

WATER PERMIT NO. 2270-2

Phone: 394-4165

Name of Applicant: City of Rapid City

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

Amount of Water Claimed: 2.71 Total Acres: NA

Source of Water Supply: Rapid Creek

Water to be used for: municipal County: Pennington

About _____ miles _____ of _____

PRIORITY Date Received: 3-24-93 Fee: _____ Remarks: Increases the
diversion rate authorized by No. 432-2

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 Point: NW 1/4 SE 1/4 Sec 8-T1N-R7E

Land to be Irrigated: _____

			S		
			X		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: topo PREPARED BY: Daniel Bjerke Reviewed and the Number

Assigned on: 3-25-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation
(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2270-2 Hydrologic Unit 10/20110
Basin Upper Cheyenne
Newspaper Rapid City Journal, PO Box 450
(office use only)

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

Check use of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application:
(check one)

☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 439-2
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Increase the diversion rate authorized by license No. 432-2 from 7.75 cfs to 10.46 cfs.

- Name of Applicant City of Rapid City Phone (605) 394-4165
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 300 6th St Rapid City State SD 57701
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 2.71 *CFS or 1,177 **GPM 1,177 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Rapid Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Jackson Springs Gallery - NW1/4 SE1/4 Section 8 T1N-R7E
County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used January 1 - December 31
- Give a description of the 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)

This will increase the authorized diversion rate for Jackson Springs Gallery to the developed level.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Pennington)^{ss}

I, Ed McLaughlin, 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 Ed McLaughlin

Subscribed and sworn to before me this 22nd day of March 19 93

Jatny Horton
Notary Public

SOUTH DAKOTA WATER PERMIT NO. 2270-2

Date of first receipt of application March 24, 1993.

The Water Management Board approved Water Permit Application No. 2270-2 on December 1, 1993 for the City of Rapid City, 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. 2270-2 increases the authorized diversion rate from Jackson Springs Gallery by 2.71 cubic feet of water per second (cfs) [1,177 acre feet of water annually] by placing to beneficial use water reserved by Future Use Permit No. 439-2. Vested Water Right No. 432-2 currently appropriates 7.75 cfs of water from Jackson Springs Gallery located in the NW 1/4 SE 1/4 Section 8-T1N-R7E. The Jackson Springs Gallery has been developed for 10.46 cfs. The 2.71 cfs (1,177 acre feet of water annually) was appropriated and reserved by Future Use Permit No. 439-2. Permit No. 439-2 reserves 5,539 acre feet of water annually from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8, and the SW 1/4 SW 1/4 Section 3; all in T1N, R7E.
2. The water appropriated shall be used for the purpose of supplying water to the City 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 September 22, 1956.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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 downstream 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. 581-2, 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.
2. Approval of Permit No. 2270-2 authorizes a total annual diversion of 1,177 acre-feet of water annually.

(continued)

3. The City of Rapid City shall report to the Chief Engineer annually the amount of water withdrawn each year from Jackson Springs Gallery.

WATER MANAGEMENT BOARD

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

FEB 1 1994
date

RECEIPT

413719

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 8, 19 93

RECEIVED OF City of Rapid City Finance Office, Rapid City SD

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

Fee for Application for Permit No. <u>2270-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	425	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 _____		

(Any Other Work Provided by Law)	Total	425 00

By John Hatten
Chief Engineer

KS

RECEIPT

414079

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 9, 1994

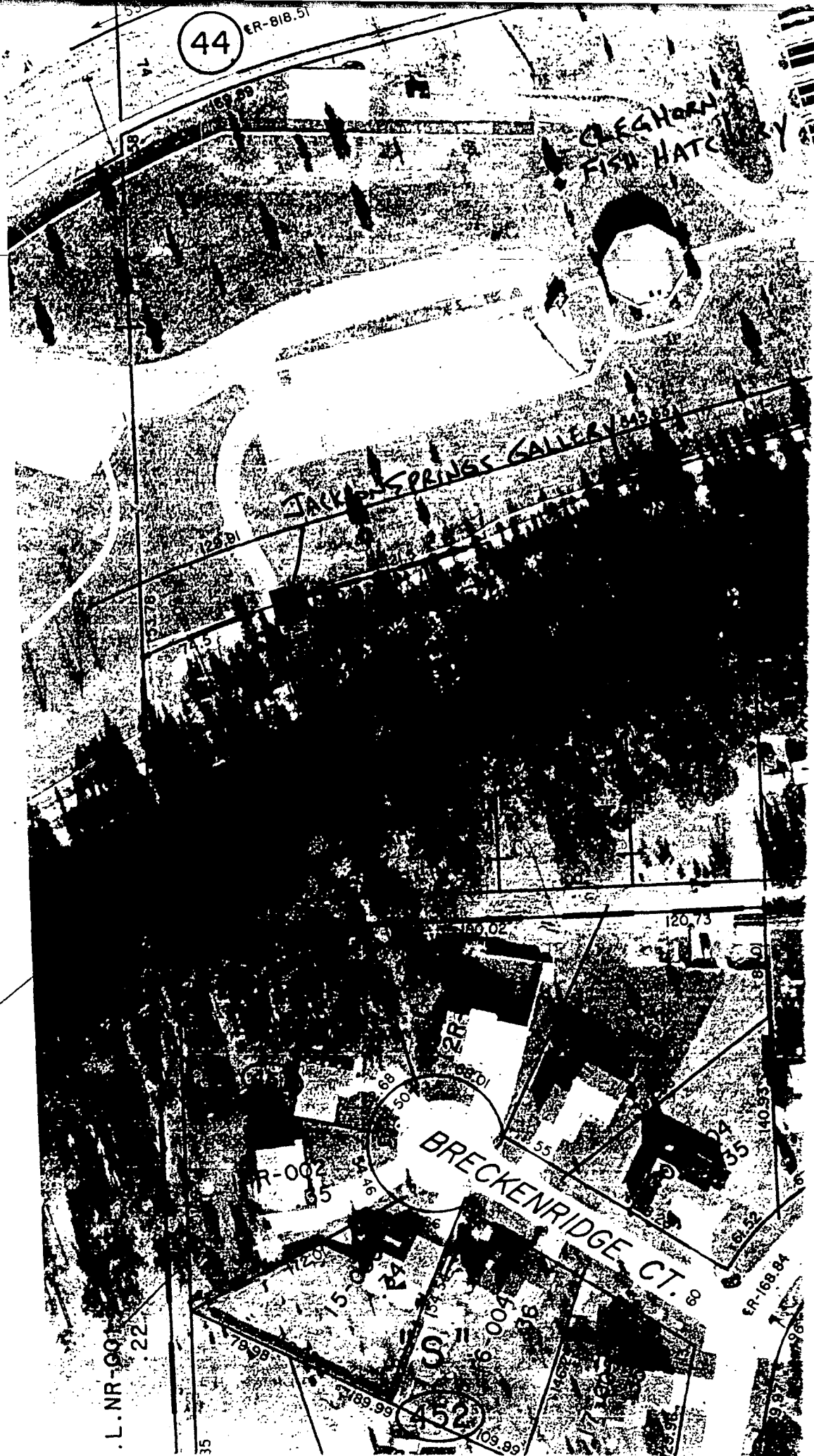
RECEIVED OF City of Rapid City Finance Office, 300 Sixth Street, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2270-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

CC
RR



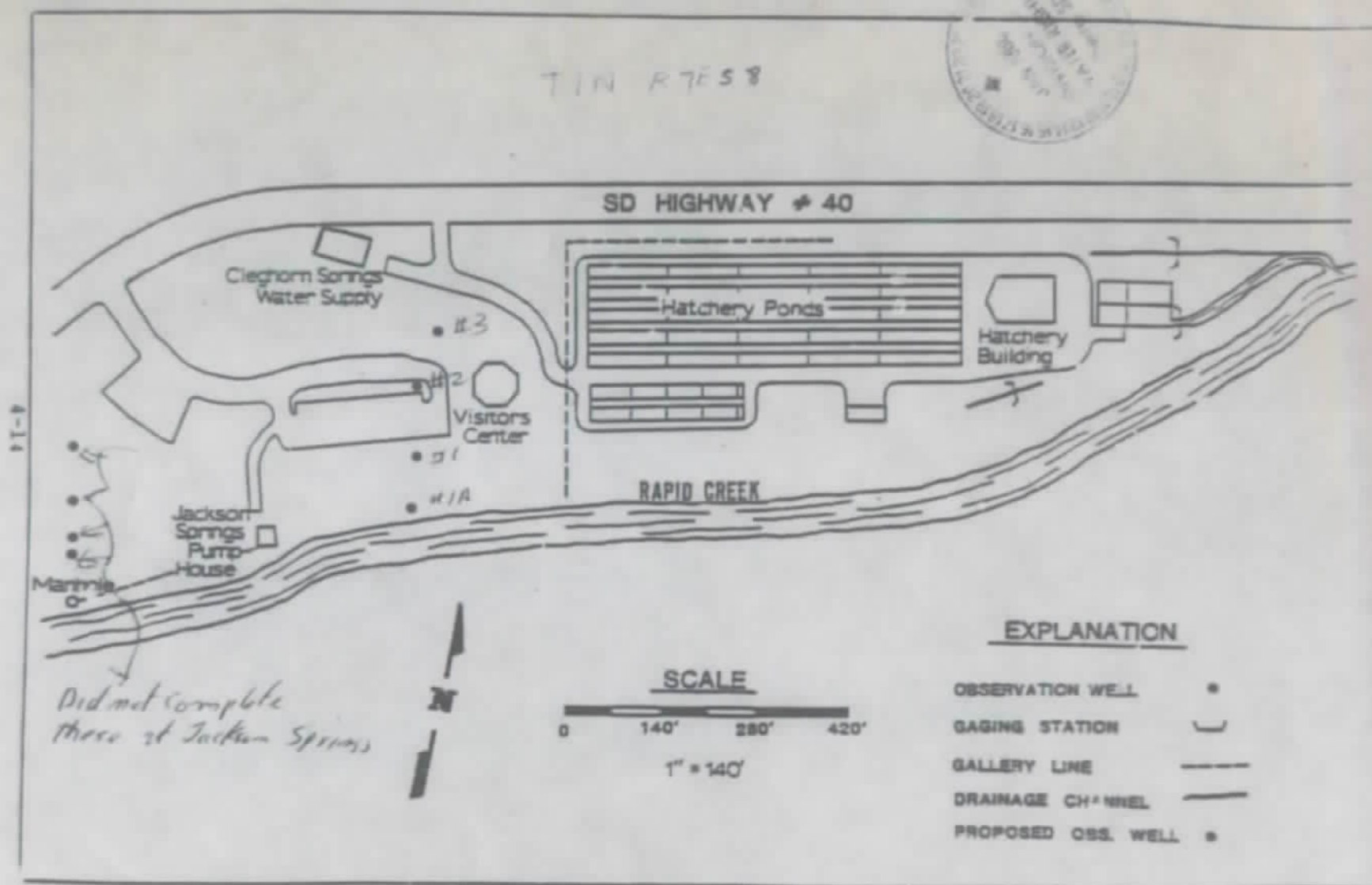


Figure 4.--Jackson and Cleghorn Springs Study Site.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 12, 1993

Jerry Hammerquist
Rapid Valley Water Conservancy District
Box 26
Caputa, SD 57725

Dear Mr. Hammerquist:

This letter is in reference to three City of Rapid City Rapid Creek water permit applications the City has submitted. These applications are the result of inspections I made for all of the City's water permits and licensed water rights. At that time I found some of the works were not developed as they had been permitted. The City filed these applications to bring the existing systems into compliance. I am enclosing the reports for these applications and the Chief Engineer's recommendations. These should explain what the City is proposing to do in each case. If you have any questions concerning these, please feel free to contact me.

Sincerely,

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

enclosures

Report on Water Permit Application No. 2270-2
City of Rapid City
April 14, 1993

Application No. 2270-2, City of Rapid City, proposes to increase the diversion rate for Jackson Springs Gallery from 7.75 cubic feet of water per second (cfs), as authorized by Water Right No. 432-2, to 10.46 cfs. The requested increase of 2.71 cfs. with an annual volume limitation of 1177 acre-feet of water (ac-ft) would be from water already reserved by Future Use Permit No. 439-2, priority date of September 22, 1956. The location of the diversion point from Rapid Creek would be at Jackson Springs gallery located in NW1/4 SE1/4 of Section 8 T1N-R7E.

A July 1993 water right inspection found the City's diversion works at Jackson Springs gallery capable of consistently diverting 2.71 cfs more than was authorized by Vested Water Right No. 432-2.

Review of the Water Source

Water for this application is to be from Rapid Creek by utilizing the City's Deerfield and Pactola contracts, with the US Bureau of Reclamation, for release of stored water from the reservoirs. The City of Rapid City holds Future Use Permit No. 439-2 with a current total of 1419 ac-ft annually remaining in reserve. If this application is approved, the amount of water remaining in reserve under this future use permit would be reduced by 1177 ac-ft. This annual volume of water is based on the City utilizing the 2.71 cfs diversion rate 60 percent of the time.

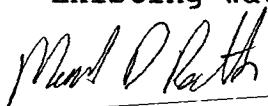
Review of Existing Water Rights

There are 72 existing water rights/permits on Rapid Creek from Pactola Reservoir to the Cheyenne River authorized to appropriate 258.11 cfs. There are 26 water permits/rights, located downstream from Jackson Springs gallery, authorized to appropriate 87.8 cfs having priority dates junior to September 22, 1956. Of these, 6 water rights/permits appropriating 63.97 cfs, are held by the City of Rapid City. If approved, this project would not be expected to adversely affect existing water rights/permits.

Conclusions

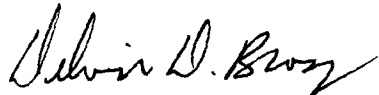
1. Water for this project is available from Rapid Creek through the City's Deerfield and Pactola Contracts with the US Bureau of Reclamation.
2. The priority date for the diversion would be September 22, 1956, as set by Future Use Permit No. 439-2.
3. If this permit is approved, the amount of water remaining in reserve as authorized by Future Use Permit No. 439-2 should be reduced by 1177 ac-ft.

4. Existing water rights would not be adversely affected.



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. 2270-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2270-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending DEFERRAL of Application No. 2270-2 to allow additional time for review of the application.

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

for JOHN HATCH, Chief Engineer
May 20, 1993

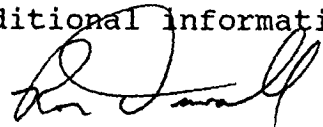
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2270-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2270-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2270-2 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 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 downstream 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. 581-2, 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.
2. Approval of Permit No. 2270-2 authorizes a total annual diversion of 1,177 acre-feet of water annually.
3. The City of Rapid City shall report to the Chief Engineer annually the amount of water withdrawn each year from Jackson Springs Gallery.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
August 10, 1993



**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.

August 12, 1993

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

Dear Mr. Bjerke:

Water Permit Application Nos. 2270-2, 2274-2 and 2277-2 for municipal uses 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 (Ph # 394-8300). For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

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 notice 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

August 12, 1993

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2270-2, 2274-2 and 2277-2 to be published twice. Please publish the first notice on August 26, 1993, 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 Street, Rapid City, SD 57701 (Ph # 394-4165).

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 forms. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit applications 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 12, 1993

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

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Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on August 26, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 2270-2, 2274-2 and 2277-2

Notice is given that the City of Rapid City, 300 6th Street, Rapid City, SD 57701 has filed applications for water permits.

Water Permit Application No. 2270-2 proposes to increase the authorized diversion rate from Jackson Springs Gallery by 2.71 cubic feet of water per second (cfs) ~~{1,177 acre-feet of water annually}~~ by placing to beneficial use water reserved by Future Use Permit No. 439-2. Vested Water Right No. 432-2 currently appropriates 7.75 cfs of water from Jackson Spring Gallery located in the NW 1/4 SE 1/4 Section 8-T1N-R7E. The Jackson Springs Gallery has been developed for 10.46 cfs. The 2.71 cfs (1,177 acre-feet of water annually) proposed water was appropriated and reserved by Future Use Permit No. 439-2. Permit No. 439-2 reserves 5,539 acre-feet of water annually from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8, and the SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use with a priority date of September 22, 1956.

Water Permit Application No. 2274-2 proposes to transfer the diversion authority for 0.78 cfs from Vested Water Right No. 437-2 to Water Permit No. 2138-2. Vested Water Right No. 437-2 appropriates 0.78 cfs from City Springs Gallery (on Lime Creek) located in the SE 1/4 NE 1/4 Section 32-T2N-R7E. Water Permit No. 2138-2 authorized placement to beneficial use of 12.38 cfs from Rapid Creek at the city treatment plant located in the SE 1/4 NE 1/4 Section 3-T1N-R7E. This application, if approved, will change the diversion site from City Springs Gallery to the treatment plant.

Water Permit Application No. 2277-2 proposes to place to beneficial use 1.34 cfs with an annual limit of 53 acre-feet from Rapid Creek for the irrigation of the Executive Golf Course. This water has been reserved under Future Use Permit No. 1088-2 with a priority date of June 28, 1971. Water Permit No. 1911-2 has a priority date of June 28, 1971, and authorizes the irrigation of 37 acres of the Executive Golf Course with a diversion rate of 0.1 cfs and an associated annual volume of 21 acre-feet. A July 15, 1992, inspection found that the golf course was capable of diverting water at a greater rate than and using a greater volume than the amount authorized. Water Permit No. 1931-2 authorizes the diversion of 0.10 cfs from Rapid Creek with the diversion point located in the SE 1/4 SW 1/4 of Section 35 to irrigate 37 acres located in the SE 1/4 of Section 35; all in T2N-R7E. This application does not propose to change the number of acres irrigated nor the location of the diversion point. It does propose to bring the authorized annual volume of water diverted up to the statutory limitation of 2 acre-feet per irrigated acre.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2270-2, 2274-2 and 2277-2 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.

Any person interested in opposing or supporting these applications 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 recommendations. 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 November 22, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., December 1, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this applications based on the facts presented at the public hearing. The December 1, 1993, 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 applications. The request for an automatic delay must be filed by November 22, 1993.

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 Eric Gronlund by November 22, 1993, at the above Water Rights Division address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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, 46-2A-20, 46-2A-21; 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; 74:02:01:24 thru 74:02:01:25. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Pennington) ss

I, Helena M. Bauer

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:

August 26, 1993

Sept 2, 1993

Cost of Printing: 16 inches run 2 times

@ 5.10 per inch \$163.20

Rapid City Journal
Helena M. Bauer
(Signature)

Bookkeeper
(Title)

September 2, 1993
(Date Signed)

Aus. 26, Sept. 2 L1555

NOTICE OF HEARING ON APPLICATION

NOS. 2270-2, 2274-2 and 2277-2
Notice is given that the City of
Rapid City, 300 6th Street, Rapid
City, SD 57701 has filed applica-
tions for water permits.

Water Permit Application No.
2270-2 proposes to increase the au-
thorized diversion rate from
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cubic feet of water per second
(cfs) (1,177 acre-feet of water an-
nually) by placing to beneficial use
water reserved by Future Use
Permit No. 439-2. Vested Water
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priates 7.75 cfs of water from
Jackson Spring Gallery located in
the NW¼ SE¼ Section 8-T1N-R7E.
The Jackson Springs Gallery has
been developed for 10.46 cfs. The
2.71 cfs (1,177 acre-feet of water
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propriated and reserved by Future
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water annually from groundwater,
infiltration galleries and Min-
nelusa and Madison Formation
wells located along Rapid Creek in
the SE¼ NE¼ Section 9, NW¼
SE¼ Section 8, and the SW¼ SW¼
Section 3; all in T1N-R7E for mu-
nicipal use with a priority date of
September 22, 1956.

Water Permit Application No.
2274-2 proposes to transfer the di-
version authority for 0.78 cfs from
Vested Water Right No. 437-2 to
Water Permit No. 2138-2. Vested
Water Right No. 437-2 appropriates
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Water Permit No. 2138-2 autho-
rized placement to beneficial use
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the city treatment plant located in
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This application, if approved, will
change the diversion site from City
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Water Permit Application No.
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cial use 1.34 cfs with an annual
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Creek for the irrigation of the Ex-
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tion found that the golf course was
capable of diverting water at a
greater rate than and using a
greater volume than the amount
authorized. Water Permit No. 1931-
2 authorizes the diversion of 0.10
cfs from Rapid Creek with the di-
version point located in the SE¼
SW¼ of Section 35 to irrigate 37
acres located in the SE¼ of Section
35; all in T2N-R7E. This applica-
tion does not propose to change the
number of acres irrigated nor the
location of the diversion point. It
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verted up to the statutory limita-
tion of 2 acre-feet per irrigated
acre.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application Nos. 2270-
2, 2274-2 and 2277-2 because 1) ex-
isting rights will not be unlawfully
impaired, 2) it is a beneficial use
of water, and 3) it is in the public
interest.

Any person interested in oppos-
ing or supporting these applica-
tions 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 recommenda-
tions. The Chief Engineer's ad-
dress is "Water Rights Division,
Foss Building, 523 E. Capitol,
Pierre, SD 57501 (605-773-3352)"
and the applicant's mailing ad-
dress is given above. A petition
filed by either an interested person
or the applicant must be filed by
November 22, 1993. The petition
may be informal, but must include
a statement describing the peti-
tioner's interest in the applica-
tions, the petitioner's reasons for
opposing or supporting the applica-
tions, and the signature and
mailing address of the petitioner
or the petitioner's legal counsel, if
legal counsel is obtained.

The Water Management Board
will consider this application at
10:00 a.m., December 1, 1993,
Floyd Matthew Training Center,
Joe Foss Building, 523 East Cap-
itol, Pierre, S.D. The Chief En-
gineer's recommendations are not
final or binding upon the Board.
The Board is authorized to 1) ap-
prove, 2) approve with qualifica-
tions, 3) defer, or 4) deny this ap-
plication based on the facts pre-
sented at the public hearing. The
December 1, 1993, hearing date
will be automatically delayed for
at least 30 days upon written re-
quest to the Chief Engineer from
the applicant or any interested
person opposing the applications.
The request for an automatic de-
lay must be filed by November 22,
1993.

Any hearing will be an adver-
sary proceeding. Any person filing
a petition and/or the applicant
have the right to be represented by
a lawyer and may present evi-
dence or cross-examine witnesses
according to SDCL 1-26. 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. Contact Eric Grunberg by
November 22, 1993, at the above
Water Rights Division address to
request copies of information per-
taining to these applications, to
assure access to the hearing by the
handicapped or to obtain an inter-
preter for the hearing impaired.

These applications are 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, 46-2-12, 46-2-17; 46-2A-1 thru
46-2A-10, 46-2A-12, 46-2A-14, 46-2A-
15, 46-2A-20, 46-2A-21; 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; 74:02:01:24 thru
74:02:01:25.

Robert E. Roberts
Secretary
Department of Environment
& Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

FEB 1 1994

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

Dear Mr. Bjerke:

Enclosed are Water Permit Nos. 2270-2, 2274-2, 2277-2 authorizing your water diversion systems and beneficial uses of the water, not exceeding the limits as specified in the Water Permits.

The final inspections have been completed on these Permits, and we are ready to issue the Water Licenses. Statutes require we charge \$50 for each Permit (\$150.00) for the inspection and issuance of the final papers. Upon receipt of this amount the Water Licenses will be sent to you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* I N V O I C E *

Invoice No. 20411 3-26-93

Accounts Payable
City Finance Office
300 6th St
Rapid City SD 57701

Your Purchase Order #'s: 272442, 272444 and 272447

Applications for Permit to Appropriate Water
Within the State of South Dakota

Water Permit Application No. 2270-2	\$425.00
Water Permit Application No. 2271-2	50.00
Water Permit Application No. 2272-2	50.00
Water Permit Application No. 2273-2	350.00
Water Permit Application No. 2274-2	50.00
Water Permit Application No. 2275-2	300.00
Water Permit Application No. 2276-2	225.00
Water Permit Application No. 2277-2	150.00

Please pay this amount:

\$1,600.00

to: Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Karen Schlaak
KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

REPORT ON INSPECTION OF PERMIT NO. 2270-2 AND VESTED WATER RIGHT NO. 432-2

DATE OF INSPECTION: JULY 13, 1992

DIVERSION POINT LEGAL LOCATION: NW1/4 SE1/4 Section 8-T1N-R7E

Pump:

- 1) Make Vertiline
- 2) Model 12RH 00116
- 3) Size 12"
- 4) Capacity 1390 GPM

Motor:

- 1) Make GE
- 2) Model No. 5X6258XHIA
- 3) Horsepower rating 75 hp

Pump:

- 1) Make Vertiline
- 2) Model 14RM 0077A
- 3) Size 14"
- 4) Capacity 2085 GPM

Motor:

- 1) Make GE
- 2) Model No. 5X6268XHIA
- 3) Horsepower rating 125 hp

Pump:

- 1) Make Vertiline
- 2) Model 14RM 0077B
- 3) Size 14"
- 4) Capacity 2085 GPM

Motor:

- 1) Make GE
- 2) Model No. 5X6268XHIA
- 3) Horsepower rating 125 hp

DISTRIBUTION LINES OR CANALS:

Municipal distribution system.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

Permit No. 2270-2 Vested Water Right No. 432-2
Upper Cheyenne - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

On July 13, 1992 I made a thorough examination of the water use system constructed by the City of Rapid City of 300 6th St, Rapid City, SD holder of Permit No. 2270-2, bearing the priority of September 22, 1956 authorizing the diversion of 2.71 cu. ft. per second and Vested Water Right No. 432-2, bearing the priority of January 1, 1944 authorizing the diversion of 7.75 cu. ft. per second of the waters of surface water from Rapid Creek for municipal purposes, in Pennington County.

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

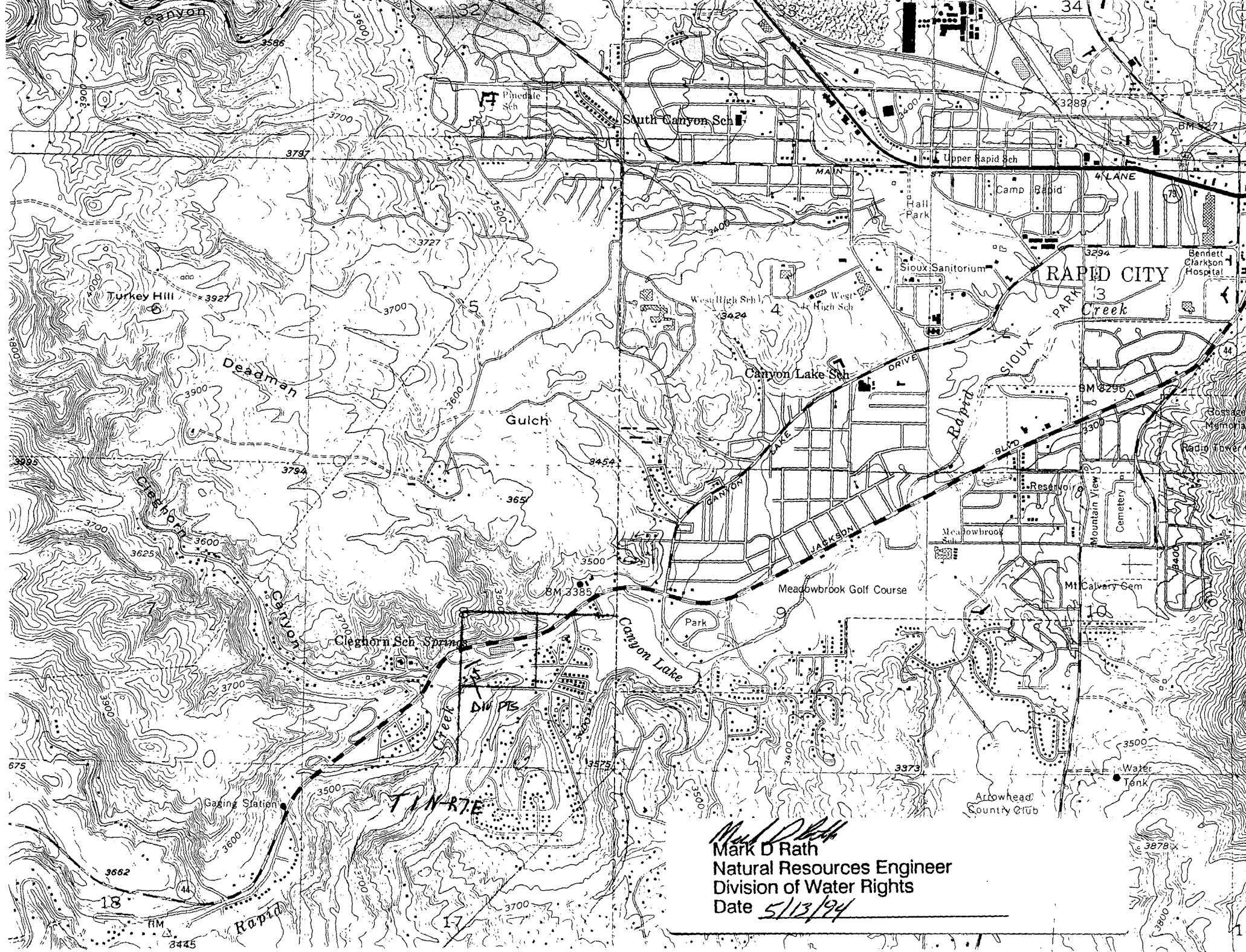
- A. Works used to divert the water:
Three pumps with a combined capacity of 12.38 cfs
- B. Works used to transport water to place of use:
Municipal distribution system.

The system is in the following condition good. The point of diversion is located NW1/4 SE1/4 of Section 8-T1N-R7E. The works are capable of diverting and conveying to the place of use 10.46 cu. ft. per second of water which is to be used for municipal purposes. The license should be issued for 10.46 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 12/29/93


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



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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2270-2

(1) The City of Rapid City, 300 6th St, Rapid City SD 57701 made Application No. 2270-2, March 24, 1993 for a water permit to divert an additional 2.71 cubic feet of water per second (cfs) (1,177 acre-feet of water annually) from Rapid Creek, Pennington County, South Dakota for municipal purposes. Permit No. 2270-2, with a priority date of September 22, 1956 (established by Future Use Permit No. 439-2) was approved December 1, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Vested Water Right No. 432-2 appropriates 7.75 cfs from the Jackson Springs Gallery. The Jackson Springs Gallery has been developed for 10.46 cfs. The additional 2.71 cfs was appropriated and reserved by Future Use Permit No. 439-2.

(2) It is certified that the applicant 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 2.71 cubic feet of water per second (1,177 acre-feet of water annually) for beneficial use. The location of the diversion point is: Jackson Springs Gallery - NW 1/4 SE 1/4 Section 8-T1N-R7E.

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

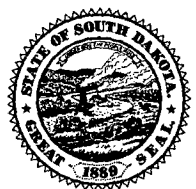
(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Rapid City, 300 6th St, Rapid City SD 57701 the holder and/or owner of Water Permit No. 2270-2 is issued a license to appropriate water, the right to use 2.71 cubic feet of water per second (1,177 acre-feet of water annually) from Rapid Creek (Jackson Springs Gallery) with a priority date of September 22, 1956 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 Permit No. 2270-2 and subject to South Dakota State Law.



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

FEB 27 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

2270-2

City of Rapid City
%Dan Bjerke, Utility Manager
300 6th Street
Rapid City, SD 57701

Dear Mr. Bjerke:

Enclosed is Water License No. 2270-2 and Receipt No. 414079 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2270-2 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

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enclosures