City Historical and Projected Population

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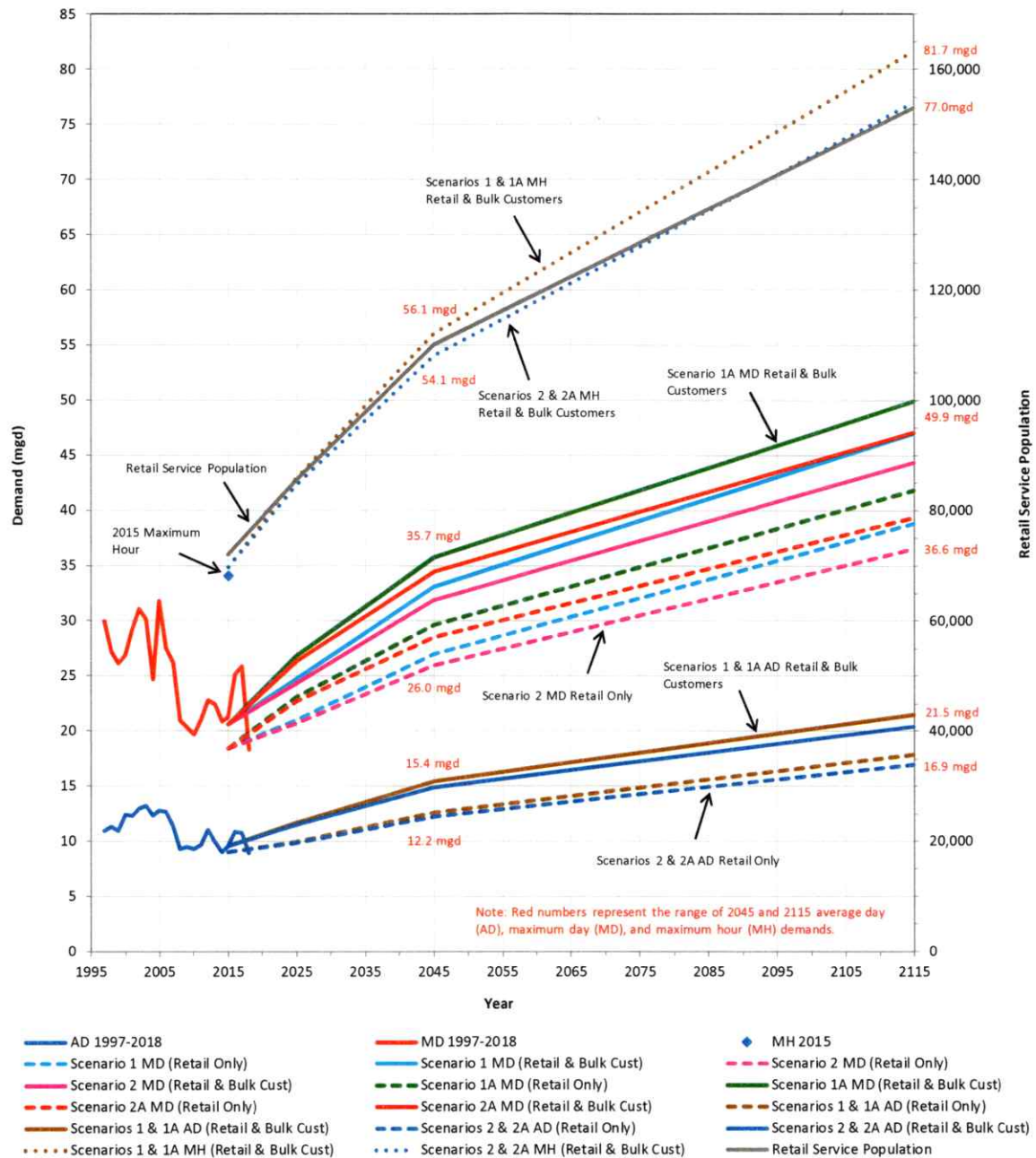


Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projections (Demand Scenarios)

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 2086-2 and 2086A-2**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning review of Future Use Water Permit Nos. 2086-2 and 2086A-2, City of Rapid City, 300 Sixth Street, Rapid City SD 57701.

The Chief Engineer is recommending Future Use Water Permit Nos. 2086-2 and 2086A-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit Nos. 2086-2, 2 and 2086A-2) the city has demonstrated a reasonable need for the water reserved by Permit Nos. 2086-2 and 2086A-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 2086-2 and 2086A-2 is subject to payment of the \$395.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
October 29, 2024



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 25, 2024

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Rapid City
c/o Dale Tech, Public Works Director
300 Sixth Street
Rapid City SD 57701

Dear Mr. Tech:

Future Use Permit No. 2086-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Rapid City Journal. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on October 31, 2024. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on November 2, 2024. The SD DANR, Water Rights Program is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 2086-2, 2086A-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 2086-2 and 2086A-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 Sixth Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 2086-2 was approved in 1989 and currently reserves 4,075 acre-feet from the Madison Aquifer located in the city limits of Rapid City; Sections 13, 24 thru 29, 32 thru 36; all in T2N-R7E; Sections 1 thru 5, 8 thru 17, 21 thru 23; all in T1N-R7E; Sections 28 thru 33; all in T2N-R8E; and Sections 4 thru 9, 17, 18; all in T1N-R8E. The water is reserved for municipal use. The Permit was last reviewed in 2017.

Permit No. 2086A-2 was approved in 2024 to increase the area reserved for future use to include Sections 14 through 17, and 20 through 23; all in T2N-R7E, and Sections 20, 27 through 29, 33, and 34; all in T1N-R7E with no increase in the amount of water reserved by Permit No. 2086-2. The water is to provide for future municipal needs for the city.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 2086-2, and 2086A-2 REMAIN in EFFECT for 4,075 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 2086-2, and 2086A-2 on December 4, 2024, at 9:30 AM (Central Time), in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permits owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permits holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permits owner shall also file a petition. A petition filed by either an interested person or the permits owner must be filed by November 13, 2024.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 2086-2, and 2086A-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permits owner 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.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permits owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 13, 2024.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 13, 2024.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is November 13, 2024. However, since this matter are future use permits renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 29, 2024 11:16 AM
To: leelegals@column.us
Subject: RE: [EXT] 2086-2 and 2086A-2 Future Use Review - Public Notice
Attachments: 2086-2 & 2086A-2 FU REVIEWpubnotice_final.doc

Attached is a notice to be published on November 2, 2024, in the Rapid City Journal.

- Publish one time
- Publish as a "Display" style notice
- Bill the Water Rights Program
- Send the affidavit to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

Let me know if you have questions. **Please acknowledge receipt of this email.**

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Samantha Pryor <leelegals@column.us>
Sent: Tuesday, October 29, 2024 9:44 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] 2086-2 Future Use Review - Public Notice

Hello Rachel,

Below are the deadlines provided to us by the newspaper. Please note these are the FINAL deadlines, nothing can be submitted, scheduled, changed, or removed, after the final deadline. If you are not placing online using the self serve software at [Column.us/place](https://column.us/place), we do suggest sending in your notice at least 24 hours prior to the below deadlines. In addition, please know **these deadlines are subject to change during holidays**. Please reach out closer to the holidays to determine the revised deadlines. Please note if there is a possibility of this being a larger display notice, deadline is 72 hours prior to the deadlines below.

Thank you,

// Samantha Pryor
// Column Pro Representative
// [Column.us](https://column.us) is an easy-to-use online platform where you can place public notices, and access your proofs, invoices and affidavits.

How did I do? ☆☆☆☆☆

*** Proof of Publication ***

STATE OF INDIANA)

County of Lake)

SS:

S.D. DANR - GROUND WATER

523 E CAPITOL AVE
PIERRE SD 57501

ORDER NUMBER 68277

I, Nicole Muscari, being
duly sworn, upon his/her oath says: That he/she is now and was at all
time hereinafter mentioned, a clerk of the RAPID CITY JOURNAL, a
corporation of Rapid City, South Dakota, a legal and daily newspaper
printed and published in Rapid City, in said County of Pennington, and
has full and personal knowledge of all the facts herein stated as
follows: that said newspaper is and at all of the times herein
mentioned has been a legal and daily newspaper with a bonafide paid
circulation of at least Two Hundred copies daily, and has been printed
and published for at least one year prior to the first date of the
published notice.

This affidavit is a true and corrected copy of notice which appeared in
said newspaper on the following dates:

November 2, 2024
Nicole Muscari

Section: Legal

Category: 0072 Public Notices

PUBLISHED ON: 11/02/2024

TOTAL AD COST: 164.97

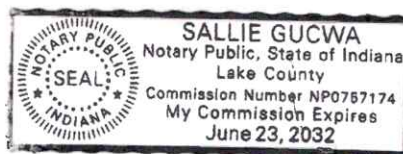
FILED ON: 11/4/2024

Subscribed and sworn to before me this 4th day of
November, 2024.

Sallie Gucwa Notary Public

My commission expires

_____, 20____





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 10, 2025

NOTICE OF ENTRY OF ORDER

City of Rapid City
c/o Dale Tech, Public Work Director
300 Sixth Street
Rapid City SD 57701

Dear Mr. Tech

I am writing in response to action taken by the Water Management Board at the hearing on December 4, 2024, to review Future Use Permit Nos. 2086-2 and 2086A-2. The Board allowed the permits to remain in effect for 4,075 acre-feet of water annually. Future Use Permit Nos. 2086-2 and 2086A-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 2086-2 and 2086A-2 is \$395.00 pursuant to SDCL 46-2-13(2). Thank you for your payment of \$395.00 on December 26, 2024.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 15th 2025

RECEIVED OF City of Rapid City 300 Sixth Street Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. <u>2086-2 & 2086A-2</u> to Appropriate Water for Future use	<u>\$395.00</u>
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 _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$395.00</u>

By Eric Gronlund
Chief Engineer

Er

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, October 29, 2024 12:51 PM
To: brandon.quiett@rcgov.org
Subject: RE: [EXT] 2086-2 & 2086A Future Use Review - Public Notice
Attachments: 2086-2 & 2086A-2 Rec.pdf; 2086-2 & 2086A-2 PubNotice.pdf

Good Afternoon Brandon,

Attached is the corrected recommendation and public notice. Since this was our error, we will pay for the corrected notice. No action is needed by you.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Tuesday, October 29, 2024 9:30 AM
To: leeleghals@column.us; brandon.quiett@rcgov.org
Subject: RE: [EXT] 2086-2 Future Use Review - Public Notice

Please cancel this notice. We need to revise the document. I will send a the corrected notice soon.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Delaney Cornforth <leelegals@column.us>
Sent: Friday, October 25, 2024 10:28 AM
To: brandon.quiett@rcgov.org