

Considered: _____

WATER PERMIT NO. 2138-2

Phone: 394-4162

Name of Applicant: City of Rapid city Water Division

Post Office Address: 300 - 6th Street, Rapid City, SD 57701

Amount of Water Claimed: 12.38 cfs Total Acres: N/A

Source of Water Supply: Rapid Creek

Water to be used for: Municipal water supply County: Pennington

About _____ miles _____ at Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: July 9, 1990 Fee: \$2050 Remarks Water reserved by Future Use Permit No. 1088-2

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

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE1/4 NE1/4 Section 3 T1N-R7E

Land to be Irrigated: N/A

		3	4		

Well Log: Driller: N/A Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: plat PREPARED BY: Dan Bjerke Reviewed and the Number

Assigned on 8/9/90 By Eric Gronlund

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 2138-2 Hydrologic Unit 10120110
Map No. _____ Basin Upper Cheyenne
Newspaper Rapid City Journal, 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. 1088-2



1. Name of Applicant City of Rapid City Water Division 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.) 12.38 c.f.s.

3. Source of water supply Appropriated flows of Rapid Creek

4. Location of point of diversion North 71° 39' West, 1205 feet from East 1/4

Corner of Section 3, T1N, R7E, BHM (SE1/4 NE1/4)

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used All-Year January 1 - December 31

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

Construction is planned to rebuild the diversion point and the water treatment plant raw water screening system. Also, one (1) additional eight (8) m.g.d. pump will be added to the existing raw water pumps.

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. CARLYLE
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 _____

Subscribed and sworn to before me this 5th day of July 1990

Marguerite H. Perry
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2138-2**

Date of first receipt of application July 9, 1990.

The Water Management Board approved Water Permit Application No. 2138-2 on December 5, 1990 for City of Rapid City, Water Division, 300 - 6th Street, Rapid City, SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2138-2 authorizes construction and placement to beneficial use 12.38 cubic feet of water per second from Rapid Creek. The point of diversion is to be located in the SE1/4 NE1/4 Section 3, T1N, R7E. The water was appropriated and reserved by Future Use Permit No. 1088-2.
2. The water appropriated shall be used for the purpose of supplying a portion of the city's water supply and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is June 28, 1971.
5. One-fifth of the construction is to be completed on or before June 5, 1993.
6. All construction is to be completed on or before December 5, 1995.
7. Water is to be put to beneficial use on or before December 5, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior water rights shall be by-passed under this permit. Water Rights, covering storage of water in Deerfield and Pactola Reservoirs, were acquired by the United States (U.S. No. 509-2 and U.S. No. 518-2 respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation). To the extent that water is available under these contracts, it may be used under this permit to serve, replace or supplement withdrawals from the natural flows of Rapid Creek, or those flows remaining (which may be zero flows) after water is by-passed as needed for the downstream prior water rights.

WATER MANAGEMENT BOARD

By: _____

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

MAR 26 1991

(date)

Conversation or File Documentation

NAME OF PERSON OR FILE:

City of Rapid City (Roger Krueger)

ADDRESS:

COUNTY

DATE: 7/19/90TELEPHONE 394-4167

RE:

COMMENTS:

Mr. Krueger returned my phone call in regards to two recent water applications.

On the application for 12.38 cfs - this is not a change of use. The water is to be taken out of future use permit No. 1088-2. Mr. Krueger is going to get back to me on the volume (acre feet of water) used annually.

On the application for 0.784 cfs to irrigate 45 acres ^(park) - this is not unappropriated of Rapid Creek but out of the future use permit No. 1088-2. I checked with chief engineer and this is a municipal use of water but would require soil water permit. Mr. Krueger is going to get back to me on the volume (acre feet of water) used annually.

Called 7/30/90 - Mr. Krueger had not done a work up on water volumes for these two permits application. I discussed with him the mailing deadlines for the notice and how we need a report & recommendation out prior to August 30. ~~He~~ He stated he'd get in it this week.

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:

Eric S. Henderson

RECEIPT

Division of Water Rights

412339

South Dakota Department of Water and Natural Resources

Pierre, August 9, 1990

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>2138-2</u> to Appropriate Water, to construct works and to put water to beneficial use	2027	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	2027 00

By John Patel /ma
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412343

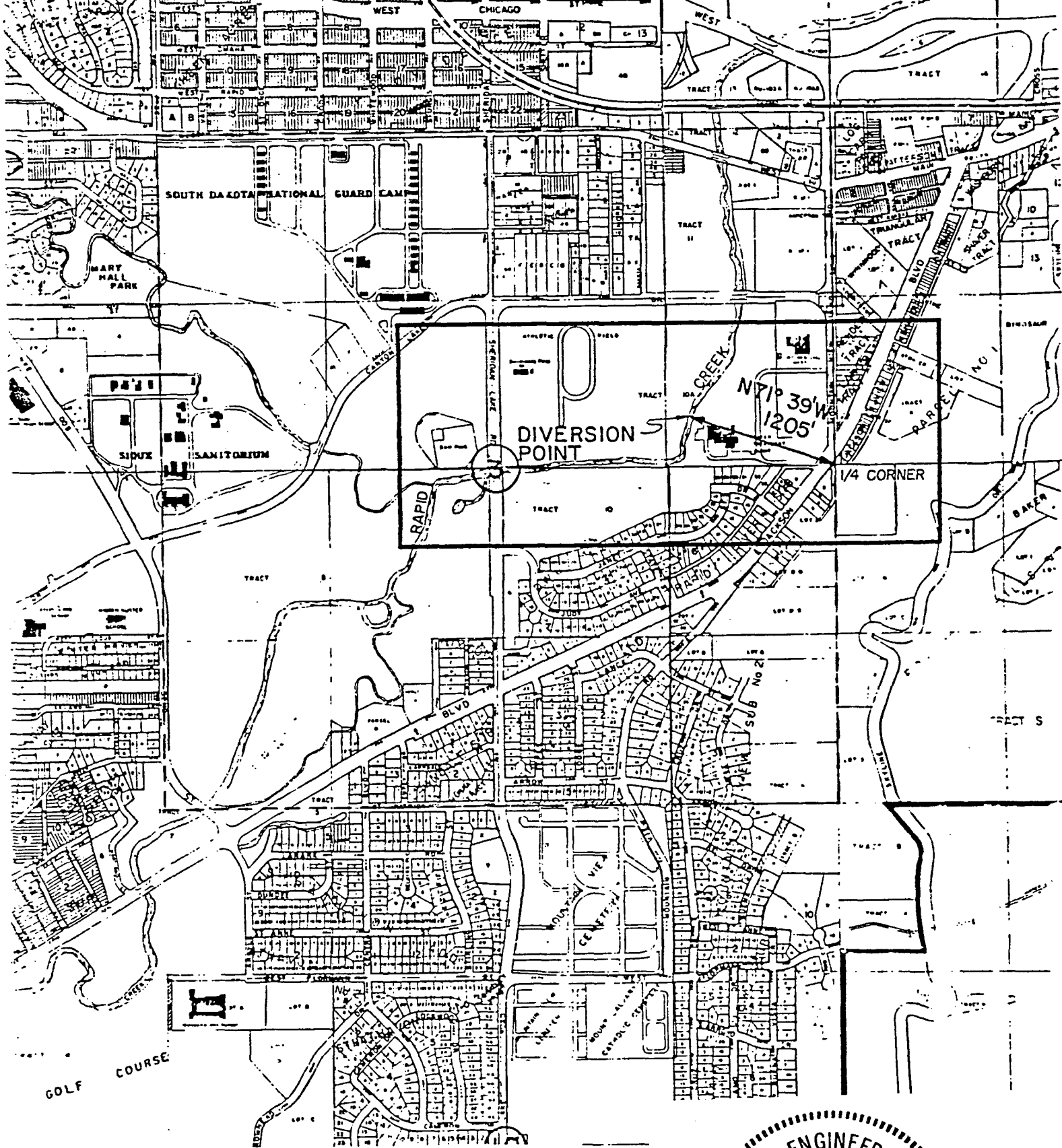
Pierre, August 22, 1, 1990

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>2138-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	23	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	23 00

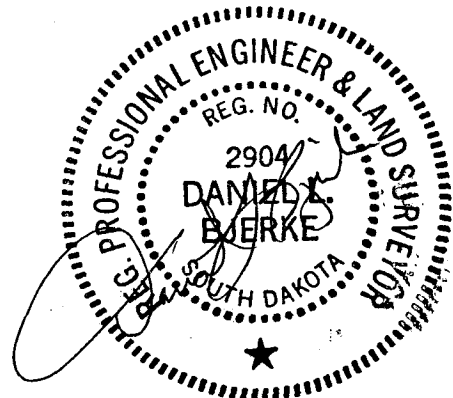
By John Hatch mra
Chief Engineer



SECTION 3, T1N, R7E, BHM ---
 PENNINGTON COUNTY, SOUTH DAKOTA



App'l. No. 2138-2



Revised Report on
Water Permit Application No. 2138-2
City of Rapid City
November 27, 1990

Water permit application No. 2138-2, City of Rapid City Water Division, proposes to appropriate 12.38 cubic feet of water per second (cfs) from Rapid Creek. This water has already been reserved under Future Use Permit No. 1088-2, with a priority date of June 28, 1971. The application proposes to divert water from Rapid Creek at a point in the SE1/4 NE1/4 of Section 3-T1N-R7E and use the water for city municipal water purposes. Rapid City plans to rebuild the existing diversion point and water treatment plant raw water screening system.

Water Source

Water for the proposed diversion is to be from Rapid Creek (Deerfield and Pactola Reservoirs). Rapid City holds Future Use Permit No. 1088-2 for 40 cfs from Rapid Creek of which 26.52 cfs remain. The use of such water by Rapid City is provided by the Deerfield and Pactola Contracts with the United States Bureau of Reclamation.

Review of Water Rights

Rapid Creek is heavily appropriated. There are 39 downstream water rights on Rapid Creek to the Cheyenne River with approximately 210 cfs appropriated. Of these, 24 water rights appropriate approximately 144 cfs having priority dates that are senior to this proposed project. In normal years this proposed project will need to rely on the Deerfield and Pactola Contracts for a constant supply of water.

Conclusions

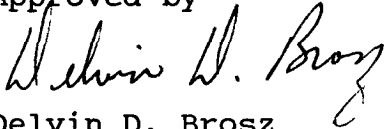
1. Water for this proposed project is available from Rapid Creek through the Deerfield and Pactola Contracts with the U.S. Bureau of Reclamation.
2. Existing senior water rights should not be adversely affected.
3. The priority date for this proposed diversion would be June 28, 1971, as set by future use permit 1088-2.
4. If this permit is approved the unused appropriated water remaining on Future Use Permit No. 1088-2 should be reduced by 12.38 cfs.

5. If this permit application is approved, the qualification listed on Future Use Permit No. 1088-2 should be included on Water Permit No. 2138-2.



Mark D. Rath
Natural Resources Engineer II

Approved by



Delvin D. Brosz
Natural Resources Engineer IV

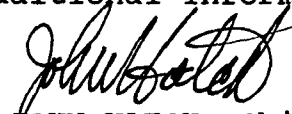
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2138-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2138-2, City of Rapid City, 300 6th Street, Rapid City SD

The Chief Engineer is recommending APPROVAL of Application No. 2138-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior water rights shall be by-passed under this permit. Water Rights, covering storage of water in Deerfield and Pactola Reservoirs, were acquired by the United States (U.S. No. 509-2 and U.S. No. 518-2 respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation). To the extent that water is available under these contracts, it may be used under this permit to serve, replace or supplement withdrawals from the natural flows of Rapid Creek, or those flows remaining (which may be zero flows) after water is by-passed as needed for the downstream prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 22, 1990



Department of Water & Natural Resources

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

August 23, 1990

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

Keith Carlyle, Mayor
City of Rapid City
300 Sixth Street
Rapid City SD 57701

Dear Mr. Carlyle:

Water Permit Application No. 2138-2 for municipal use has 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 Journal printed at Rapid City SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

cc: Dan Bjerke

enclosures



Department of Water & Natural Resources

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

August 23, 1990

Rapid City Journal
Box 450
Rapid City SD 57709

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2138-2 to be published twice. Please publish the first notice on or before August 30, 1990 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 Sixth Street, 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

TO: Eric Gronlund
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 August 30, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2138-2 to Appropriate Water

Notice is given that the City of Rapid City, 300 Sixth Street, Rapid City SD 57701 has filed an application for a water permit to construct and place to beneficial use 12.38 cubic feet of water per second from Rapid Creek. The point of diversion is to be located in the SE1/4 NE1/4 Section 3-T1N-R7E. The water was appropriated and reserved by Future Use Permit No. 1088-2. The water is to be used for municipal purposes by the city.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2138-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 September 21, 1990. 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 the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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 the 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 September 21, 1990.

This application is 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)
) ss.
 County Pennington)

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:

August 30, 1990

September 6, 1990

Mary K. Garness
 (Signature)

Bookkeeper
 (Title)

September 6, 1990
 (Date Signed)

Cost of Printing: Ran 8 4/16 inches legal advertising
in the Rapid City Journal on August 30 and
September 6 @ \$4.20 per inch = \$69.30
Ran public notice of hearing L078



Aug. 30, Sept. 6 L078
NOTICE OF HEARING
ON APPLICATION NO. 2138-2
TO APPROPRIATE WATER
 Notice is given that the City of Rapid City, 300 6th St., Rapid City, S.D. 57701 has filed an application for a water permit to construct and place to beneficial use 12.38 cubic feet of water per second from Rapid Creek. The point of diversion is to be located in the SE 1/4 NE 1/4 Section 1, T1N, R7E. The water was appropriated and reserved by Future Use Permit No. 1088-2. The water is to be used for municipal purposes by the city. Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends AP-

PROVAL of Application No. 2138-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courthouse, Chamberlain, S.D., on October 3, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 September 21, 1990. The Chief Engineer's address is "Water 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 petitioner's interest in the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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. Decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the 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 September 21, 1990.

This application is 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; 46-5-28 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.

IN RE:)
)
APPLICATION NO. 2138-2 OF CITY) PETITION FOR HEARING
OF RAPID CITY TO APPROPRIATE WATER)

I.

II.

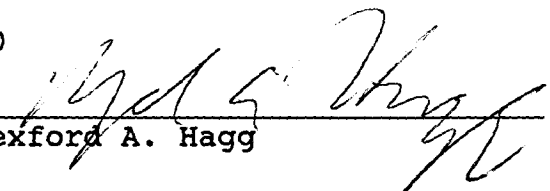
Rexford A. Hagg
Attorney for Rapid Valley
Water Service Company
P. O. Box 8008
Rapid City, SD 57709
(605) 348-1125

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



Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501

on this 19th day of September, 1990



Rexford A. Hagg

WHITING, HAGG & HAGG

ATTORNEYS AT LAW

FIRST FEDERAL PLAZA - 4TH FLOOR

DTN & ST. JOE - P. O. Box 8008

RAPID CITY, SOUTH DAKOTA 57709

BRYAN D. HAGG
REXFORD A. HAGG*
GEORGE E. GRASSBY
LISA KLINKEL WOLF**
JOHN STANTON DORSEY

*ALSO LICENSED TO PRACTICE IN OKLAHOMA
**ALSO LICENSED TO PRACTICE IN WASHINGTON

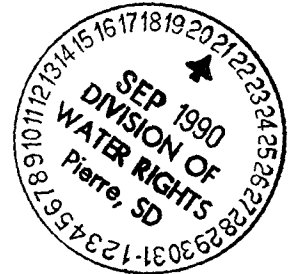
CHARLES H. WHITING
(OF COUNSEL)

TELEPHONE
605-348-1125

FAX 605-348-9744

September 21, 1990

Mr. Eric Gronlund
Division of Water Rights
Joe Foss Building
Pierre, SD 57501



Re: Petition of Rapid Valley Water to delay
hearing on Rapid City application

Dear Mr. Gronlund:

Per our telephone conference of this date, this is to clarify that Rapid Valley Water Service Company is requesting an automatic delay of the hearing scheduled for the application of the City of Rapid City. It is my understanding that this matter will most likely be set for hearing in December in Rapid City. The cause of the automatic delay and the convenience of the parties.

If you have any questions regarding the above petition filed by Rapid Valley Water Service Company, please do not hesitate to contact me.

Sincerely,

WHITING, HAGG & HAGG

Rexford A. Hagg
Rexford A. Hagg

It
VIA FACSIMILE



Department of Water & Natural Resources

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

September 24, 1990

NOTICE

TO: City of Rapid City, Water Division
300 - 6th Street
Rapid City, SD 57701
and Parties of Record (see attached list)

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

SUBJECT: Automatic Delay of Hearing on Water Permit Application
No. 2138-2

A petition opposing Water Permit Application No. 2138-2 has been filed by Rexford Hagg, attorney representing Rapid Valley Water Service Company. The supplemental petition also requests postponement of the hearing. Therefore, the hearing on Application No. 2138-2 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on October 3, 1990.

The Water Management Board will now consider Application No. 2138-2 on December 5, 1990 at 1:30 pm in the Deerfield Room, Hilton Inn, 445 Mt. Rushmore Road, Rapid City, SD. The agenda time is an estimate. The actual time of hearing may be later than 1:30 pm due to prior agenda items. Applicable provisions of the Notice of Hearing published on August 30 and September 6, 1990 in the Rapid City Journal will still apply at this hearing.

cc: Water Management Board
John Guhin, Deputy Attorney General
John Haak, Assistant Attorney General

9/21/90

(date)

page

Parties of Record before Water Management Board for Water Permit
Application No. 2138-2, City of Rapid City, Water Division

Proponent

Opposition

City of Rapid City Water Division

300 6th Street

Rapid City, SD 57701

Rapid Valley Water Service Company

(Attorney)

Rexford A. Hagg

P.O. Box 8008

Rapid City, SD 57709

LESLIE J. ENGLAND
(ALSO ADMITTED IN COLORADO)

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

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

October 26, 1990



Mr. Rexford Hagg
Whiting, Hagg & Hagg
First Federal Plaza
Rapid City, SD 57701

Re: City of Rapid City/Rapid Valley Water Service Company

Dear Rex:

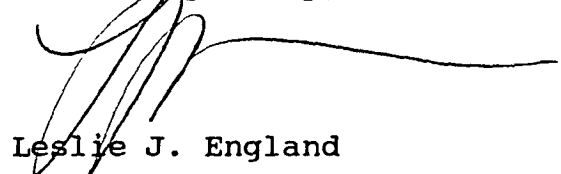
This will confirm matters discussed and tentatively agreed to at our lunch meeting with Lorraine Weimer and Service Company Board Members, Chuck Johnson, Clyde Elwood and Tony along with Mike Strub and Dan Bjerke from the City.

After a discussion of operation problems on Rapid Creek including lag time for water from storage to arrive at both Rapid City and at the Service Company intake, all that were present tentatively agreed that developing a full time water master could help to correct the problems. In addition, the parties discussed availability of supply and in furthering the sense of cooperative effort, tentatively agreed that the supply contract between the City and the Service Company would be reviewed and a strategy developed to renegotiate same so as not to penalize the Service Company for orders of municipal water, especially when shortages occur through no fault of the Service Company.

Finally, the protest filed by the Service Company concerning the City of Rapid City pump replacement application set for hearing in December before the Water Management Board, will be withdrawn. All of the above tentative agreements are subject to discussion and approval by the Service Company Board at its next meeting.

Other matters discussed encouraged open communication between the City and the Service Company. We look forward to the final approval of the above matters by the Board. Thanks so much, Rex, for fostering this cooperative spirit on both sides.

Yours very truly,



Leslie J. England

LJE/tb

cc: Tamara Pier, Michael D. Strub

 **Department of
Water & Natural Resources**

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

November 28, 1990

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

RE: Water Permit Application No. 2138-2

Dear Mr. Bjerke:

Please find enclosed a copy of the revised report on Water Permit Application No. 2138-2. The revision updates the amount of water which is held by Future Use Permit No. 1088-2 since the approval of Water Permit No. 2136-2 for 0.784 cubic feet of water per second at the October 3, 1990 Board meeting.

If you have any questions, do not hesitate to give me a call.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

WHITING, HAGG & HAGG

ATTORNEYS AT LAW

FIRST FEDERAL PLAZA - 4TH FLOOR

9TH & ST. JOE P. O. Box 8006

RAPID CITY, SOUTH DAKOTA 57709

BRIAN D. HAGG
REXFORD A. HAGG
GEORGE E. GRASSBY
JOHN STANTON DORSEY
*ALSO LICENSED TO PRACTICE IN OKLAHOMA

CHARLES H. WHITING
OF COUNSEL

TELEPHONE
605-348-1125

FAX 605-348-9744

December 3, 1990

Mr. Eric Gronlund
Division of Water Rights
Joe Foss Building
Pierre, SD 57501

Re: Application No. 2138-2 of City of Rapid City to
Appropriate Water

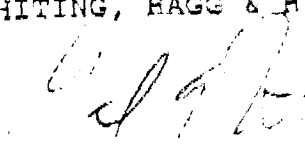
Dear Mr. Gronlund:

Please be advised that Rapid Valley Water Service
Company is hereby withdrawing its Objection and Petition for
Hearing on the Application No. 2138-2 of the City of Rapid City.

If you should have any questions regarding this matter
please do not hesitate to contact me.

Sincerely,

WHITING, HAGG & HAGG


Rexford A. Hagg

re

cc: Les England
Mike Strub
Lorraine Weimer

VIA FACSIMILE



South Dakota



GREAT FACES. GREAT PLACES.

MAR 26 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

Dear Mr. Carlyle:

Enclosed is Water Permit No. 2138-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



City of Rapid City

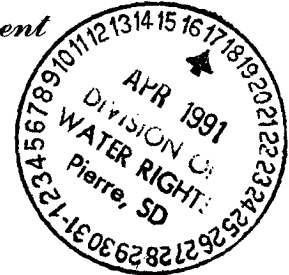
RAPID CITY, SOUTH DAKOTA 57701

Michael D. Strub, Public Works Director

Public Works Department

300 Sixth Street

605-394-4465



April 16, 1991

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

Re: Notice of Completion of Works and
Application of Water to Beneficial Use
Water Permit No. 2158-2
City of Rapid City, SD

Dear Mr. Hatch:

Transmitted herewith is the above referenced document for
the new 12.38 cfs pump installed at the water treatment
plant under Water Permit No. ~~2158-2~~.

If you have any questions concerning this matter or wish
to set up a time for inspection of the facility, please
contact me or Rodger Kruger, Water Superintendent. Thank
you for your assistance in obtaining the water permit.

Sincerely,

Daniel L. Bjerke, PE/LS
Water/Water Reclamation Division Manager

cc: Mike Strub, Public Works Director
Rodger Kruger, Water Superintendent



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate April 16, 1991TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181FROM: City of Rapid City 300 6th St Rapid City, SD
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2138-2.

Water Permit No. 2138-2 states that the diversion system is to be constructed by December 5, 1995, and that the water it put to beneficial use by December 5, 1999.

The diversion system was completed on April 16, 1991.
Applying the water to beneficial use was completed on May 1, 1991.

You may schedule an inspection so that the Water License may be issued.


signature

Water/Water Reclamation Div. Manager



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 23, 1991

Craig Kjar
U.S. Bureau of Reclamation
Belle Fourche Projects Office
PO Box 226
Newell, SD 57760

Dear Mr. Kjar:

Enclosed are copies of the two Rapid City water permits which you requested from me at the December Water Management Board meeting. If you need any more information, feel free to call me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1998

Daniel L Bjerke
City of Rapid City
300 6th St
Rapid City SD 57701-2724

Dear Mr. Bjerke:

The investigation of the City of Rapid City's water use systems was conducted on September 9, 1998, by Mark Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under each permit. The final water right documents, the Water Licenses, can now be issued. Below is a list of the permits that were investigated.

Permit No.	amount	source	
2136-2	0.78 cfs	Rapid Creek	Sioux Park
2138-2	12.38 cfs	Rapid Creek	Water Treatment Plant
* 2274-2	0.78 cfs	Rapid Creek	Water Treatment Plant
2156-2	1.11 cfs	Madison Formation	SW ¼ SE ¼ Sec 16-T1N-R7E
transfer the use of a portion of Rapid Creek flows			formerly known as
2142-2	0.62 cfs	Murphy Ditch	Tyler property
2199-2	0.05 cfs	Murphy Ditch	Pelle property
2201-2	0.13 cfs	Murphy Ditch	Long property
2217-2	0.33 cfs	South Side Ditch	Keller property
2218-2	2.16 cfs	South Side Ditch	Stromer property
2234-2	0.79 cfs	South Side Ditch	Eisenbraun property
2249-2	1.19 cfs	South Side Ditch	Weber property
2296-2	2.85 cfs	South Side Ditch	Jundt property
2316-2	0.81 cfs	Murphy Ditch	Morris property
2317-2	0.84 cfs	Hawthorne Ditch	Morris property
2360-2	0.37 cfs	South Side Ditch	Soetaert property
2397-2	0.59 cfs	South Side Ditch	Eisenbraun property
2399-2	0.75 cfs	Murphy & Little Giant Ditch	Wileman property

* license fee already submitted

Statutes require that we charge \$50.00 fee for the investigation and issuance of the each Water License. Upon receipt of the \$800.00 fee (16 permits x \$50) we will process the Water Licenses.

Please sent fee to: Dept. of Environment & Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181. If you have questions, please contact us.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415952

Pierre, December 9, 19 98

RECEIVED OF City of Rapid Cit, 3006 th St., Rapid City, SD 57701-2724
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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

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

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2138-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch

Permit No. 2138-2
Cheyenne River - Water District

Report Of Examination Of Works

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

On, **September 9, 1998**, I made a thorough examination of the water use system constructed by **City of Rapid City of 300 6th St, Rapid City SD** holder of Permit No. **2138-2**, bearing the priority of **June 28, 1971** authorizing the diversion of **12.38** cu. ft. per second of **surface water from Rapid Creek** for **municipal purposes**, in **Pennington** County.

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

A. Works used to divert the water:

Pumps at the water treatment plant.

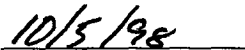
The system is in the following condition **good**. The points of diversion are located **in the SE1/4 NE1/4 Section 3 T1N-R7E (Rapid City Water Treatment Plant)**. The permit holder is entitled to divert and convey to the place of use **12.38** cu. ft. per second of water which is to be used for **municipal purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **12.38** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **none**



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



Date

REPORT ON INSPECTION OF PERMIT NO. 2138-2

Other related permits: 437-2, 1865-2 & 2274-2

DATE OF INSPECTION: September 9, 1998

Contact Person & Address: John Wagner, 300 6th St, Rapid City SD 57701

DIVERSION POINT LEGAL LOCATION: is in the SE1/4 NE1/4 Section 3 T1N-R7E (Rapid City Water Treatment Plant

WATER SUPPLY Source: Rapid Creek

WATER TREATMENT PLANT

Pump\ Motor:

- | | |
|---------------------------------------|------------------------------------|
| 1) Pump Make <u>Peerless</u> | 2) Model <u>258595</u> |
| 3) Capacity <u>5600</u> GPM | 4) Motor Make <u>GE</u> |
| 5) Model No. <u>5K405DP7011B FR2G</u> | 6) Horsepower rating <u>75</u> hp |
| | |
| 1) Pump Make <u>Layne Bowler</u> | 2) Model <u>14MSL</u> |
| 3) Capacity <u>2780</u> GPM | 4) Motor Make <u>US Electrical</u> |
| 5) Model No. <u>326UP</u> | 6) Horsepower rating <u>30</u> hp |
| | |
| 1) Pump Make <u>Vertiline</u> | 2) Model <u>27908</u> |
| 3) Capacity <u>5560</u> GPM | 4) Motor Make <u>US Electrical</u> |
| 5) Model No. <u>445UPY</u> | 6) Horsepower rating <u>60</u> hp |
| | |
| 1) Pump Make <u>Layne Bowler</u> | 2) Model <u>85522</u> |
| 3) Capacity <u>5875</u> GPM | 4) Motor Make <u>Louis Allis</u> |
| 5) Model No. <u>COG5B</u> | 6) Horsepower rating <u>60</u> hp |
| | |
| 1) Pump Make <u>Vertiline</u> | 2) Model <u>27989</u> |
| 3) Capacity <u>8000</u> GPM | 4) Motor Make <u>US Electrical</u> |
| 5) Model No. <u>CFU</u> | 6) Horsepower rating <u>100</u> hp |

DISTRIBUTION LINES OR CANALS:

Municipal distribution system

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**

COMMENTS: #

Mark D Rath
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 5/13/94

TIN R 7E

2274-2

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2138-2

(1) The City of Rapid City, 300 6th St, Rapid City SD 57701 made Application No. 2138-2, July 9, 1990 for a water permit to divert 12.38 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for municipal purposes. Permit No. 2138-2, with a priority date of June 28, 1971 (established by Future Use Permit No. 1088-2) was approved December 5, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 5, 1995 and for the application to beneficial use of said water on or before December 5, 1999.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 12.38 cubic feet of water per second for beneficial use. The location of the diversion point is SE ¼ NE ¼ Section 3-T1N-R7E (Rapid City Water Treatment Plant).

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

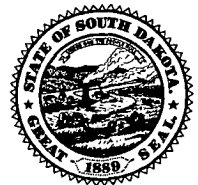
(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Rapid City, 300 6th St, Rapid City SD 57701 the holder and/or owner of Water Right No. 2138-2 is issued a license to appropriate water, the right to use 12.38 cubic feet of water per second from Rapid Creek with a priority date of June 28, 1971 (established by Future Use Permit No. 1088-2) from the location specified in (2) of this license for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Right No. 2138-2 and subject to South Dakota State Law.



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

JAN 15 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 15 1999

Daniel L Bjerke
City of Rapid City
300 6th St
Rapid City SD 57701-2724

Dear Mr. Bjerke:

Enclosed are the Water Licenses and receipts for the investigation and issuance of the water licenses. These water licenses are the final document which complete the process of obtaining a water right.

As long as the City of Rapid City uses the water beneficially, as stated in the water licenses, State Water Law provides that the City has a continuing right to use the water.

Very truly yours,

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

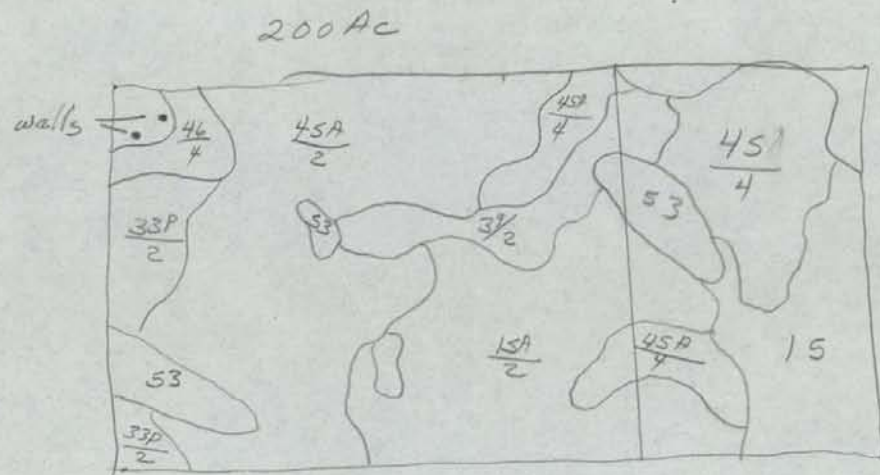
ks

enclosures

paired by SCS

Norman Kampf

Onda



N 1/2 Sec 20 - 113 - 78

46 - Oake III

45 - 45A - AKoska III

53 - Haven VI

15A - Highmore II

39 - Omita - II

15 - Raber - II

~~MAP N° 1538-3~~ APR N° 2138-3

113-78

Booster pumps.

(10-37)

E. R. Walker

(3-18)

One or 2 Wells - 2nd only if needed

This Area

1160

(10-30)

A. J. Williams
Transferred to Hughes Co

~~1120~~
150.4

(10-28)
Bert Warne

59.0

(10-13) 70.0
Charles Luecke

113-78



2138-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 24 2016

2138-2
2138A-2

Tim Weber, Interim Water Supt
City of Rapid City
300 6th Street
Rapid City SD 57701

Dear Mr. Weber:

Enclosed is Water License No. 2138A-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Right No. 2138-2 have been incorporated into Water License No. 2138A-2.