

Considered: _____

WATER PERMIT NO. 2210-2

Phone: 393-0522

Name of Applicant: Elks Lodge #1187

Post Office Address: 3333 E 39th St. Rapid City SD 57701

Amount of Water Claimed: no add'l Total Acres: 106 (36 transferred)

Source of Water Supply: Rapid Creek

Water to be used for: irrigation County: Pennington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 11-27-91 Fee: \$50.00 Remarks _____

Corrected Application Received 3-19-92 Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 12/2/91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 SE 1/4 Sec 8-T1N-R8E

SW 1/4 NE 1/4 Sec 16-T1N-R8E (storage dam)

Land to be Irrigated: SE 1/4, NE 1/4

Sec 16-T1N-R8E

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 3-19-92 By Karen Schlaak

No. 2210-2 Hydrologic Unit 10120110
Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450

(See instructions)

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

Type of Application:

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

1. Name of Applicant ELKS LODGE #1187 Phone No. 393-0522
 Post Office Address 3333 E 39th ST RAPID CITY State SD 57701
(Street, R.R. or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) No Add'l Total acres irrigated 106 (37 TRANSFERRED)
3. Source of Water supply RAPID CREEK THROUGH CYCLONE DITCH, SURFACE RUNOFF
4. Location of point of diversion SE 1/4 SE 1/4 of SECTION 8 - TIN-R8E (RAPID CREEK)
SW 1/4 NE 1/4 of SECTION 16 - TIN-R8E (STORAGE DAM)
- County PENNINGTON
5. Counties where water will be used PENNINGTON
6. Annual period during which water is to be used APRIL 1 - OCTOBER 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>SEE ATTACHMENT "A"</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: X (Specify)
9. Crops to be Irrigated: GOLF COURSE
10. Give a description of proposed project. (Attach sheet if more space is needed)

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

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

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

Signed

Subscribed and sworn to before me this 26 day of Nov. 19 91

Sally Otter
Notary Public

Attachment A

Location of Acreage all in S16-T1N-R8E	Original 582-2 Claim	Validated Portion of 582-2 Claim	Irrigated Acreage Claimed For Vested Water Right	Required For Expanded Course	Acreage Needed to be Transferred
SE1/4 SE1/4	0			10	10
NE1/4 SE1/4	25		23	10	
NW1/4 SE1/4	1			16	16 15
SE1/4 NE1/4	25	1	23	15	
NE1/4 NE1/4	27	20		14	
NW1/4 NE1/4	32	24		14	
SW1/4 NE1/4	22	16		19	3
SW1/4 SE1/4	0			8	8
Total	132	61	46	106	24 36 6

Application Statement:

The first application makes a vested right claim for an additional 46 acres of irrigated land which had been originally claimed under Water Permit No. 582-2, listed on the inspection report, but was inadvertently excluded from the water license when it was issued June 29, 1971.

The second application is to change the location of portions of the validated acreage and acreage claimed by the vested water right claim to be included in acreage to be irrigated by the expanded golf course.

**SOUTH DAKOTA
WATER PERMIT No. 2210-2 FOR IRRIGATION**

Date of first receipt of application November 27, 1991.

Date Soil/Water Compatibility Permit received December 18, 1991.

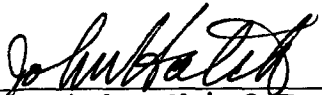
The Water Management Board approved Water Permit Application No. 2210-2 on September 30, 1992 for Elks Lodge #1187, 3333 E 39th St, Rapid City SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2210-2 changes the irrigated acreage authorized by Vested Water Right No. 582-2 and Vested Right Claim No. 2209-2. Vested Right Claim No. 2209-2 and Vested Right No. 582-2, combined, appropriate 1.51 cubic feet of water per second from Rapid Creek through Cyclone Ditch located in the SE 1/4 SE 1/4 Section 8-T1N-R8E to irrigate 106 acres located in the NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 16, T1N-R8E. This permit authorizes the change in location of the irrigated acreage to portions of the NE 1/4 and SE 1/4 Section 16-T1N-R8E. No additional appropriation of water or increase in the acres irrigated are authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is May 25, 1881.
4. One-fifth of the construction is to be completed on or before March 30, 1995.
5. All construction is to be completed on or before September 30, 1997.
6. Water is to be put to beneficial use on or before September 30, 2001.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

That Water Permit No. 2210-2 is subject to domestic use rights and prior water rights. Diversion of water under Water Permit No. 2210-2 is contingent upon supplies being available first to domestic users and prior water rights.

WATER MANAGEMENT BOARD

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

MAR 16 1993

date



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1991

Vincent M. Seaman
Elks Lodge 1187
3333 E 39th St
Rapid City, SD 57701

Dear Mr. Seaman:

This is in regard to Water Right No. 582-2 for irrigation from Rapid Creek. This vested water right was validated at the October Water Management Board meeting for 61 acres and 0.87 cfs. As you had indicated, the Elks Lodge #1187 wishes to make a vested water right claim for the additional land and water that was left off the water license in 1971. They would then like to make a change in the acreage to conform with the acreage to be irrigated due to the expansion of the golf course.

Based upon the information that you gave me, the total acreage required by the expanded course is 106 acres. From the maps that you sent me showing the irrigated land, I found that there is 46 acres located in the SE1/4 NE1/4 and NE1/4 SE1/4 of Section 16 which had been covered under the original Water Permit No. 582-2 and was mentioned on the 1971 inspection report. The 61 acres already validated and these extra 46 acres will total 107 acres.

I have enclosed two partially completed applications. The first is for a vested water right claim for the 46 acres and 0.66 cfs. The second is to transfer 37 acres for the golf course. Please look over the copies of the maps to make sure that this is what you wish to apply for. Then you should carefully review, complete, have signed before a Notary Public and submit the applications along with a \$65 fee (\$15 for vested right, \$50 for the transfer) to this office.

I spoke with Jim Stukel with the Division of Conservation, he indicated that you will need to take a water sample from Rapid Creek at the Cyclone Ditch diversion point and one sample from the dam on the south side of Cyclone Ditch in the SW1/4 NE1/4 of Section 16. These samples are required for the Soil/Water Compatibility permit connected with the transfer application.

If you have any questions, feel free to contact Jim Stukel (605 773- 3259) or me.

Sincerely,

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

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

enclosures

Mark D. Rath
NATURAL RESOURCES ENGINEER
DIVISION OF WATER RIGHTS
10/24/91

14ac
- FIVE 9
- BONE 7

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416828

Pierre, April 26, 20 01

RECEIVED OF Leslie England, POBox 61, Rapid City, SD 57709
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for copies _____

10 00

(Any Other Work Provided by Law)

Total

10 00

By

Darland Erbele

Chief Engineer

gms

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

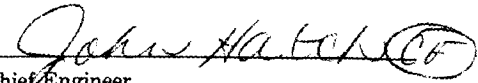
412987

Pierre, _____ November 27, 1991

RECEIVED OF Rapid City Elks Lodge, No. 1187, P.O. Box 2008, Rapid City, SD 57709

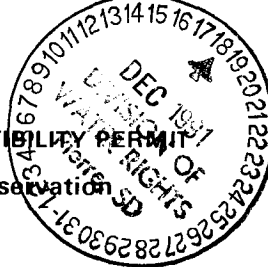
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2210-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	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	50 00

By John Hatch 
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4003

WR#

OWNERS NAME: ELKS LODGE #1137 OWNERS ADDRESS: 3533 E 30TH ST
RAPID CITY, SD 57701-8000
COUNTY LAND LOCATED IN: PENNINGTON PHONE: 393-0522

LEGAL DESCRIPTION:

1. LOCATION SD# SE# 3-T1N-R0E (Rapid Creek) SW# NE# 16-T1N-R0E (Storage Pond)
Depth

Legal Description	Acres	Legal Description	Acres
(SEE ATTACHMENT A)			

2. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: (Specify) SPACIAL
3. CROPS TO BE IRRIGATED: GOLF COURSE

WATER QUALITY:	
4. WATER SAMPLE NUMBER: 91-0125	7. ADJUSTED (SAR): 0.94
5. SALINITY (EC X 10 ⁶): 2250	8. PERCENT SODIUM 3.77
6. SODIUM (SAR): 0.32	

Requirements:

A buffer strip shall be maintained along Rapid Creek and drainages, which shall not be irrigated.

The area mapped as Midway silty clay loam, 15-40% slope, is excessively steep and subject to a severe erosional hazard. This area shall not be irrigated.

Director, Division of Conservation

Date: 10, 1997

Date

APPROVED
DISAPPROVED
WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

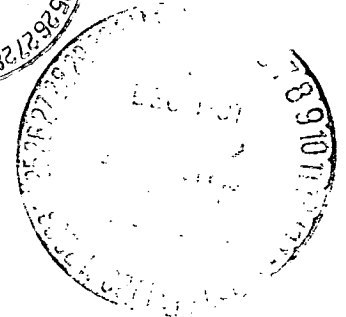
Attachment A

Location of Acreage all in S16-T1N-R8E	Original 582-2 Claim	Validated Portion of 582-2 Claim	Irrigated Acreage Claimed For Vested Water Right	Required For Expanded Course	Acreage Needed to be Transferred
SE1/4 SE1/4	0			10	10
NE1/4 SE1/4	25		23	10	
NW1/4 SE1/4	1			16	5 16
SE1/4 NE1/4	25	1	23	15	
NE1/4 NE1/4	27	20		14	
NW1/4 NE1/4	32	24		14	
SW1/4 NE1/4	22	16		19	3
SW1/4 SE1/4	0			8	8
Total	132	61	46	106	37 6

Application Statement:

The first application makes a vested right claim for an additional 46 acres of irrigated land which had been originally claimed under Water Permit No. 582-2, listed on the inspection report, but was inadvertently excluded from the water license when it was issued June 29, 1971.

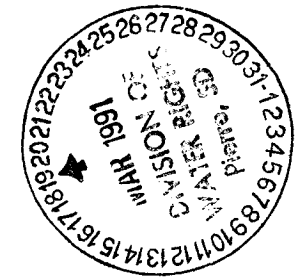
The second application is to change the location of portions of the validated acreage and acreage claimed by the vested water right claim to be included in acreage to be irrigated by the expanded golf course.





BUILDING SITE DEVELOPMENT REPORT

Survey Area- CUSTER AND PENNINGTON COUNTIES, PRAIRIE PARTS

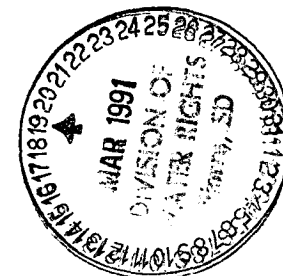


Map symbol, soil name	Shallow Excavations	Dwellings Without Basements	Dwellings with Basements	Small Commercial Buildings	Local Streets and Roads	Lawns, Landscaping, and Golf Fairways
Bp BRIDGEPORT	SLIGHT	SEVERE Floods	SEVERE Floods	SEVERE Floods	SEVERE Low Strength	SLIGHT
Cn COLOMBO	SEVERE Cutbanks Cave	SEVERE Floods	SEVERE Floods	SEVERE Floods	MODERATE Floods Frost Action	SLIGHT
Co COLOMBO	SEVERE Cutbanks Cave	SEVERE Floods	SEVERE Floods	SEVERE Floods	SEVERE Floods	MODERATE Floods
MoE MIDWAY	SEVERE Depth To Rock Slope	SEVERE Shrink-swell Slope	SEVERE Depth To Rock Slope Shrink-swell	SEVERE Shrink-swell Slope	SEVERE Low Strength Slope Shrink-swell	SEVERE Slope Thin Layer
Ow OWANKA	MODERATE Too Clayey	SEVERE Shrink-swell	SEVERE Shrink-swell	SEVERE Shrink-swell	SEVERE Shrink-swell Low Strength	SLIGHT
RdD RAZOR	MODERATE Depth To Rock Too Clayey Slope	SEVERE Shrink-swell	SEVERE Shrink-swell	SEVERE Shrink-swell Slope	SEVERE Shrink-swell Low Strength	SEVERE Too Clayey
MIDWAY	SEVERE Depth To Rock	SEVERE Shrink-swell	SEVERE Depth To Rock Shrink-swell	SEVERE Shrink-swell Slope	SEVERE Low Strength Slope Shrink-swell	SEVERE Thin Layer
SmB SAVO	SLIGHT	SEVERE Shrink-swell	SEVERE Shrink-swell	SEVERE Shrink-swell	SEVERE Low Strength Shrink-swell	SLIGHT

WINDBREAKS AND ENVIRONMENTAL PLANTINGS

Survey Area- CUSTER AND PENNINGTON COUNTIES, PRAIRIE PARTS

Map symbol and soil name	Trees having predicted 20-year average height, in feet, of --				
	<8	8-15	16-25	26-35	>35
Bp BRIDGEPORT	{lilac	{Tatarian honeysuckle	{Russian olive	{honeylocust	{eastern cottonwood
	{American plum		{eastern redcedar	{Siberian elm	
			{blue spruce		
			{ponderosa pine		
			{green ash		
			{hackberry		
Cn COLOMBO	{lilac	{Tatarian honeysuckle	{Russian olive	{honeylocust	{eastern cottonwood
	{American plum		{eastern redcedar	{Siberian elm	
			{blue spruce		
			{ponderosa pine		
			{green ash		
			{hackberry		
Co COLOMBO	{lilac	{Tatarian honeysuckle	{Russian olive	{honeylocust	
	{American plum		{eastern redcedar	{Siberian elm	
			{blue spruce		
			{ponderosa pine		
			{green ash		
			{hackberry		
Ow OWANKA	{American plum	{Manchurian crabapple	{Russian olive	{Siberian elm	
	{lilac	{Rocky Mountain juniper	{green ash		
		{Siberian peashrub	{hackberry		
		{common chokecherry	{honeylocust		
			{ponderosa pine		
R&D RAZOR	{lilac	{Manchurian crabapple	{honeylocust		
	{American plum	{Rocky Mountain juniper	{Siberian elm		
	{Siberian peashrub	{Russian olive			
	{Tatarian honeysuckle	{eastern redcedar			
		{green ash			
		{ponderosa pine			
SMB SAVO	{American plum	{Manchurian crabapple	{Russian olive	{Siberian elm	
	{lilac	{Rocky Mountain juniper	{green ash		
		{Siberian peashrub	{hackberry		
		{common chokecherry	{honeylocust		



Report on Vested Water Right Claim No. 2209-2
And Water Permit Application No. 2210-2
Elks Lodge #1187
April 27, 1992

Elks Lodge #1187, Rapid City, SD has filed Vested Water Right Claim No. 2209-2 for irrigation of 46 acres of hayland located in the NE1/4 SE1/4 and SE1/4 NE1/4 of Section 16, T1N-R8E with a diversion rate of 0.66 cubic feet of water per second (cfs). Irrigation from Cyclone Ditch was originally authorized by Recognized Vested Water Right Claim No. 582-2 for 132 acres, a diversion rate of 1.88 cfs and a priority date of May 25, 1881. The diversion point on Rapid Creek for Cyclone Ditch is located in the SE1/4 of Section 8 T1N-R8E in Pennington County.

Vested Water Right Claim No. 582-2 was inspected on April 29, 1971. The Report of Examination of Works listed 61 acres of the Elks Valley Hi Golf Course located in the NE1/4 of Section 16 as being irrigated. The report also stated that 75 acres located in the E1/4 of Section 16 were irrigated. Water License No. 582-2 was issued on June 29, 1971 for irrigation of 61 acres of the golf course with a diversion rate of 0.87 cfs. The irrigation of the 75 acres of hayland was left off the water license. A May 21, 1971 letter from J.W. Grimes, Executive Officer, Water Resources Commission, to the Chairman of the Elks Lodge stated the 75 acres would be assumed to be included in a later water right application. This was never followed up until this application which claims irrigation of 46 acres originally authorized by Recognized Vested Water Right Claim No. 582-2. This is separate from the 61 acres of land irrigated at the golf course and authorized by Validated Vested Water Right No. 582-2. The Affidavit of Water Use submitted with this application claims that irrigation has been performed on 46 acres of hayland since the 1971 inspection. Vested Water Right Claim No. 582-2 was validated by the Water Management Board on October 1, 1991 for 0.87 cfs and the irrigation of 61 acres.

Water Permit Application No. 2210-2, requests a change in acreage for irrigation authorized by Vested Water Right No. 582-2 and claimed by Vested Water Right Application No. 2209-2 for irrigation of the expanded Elks Valley Hi Golf Course. The golf course was expanded from 9 to 18 holes in 1991. No additional water is requested beyond the water authorized by Vested Water Right No. 582-2 and claimed under Vested Water Right Application No. 2209-2. Table 1 lists the location of irrigated acreage associated with the Elks Valley Hi Golf Course.

Table 1. Irrigated Acreage Associated with Golf Course

Location of Acreage All In S16-T1N-R8E	Recognized Vested Water Right No. 582-2	Validated Water Right No. 582-2 Acreage	Acreage For Vested Water Right Claim No. 2209-2	Acreage Required For Golf Course
SE1/4 SE1/4	0			10
NE1/4 SE1/4	25		23	10
NW1/4 SE1/4	1			16
SE1/4 NE1/4	25	1	23	15
NE1/4 NE1/4	27	20		14
NW1/4 NE1/4	32	24		14
SW1/4 NE1/4	22	16		19
SW1/4 SE1/4	0			8
Total	132	61	46	106

The total acreage irrigated by the golf course is 106 acres. This is less acres than was originally authorized by Recognized Vested Water Right Claim No. 582-2. The allowable diversion rate for irrigating 106 acres is 1.51 cfs.

Review of Existing Water Rights

Water for the vested water right claim and the proposed transfer is from Rapid Creek through Cyclone Ditch. The priority date claimed by this proposal is May 25, 1881. This priority date is senior to the Cyclone Ditch Company's water right.

There are 64 existing water rights/permits appropriating 255.61 cfs from Rapid Creek between Pactola Reservoir and the confluence with the Cheyenne River. Of these, 12 water rights appropriating 51.97 cfs have priority dates senior to this claim, with 3 senior water rights appropriating 31.40 cfs located downstream from the Cyclone Ditch diversion point.

Conclusions

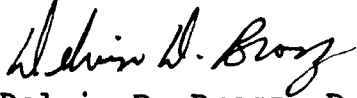
1. Vested Water Right Claim No. 2209-2 requests validation for irrigation of 46 acres and a diversion rate of 0.66 cfs.
2. Application No. 2210-2 requests a change of acreage for irrigation covered under Vested Water Right No. 582-2 and Vested Water Right Claim No. 2209-2 for the golf course.
3. The claimed priority date is May 25, 1881.

4. The total acreage and diversion rate associated with the golf course is 106 acres and 1.51 cfs.



Mark D. Rath
Natural Resources Engineer II

Approved by,



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

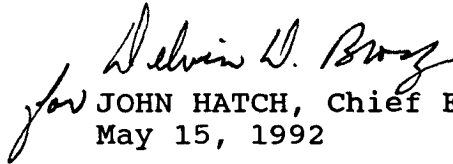
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2210-2, Elk Lodge #1187

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2210-2, Elk Lodge #1187, c/o David Howard, 3333 E 39th Street, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2210-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualification:

That Water Permit No. 2210-2 is subject to domestic use rights and prior water rights. Diversion of water under Water Permit No. 2210-2 is contingent upon supplies being available first to domestic users and prior rights.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
May 15, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 26, 1992

David A Howard
Elks Lodge #1187
3333 E 39th St
Rapid City, SD 57701

Dear Mr. Howard:

Your Application No. 2209-2 for a vested water right claim and Water Permit Application No. 2210-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notices of your claims have been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 394-8300). For your information, copies of the notices, recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notices and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notices of hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices 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 applications can be considered.

Sincerely,

Eric Gronlund /KS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notices of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTN: Legal Publications:

Enclosed are Notices of Hearing to Validate Vested Right Application No. 2209-2 and Water Permit Application No. 2210-2 to be published twice. Please publish the notices on June 3, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICES ARE TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publications. The APPLICANT is the Elks Lodge #1187, 3333 E 39th Street, Rapid City, SD 57701 (Ph # 393-0522).

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 notices and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication forms. DO NOT WAIT until the end of the month or the billing cycle. The permit applications cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund/KCS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 3, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2210-2 to Appropriate Water
and to Amend Vested Right Claim No. 2209-2

Notice is given that the Elks Lodge #1187, 3333 E 39th Street, Rapid City, SD 57701 has filed an application for a water permit to change the irrigated acreage authorized by Vested Water Right No. 582-2 and Vested Right Claim No. 2209-2. Vested Right Claim No. 2209-2 and Vested Right No. 582-2, combined, appropriate 1.51 cubic feet of water per second from Rapid Creek through Cyclone Ditch located in the SE 1/4 SE 1/4 Section 8-T1N-R8E to irrigate 106 acres located in the NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 16-T1N-R8E. Vested Right Claim No. 2209-2 is currently scheduled for validation (see other published notice). Approval of this application is contingent on validation of Vested Right Claim Application No. 2209-2 being validated. This application, if approved, will authorize the change in location of the irrigated acreage to portions of the NE 1/4 and SE 1/4 Section 16-T1N-R8E. No additional appropriation of water or increase in the acres irrigated are authorized by this application. This application, if approved, will retain the May 25, 1881 priority date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2210-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 22, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2210-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 30, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 30, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 30, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 22, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Pennington) ss.

I, Helena M. Bauer

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 3, 1992

June 10, 1992

Helena M. Bauer
 (Signature)

Bookkeeper

(Title)

June 10, 1992

(Date Signed)

Cost of Printing: 13 3/16 inch legal adv run 2 times
@ 4.90 per inch \$129.24



June 3, 1992 L1205

NOTICE OF HEARING
 ON APPLICATION NO. 2210-2
 TO APPROPRIATE WATER
 AND TO AMEND VESTED
 RIGHT CLAIM NO. 2209-2

Notice is given that the Elks Lodge #1187, 3333 E. 39th Street, Rapid City, SD 57701 has filed an application for a water permit to change the irrigated acreage authorized by Vested Water Right No. 582-2 and Vested Right Claim No. 2209-2. Vested Right Claim No. 2209-2 and Vested Right No. 582-2, combined, appropriate 1.51 cubic feet of water per second from Rapid Creek through Cyclone Ditch located in the SE1/4 SE1/4 Section 8-T1N-R8E to irrigate 106 acres located in the NE1/4 SE1/4 NE1/4 Section 16-T1N-R8E. Vested Right Claim No. 2209-2 is currently scheduled for validation (see other published notice). Approval of this application is contingent on validation of Vested Right Claim Application No. 2209-2 being validated. This application, if approved, will authorize the change in location of the irrigated acreage to portions of the NE1/4 and SE1/4 Section 16-T1N-R8E. No additional appropriation of water or increase in the acres irrigated are authorized by this application. This application, if approved, will retain the May 25, 1881 priority date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2210-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 22, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2210-2 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for June 30, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the June 30, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 30, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 22, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



June 20, 1992

Mr. John Hatch
Chief Engineer, Water Right Division
Dept of Environment & Natural Resources
The Post Building
523 East Capital
Pierre, SD 57501-3181

Dear Mr Hatch:

The Rapid Valley Water Conservancy District protests the Rapid City Creek Lodge 1187's vesting of .66 cubic feet of water per second on 46 acres under Water Permit #2209.2 because we think it has a later priority date. Therefore, the existing water rights will be impaired.

Sincerely yours,
Jerry Hommquist
President.



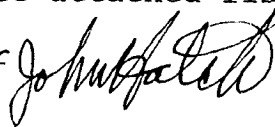
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1992

NOTICE

TO: David A. Howard
Elks Lodge #1187
3333 East 39th Street
Rapid City, SD 57701
and Parties of Record (see attached list)

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

SUBJECT: Rescheduling of Hearings for Vested Right Application No.
2209-2 and Water Permit Application No. 2210-2, Elks
Lodge #1187

Petitions in opposition to Vested Right Application No. 2209-2 have been filed by Jerry Hammerquist, President of the Rapid Valley Water Conservancy District and Jerry Marsh. The petitions protest the May 25, 1881 priority date claimed by Application No. 2209-2. The meeting at the Division of Water Rights office to hear this application will no longer be held on June 30, 1992. A copy of the petitions are enclosed.

The petitions do not oppose Water Permit Application No. 2210-2. However, Application No. 2210-2 is contingent on validation of Vested Right Application No. 2209-2. For this reason, the meeting at the Division of Water Rights office to hear Application No. 2210-2 will also not be held on June 30, 1992.

A hearing on Application Nos. 2209-2 and 2210-2 will be scheduled for the September 30, 1992 and October 1, 1992 Water Management Board meeting to be held in Pierre. Future notice of the time, date and location of the hearing to be held by the Water Management Board will be provided to all parties of record.

If you have any questions regarding these application or future scheduling before the Water Management Board, please contact Eric Gronlund at 773-3352.

cc: Diane Best, Assistant Attorney General

enclosure

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 2209-2

Applicant

David A. Howard
Elks Lodge #1187
3333 E 39th Street
Rapid City, SD 57701

Petition of Opposition

Jerry Hammerquist, President
Rapid Valley Water Conservancy Dist.
Box 26
Caputa, SD 57725

Jerry Marsh
Marsh Hereford Ranch
HCR 36, Box 35
Caputa, SD 57725

CERTIFICATION

I hereby certify that on June 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 25, 1992, regarding Rescheduling of Hearings for Vested Right Application No. 2209-2 and Water Permit Application No. 2210-2, Elks Lodge #1187 addressed as stated below:

David A. Howard, Elks Lodge #1187, 3333 East 39th Street, Rapid City,
SD 57701.

Jerry Hammerquist, President, Rapid Valley Water Conservancy Dist.,
Box 26, Caputa, SD 57725.

Jerry Marsh, Marsh Hereford Ranch, HCR 36, Box 35, Caputa, SD 57725.

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of June, 1992.




Notary Public



2210-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 16 1993

David A. Howard
Elks Lodge #1187
3333 East 39th Street
Rapid City, SD 57701

Dear Mr. Howard:

Enclosed are Validated Vested Water Right Nos. 582-2 and 2209-2, and Water Permit No. 2210-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

Enclosures



October 1, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Ray Elliott
2655 S Valley
Rapid City, SD 57703

Dear Mr. Elliott:

This letter is in regards to our September 30, 2002, telephone conversation about the Elks golf course and nearby developments. I am enclosing copies of the water right files for the Elks Lodge that you requested.

Since talking to you, I have been in contact with our attorney, Diane Best, from the Attorney Generals Office. I discussed some of the issues that you brought up concerning the 1991 validation of Vested Water Right No. 2209-2. Ms. Best was interested in what Leslie England's legal analysis on the matter is. If this is an issue you wish to pursue, you may want to have your attorney contact Ms. Best at (605-773-3215) so they can discuss his analysis.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist
Water Rights Program

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

April 3, 2006

1736-2

582-2

2209-2

2210-2

Andrea Anderson
Cyclone Ditch
4555 Reservoir Road
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter is in reference to your request allowing diversion into Cyclone prior to the irrigation season. I checked Water Right No. 1736-2 and the annual use period for Cyclone Ditch is April 1 through October 31.

I also check the annual use period for the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2. The annual use period for all three is April 1 through October 31, the same as the Cyclone Ditch annual use period. Diversions into Cyclone Ditch are allowed at this time as authorized by these water rights/permits.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,
Natural Resources Engineering Specialist



March 20, 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1736-2

582-2

2209-2

2210-2

Andrea Anderson
Cyclone Ditch
4555 Reservoir Road
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter is in reference to your March 20, 2007 telephone request allowing diversion into Cyclone Ditch prior to the irrigation season. Flow today in Rapid Creek at the USGS gaging station at Rapid City is 24 cfs.

The Water Rights Program will grant your request to immediately begin diverting into Cyclone ditch under the Cyclone Ditch's Water Right No. 1736-2 and the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,
Natural Resources Engineering Specialist