

WATER PERMIT NO. 2272-2

Phone: 394-4165

Name of Applicant: City of Rapid City

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

Amount of Water Claimed: 0.44 (no add'l) Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: municipal County: Pennington

About _____ miles _____ of _____

PRIORITY Date Received: 3-24-93 Fee: _____ Remarks: Transfer

diversion authority from 2124-2 to 2085-2

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: SE 1/4 NE 1/4 Sec 31-T2N-R7E;

SW 1/4 NW 1/4 Sec 10 and NW 1/4 NW 1/4 Sec 1;

T1N-R7E

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

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

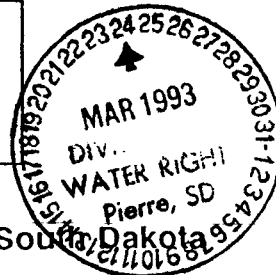
Assigned on: 3-25-93 By: Karen Schlaak

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

1

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

No. 2272-2 Hydrologic Unit 10120110
Basin Upper Cheyenne
Newspaper Rapid City Journal
(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: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Transfer diversion authority for 0.44 cfs from Permit No. 2124-2 to Permit No. 2085-2.

- 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 0.44 *CFS or _____ **GPM _____ ***AF _____
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water, Madison Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
3 wells - SE1/4 NE1/4 Sec 32 T2N-R7E; SW1/4 NW1/4 Sec 10 T1N-R7E;
NW1/4 NW1/4 Sec 31 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 application is to transfer the undeveloped portion of the diversion rate from Well No. 8 to Well Nos. 5, 6, & 9.

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

Patsy Horton
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2272-2**

Date of first receipt of application March 24, 1993.

The Water Management Board approved Water Permit Application No. 2272-2 on April 6, 1994 for the City of Rapid City, 300 6th 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. 2272-2 transfers diversion authority for 0.44 cubic feet of water per second (cfs) from one well (City Well No. 8) authorized by Water Permit No. 2124-2 to three wells (City Well Nos. 5, 6 and 9) which are authorized by Water Permit No. 2085-2. Water Permit No. 2124-2 appropriates 2.23 cfs from one well (Madison Formation) located in the NE 1/4 SE 1/4 Section 23-T2N-R7E. An inspection of Permit No. 2124-2 found the works capable of diverting 1.79 cfs. Water Permit No. 2085-2 appropriates 8.01 cfs from six Madison wells. An inspection of Permit No. 2085-2 found three wells developed and capable of producing 12.42 cfs located in the SE 1/4 NE 1/4 Section 32-T2N-R7E; SW 1/4 NW 1/4 Section 10-T1N-R7E and the NW 1/4 NW 1/4 Section 3-T1N-R7E. This permit transfers the diversion authority for 0.44 cfs authorized by Water Permit No. 2124-2 to the three wells developed under Water Permit No. 2085-2.
2. The water appropriated shall be used for the purpose of supplying water for the City of Rapid 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 March 19, 1990.
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. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The wells shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If the wells are abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Water Permit Nos. 2085-2, 2271-2, 2272-2 and 2273-2 combined, authorize a total annual diversion of 5,394 acre-feet of water annually.

(continued)

4. That the City report to the chief engineer annually the amount of water withdrawn each year under this permit.

WATER MANAGEMENT BOARD

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

NOV 14 1994

date

RECEIPT

413721

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>2272-2</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

K5

Report on Water Permit Application Nos. 2271-2,
2272-2 and 2273-2
City of Rapid City
December 13, 1993

On July 14, 1992 an inspection was conducted of the City of Rapid City's Water Permit Nos. 2085-2, 2124-2 and 2125-2. The three permits authorize use of Madison Formation water within the municipal water distribution system. Table 1 shows the authorized and the developed diversion rates for the three permits.

Table 1

<u>Permit Number</u>	<u>Numbers of Wells</u>	<u>City Well Number</u>	<u>Authorized Diversion Rate, cfs</u>	<u>Authorized Annual Volume, AF</u>	<u>Developed Diversion Rate, cfs</u>	<u>Diversion Rate Difference</u>
2085-2	3	5, 6 & 9	8.01	none	12.42	+4.41
2124-2	1	8	2.23	none	1.79	-0.44
2125-2	1	7	2.23	800	none	-2.23

Application No. 2271-2 proposes to transfer 2.23 cfs (800 ac-ft annually) and the point of diversion (City well No. 7) authorized by Water Permit No. 2125-2 (May 18, 1989 priority date), to the diversion points for City well Nos. 5, 6 and 9. The end of the construction period for Permit No. 2125-2 is May 23, 1995. The diversion point for well No. 7 was to be located on the quarter section line of the NE1/4 SW1/4 and NW1/4 SE1/4 of Section 1 T1N-R7E. The diversion points for City Well Nos. 5, 6 and 9 are located in the SE1/4 NE1/4 of Section 32 T2N-R7E, SW1/4 NW1/4 of Section 10 T1N-R7E and the NW1/4 NW1/4 of Section 3 T1N-R7E, respectively.

Application No. 2272-2 proposes to transfer the undeveloped portion of Permit No. 2124-2 equal to 0.44 cfs from City Well No. 8 to the diversion points for City Well Nos. 5, 6 and 9. The diversion point for City Well No. 8 is located in NE1/4 SE1/4 of Section 23 T2N-R7E. The end of the construction period for Permit No. 2124-2 is May 23, 1995.

Application No. 2273-2 proposes to place to beneficial use 1.73 cfs (756 ac-ft annually) of Madison Formation water appropriated and reserved by Future Use Permit No. 2086-2 (May 18, 1989 priority date) from existing Madison Formation wells. The annual volume is based on expected maximum operation of a well no more than 60 percent of the time, which is considered reasonable for a water distribution system. The diversion points for this permit are to be from City Well Nos. 5, 6 and 9. The effect of this application, if approved, would be to reduce the 6,871 ac-ft of water reserved by Future Use Permit No. 2086-2 by 756 ac-ft.

Volume Limitation

The maximum annual volume diverted from a well for a water distribution system is not expected to exceed 60% of the maximum possible under continuous operation. If these permits are

approved, the combined diversion rate from well Nos. 5, 6 and 9 would be 12.42 cfs, with the annual diverted volume not expected to exceed 5,394 ac-ft. City Well No. 8, authorized by Water Permit No. 2124-2, is consistently capable of producing 1.79 cfs. An estimate of the maximum annual volume to be used would be 1,296 ac-ft, based on 60% of maximum annual diversion.

The City of Rapid City's other Madison Formation permits have all been issued with both a diversion rate and an annual volume limitation. To be consistent with the rest of the Madison Formation permits, if approved these permits should be qualified to place annual volume limitations of 5,394 ac-ft for well Nos. 5, 6 and 9 and 1,296 ac-ft at a diversion rate of 1.79 cfs on Permit No. 2124-2 for well No. 8.

Term Limitation

SDCL 46-2A-20 requires that "... no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the water management board determines, based upon evidence presented at a hearing that:

- (1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and
- (2) The information, whether provided by the applicant or by other means, shows that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse on nearby Madison formation wells and springs.

If approved these permits should be issued with a term limitation of 20 years.

Water Source

The source of water for the project is from the Madison Formation. The Madison (Pahasapa) Limestone is a massive, fine to medium crystalline, cavernous limestone and dolomite, 300-400 feet thick in the Rapid City area. The Madison underlies approximately 1,489,920 acres of Pennington County and contains an estimated 29,798,400 ac-ft of recoverable water in storage in the county (Allen, 1984). The aquifer is under artesian conditions at location proposed by this application.

Recharge to the Madison aquifer occurs through streamflow losses and direct infiltration of precipitation at the outcrop area. A major source of recharge to the Madison aquifer in this area, is water that Rapid, Box Elder and Spring Creeks lose when the creeks cross outcrops of the Madison (Peter, 1985). Recharge for the entire Madison has been estimated to range from 140,000 to 400,000 ac-ft per year (Woodward Clyde, 1981).

Pumping an individual well can cause drawdown which can potentially affect nearby wells. The cumulative affect of numerous withdrawals from a concentrated area, may lower the water levels over a fairly large area. A significant lowering of the potentiometric surface of the Madison could theoretically affect not only the Madison, but also other aquifers, spring flows and surface water flows (Buhler, 1993)

The Division of Water Rights monitors 14 observation wells completed into the Madison Formation. Records from the observation wells indicate the potentiometric surface fluctuates 30-40 feet per year in response to seasonal and climatic variations. Observation well data suggests that existing development has not adversely affected the Madison.

Review of Existing Water Rights

There are 32 existing water rights/permits appropriating water from the Madison Formation in the Rapid City area. Currently these permits are authorized to appropriate 28.07 cfs with 5 of these permits, including Permit Nos 2124-2 and 2125-2, held by the City of Rapid City and authorized to appropriate 17.81 cfs. Table 2 shows the permits appropriating water from the Madison Formation in the Rapid City area include:

Table 2

<u>Permit No</u>	<u>Permit Holder</u>	<u>Location</u>	<u>CFS</u>
1341-1	Black Hawk Water Co.	002N07E08BB	1.15
1534-1	Woodland Hills Community	002N06E01CC	0.06
454-2	Black Hills Power & Light	002N07E34CA	1.00
1133-2	Woodland Hills Community	002N06E01CC	0.04
1154-2	Westberry Trails Water	002N07E31CC	0.25
1295-2	Woodland Hills Community	002N06E01CC	0.20
1628-2	Copper Oaks Water Association	001S07E05CC	0.05
1726-2	Colonial Pine Hills	001N07E29DD	0.38
1748-2	Warren Water Company Inc.	001S07E08BA	0.03
1830-2A	City of Box Elder	002N09E29BB	1.11
1832-2	Weston Heights Home Owners	002N07E02DB	1.00
1838-2	Canyon Shadows Water Company	001N07E08AB	0.03
1845-2	Pinegrove Community Water Assoc.	001S07E20DD	0.08
1852-2	Ponderosa Water/Homeowner	002N07E31BA	0.12
1877-2	Hart Ranch Development Company	001S08E19BB	0.16
1911-2	Hart Ranch Development Company	001S07E11BA	1.29
1925-2	Ponderosa Park Development Assoc	001N07E31AC	0.10
1965-2	Highland Hills Water Association	001N07E32DA	0.10
2053-2	Spring Canyon Water Company	001S07E05CB	0.08
2053A-2	Spring Canyon Water Company	001S07E05L3	0.00
2085-2	City of Rapid City	002N07E32	8.01
2090-2	Chapel Lane Water Company	001N07E08DD	1.17
2095-2	Rapid Valley Water Service Co.	001N08E09CA	0.89
2106-2	Paul & Lana Wright	001N07E15AD	0.08
2108-2	Richard & Morry Clarkson	001N07E32BA	0.09

2110-2	Coca-Cola Bottling Company	002N07E27AC	0.25
2124-2	City of Rapid City	002N07E23DA	2.23
2125-2	City of Rapid City	001N07E01	2.23
2155-2	City of Rapid City	002N07E27	2.67
2156-2	City of Rapid City	001N07E16DC	2.67
2245-2	Cavalry Trail Home Owners	002N06E15DA	0.05
2256-2	Fisher Sand and Gravel	002N07E10C	0.50

The City of Rapid City reports, to the Division of Water Rights, their annual Madison Aquifer water use. In 1992 the City reported use of 4,236 ac-ft from the Madison. Based on the 1992 pumping records, the City could conceivably produce 8,000 - 10,000 ac-ft per year from the Madison, under existing permits (Buhler, 1993).

There are two existing future use permits reserving Madison Aquifer water for use within the Rapid City area. Future Use Permit No. 1833-2, Weston Heights Home Owners, currently has 211 ac-ft in reserve. Future Use Permit No. 2086-2, City of Rapid City, currently has 6,871 ac-ft in reserve.

Conclusions

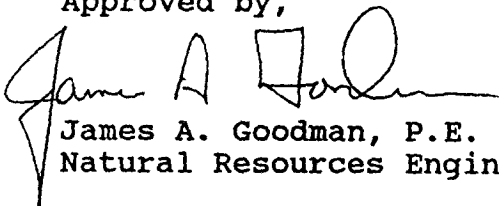
1. These applications, combined, propose to increase the diversion rate for City well Nos. 5, 6 and 9, as authorized by Water Permit No. 2085-2, by 4.41 cfs from the Madison Formation.
2. A July 14, 1992 water permit inspection found Rapid City Well Nos. 5, 6 and 9 capable of consistently producing 12.42 cfs. This is 4.41 cfs greater than the 8.01 cfs authorized by Permit No. 2085-2.
3. Application No. 2271-2 proposes to change the diversion point for 2.23 cfs, with an annual volume limitation of 800 ac-ft annually, authorized by Permit No. 2125-2 to the wells authorized by Permit No. 2085-2.
4. Application No. 2272-3 proposes to transfer the authority for diversion of 0.44 cfs, with no annual volume limitation, for the undeveloped portion of the diversion rate authorized by Permit No. 2124-2 to the wells authorized by Permit No. 2085-2.
5. Application No. 2273-2 proposes to place to beneficial use 1.73 cfs (756 ac-ft, annually) of Madison Formation water appropriated and reserved by Future Use Permit No. 2086-2 from well Nos. 5, 6 and 9 authorized by Permit No. 2085-2.
6. The net affect of these three applications will be to increase the authorized diversion rate for Rapid City Well Nos. 5, 6 and 9 to the developed rate of 12.42 cfs, with a maximum annual volume of 5,394 ac-ft.

7. The transfer of the diversion authority should reduce the diversion rate authorized by Permit No. 2124-2 from 2.23 cfs to 1.79 cfs. An annual volume limitation of 1,296 ac-ft should be placed on this permit.
8. If this application is approved, the volume of water reserved by Future Use Permit No. 2086-2 will be reduced by 756 ac-ft.
9. If approved, Permit No. 2273-2 should be issued with a term limitation of 20 years.
11. Adverse impacts with senior Madison Formation water rights are not expected.



Mark D. Rath
Natural Resources Engineer III

Approved by,



James A. Goodman, P.E.
Natural Resources Engineer IV

References

Allen, J.C., D.Iles, A.Peters, 1984. Analysis of Ground Water and Streamflow Data Western Dakotas Region of SD, Task 3 and 4, Ground Water Resources Inventory, for US Army Corps of Engineers, SD DWNr, Division of Geologic Survey, Vermillion, SD 57069.

Buhler, Ken, 1993. Report on Water Permit Application No. 2256-2, Fisher Sand and Gravel S.D. DENR Division of Water Rights, Pierre, SD 57501.

Division of Water Rights, 1993. Water rights files. SD DENR Pierre, SD 57501.

Woodward Clyde, 1981. Well Field Hydrology Technical Report, for ETSI Coal Slurry Pipeline Project, U.S. Dept of Interior, Bureau of Land Management.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2272-2, 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. 2272-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending DEFERRAL of Application No. 2272-2 to allow additional time to review the application.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
May 21, 1993

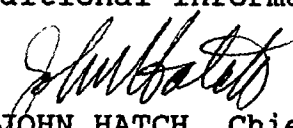
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2272-2, City of Rapid City

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. 2272-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2272-2 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. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. The wells shall also be equipped with a pressure gauge and records kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If the wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Water Permit Nos. 2085-2, 2271-2, 2272-2, and 2273-2, combined, authorize a total annual diversion of 5,394 acre-feet of water annually.
4. That the City report to the chief engineer annually the amount of water withdrawn each year under this Permit.

See report on application for additional information.


JOHN HATCH, Chief Engineer
December 20, 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.

March 3, 1994

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

Dear Mr. Bjerke:

Vested Water Right Application No. 2294-2 and Water Permit Application Nos. 2271-2, 2272-2 and 2273-2, 2275-2 and 2276-2 for irrigation and municipal use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A Notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 394-8300). For your information, a copy of the notice, the recommendations of the Chief Engineer and the 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
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

March 3, 1994

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Vested Water Right Application No. 2294-2 and Water Permit Application Nos. 2271-2, 2272-2 and 2273-2, 2275-2 and 2276-2 to be published twice. Please publish the first notice on March 9, 1994, 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 # 393-4165).

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 form. 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
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 March 9, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2294-2 and Application
Nos. 2271-2, 2272-2, 2273-2, 2275-2 and 2276-2 to Appropriate Water

Notice is given that the City of Rapid City, 300 6th St, Rapid City, SD 57701 has filed several applications. These applications were filed to bring several existing systems of the City, which were not developed as authorized by their associated water permits/rights, into compliance with water rights law. The vested water right claim, water permit applications, and chief engineer's recommendations are as follows:

Vested Right Claim No. 2294-2 requests validation of 1.48 cubic feet of water per second (cfs) from Rapid Creek and an annual volume limitation of 312 acre-feet. The diversion point is located in the SE 1/4 NE 1/4 Section 9 to irrigate 104 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 9 and the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 10; all in T1N-R7E. Irrigation was authorized by Recognized Vested Water Right No. 0646-2A for Meadowbrook Golf Course. The water use has a claimed priority date of April 1, 1877. (Also see Water Permit Application No. 2276-2 below).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2294-2 because 1) water has been appropriated as described for irrigation of 104 acres with a claimed priority date of April 1, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 2271-2 proposes to transfer the diversion authority for 2.23 cfs from one well (City Well No. 7 [which was not developed]) authorized by Water Permit No. 2125-2 to three wells (City Well Nos. 5, 6 and 9) which are authorized by Water Permit No. 2085-2. Water Permit No. 2125-2 authorized construction and placement to beneficial use 2.23 cfs (800 acre-feet of water annually) from one well (Madison Formation) located on the quarter section line of the NE 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 1-T1N-R7E reserved by Future Use Permit No. 2086-2. Water Permit No. 2085-2 appropriated 8.01 cfs from six Madison wells. An inspection of Permit No. 2085-2 found three wells developed and capable of producing 12.42 cfs located in the SE 1/4 NE 1/4 Section 32-T2N-R7E; SW 1/4 NW 1/4 Section 10-T1N-R7E and the NW 1/4 NW 1/4 Section 3-T1N-R7E. This application, if approved, would transfer the diversion authority from the one well authorized by Water Permit No. 2125-2 to the three wells developed under Water Permit No. 2085-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2271-2 with qualifications 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.

Water Permit Application No. 2272-2 proposes to transfer the diversion authority for 0.44 cfs from one well (City Well No. 8) authorized by Water Permit No. 2124-2 to three wells (City Well Nos. 5, 6 and 9) which are authorized by Water Permit No. 2085-2. Water Permit No. 2124-2 appropriated 2.23 cfs from one well (Madison Formation) located in the NE 1/4 SE 1/4 Section 23-T2N-R7E. An inspection of Permit No. 2124-2 found the works capable of diverting 1.79 cfs. Water Permit No. 2085-2 appropriated 8.01 cfs from six Madison wells. An inspection of Permit No. 2085-2 found three wells developed and capable of producing 12.42 cfs located in the SE 1/4 NE 1/4 Section 32-T2N-R7E; SW 1/4 NW 1/4 Section 10-T1N-R7E and the NW 1/4 NW 1/4 Section 3-T1N-R7E. This application, if approved, would transfer the diversion authority for 0.44 cfs authorized by Water Permit No. 2124-2 to the three wells developed under Water Permit No. 2085-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2272-2 with qualifications 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.

Water Permit Application No. 2273-2 proposes to increase the authorized diversion rate of 1.74 cfs (756 acre-feet of water annually) from the three wells developed under Water Permit No. 2085-2 by placing to beneficial use water reserved by Future Use Permit No. 2086-2. The three wells developed under Water Permit No. 2085-2 (previously described) are capable of diverting 12.42 cfs. Water Permit Application Nos. 2271-2 and 2272-2, combined, propose to transfer diversion authority for 2.67 cfs to the three wells authorized by Water Permit No. 2085-2. The increased diversion rate of 1.74 cfs (756 acre-feet of water annually) proposed by this application is the amount of water necessary to authorize additional pumping by the three wells authorized by Water Permit No. 2085-2, up to existing pumping capacity of 12.42 cfs.

Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer is recommends APPROVAL of Application No. 2273-2 for a 20-year term because 1) although evidence is not available to justify issuing this permit without a 20-year term limitation, there is reasonable

probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

Water Permit Application No. 2275-2 proposes to place to beneficial use 1.33 cfs (491 acre-feet of water annually) from one well authorized by Water Permit No. 2155-2. Water Permit No. 2155-2 authorizes construction and placement to beneficial use 2.67 cfs (1160 acre-feet of water annually) of water appropriated and reserved by Future Use Permit No. 2086-2 from one well (Madison Formation) located in the NW 1/4 SE 1/4 Section 27-T2N-R7E. An inspection of Permit No. 2155-2 found the well capable of producing 3.80 cfs. This application, if approved, would authorize the increase of 1.33 cfs in the diversion rate from this well to the existing diversion rate of 3.80 cfs from the well.

Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer is recommends APPROVAL of Application No. 2275-2 for a 20-year term because 1) although evidence is not available to justify issuing this permit without a 20-year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

Water Permit Application No. 2276-2 proposes to increase the authorized diversion rate by 2.09 cfs, add 16 irrigated acres, increase the annual volume limitation by 48 acre-feet and change the location of other irrigated acres claimed by Vested Right Claim No. 2294-2. Approval of this application is contingent on validation of Vested Right Claim No. 2294-2. This application, if approved, will authorize the change in location of the irrigated acreage and the irrigation of 16 additional acres located in portions of the SW 1/4 NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4, E 1/2 NE 1/4 Section 9; W 1/2 NW 1/4, NW 1/4 SW 1/4 Section 10; all in T1N-R7E. This application proposes to place to beneficial use an additional 2.09 cfs appropriated and reserved by Future Use Permit No. 1088-2 (June 28, 1971, priority date) from Rapid Creek. A diversion of 0.1 cfs of the requested diversion rate increase is to be used to provide flow through a golf course pond at the No. 18 green. This application also proposes to increase the annual volume limitation authorized by No. 2294-2 by 48 acre-feet for a total of 360 acre-feet.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2276-2 with qualifications 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 March 28, 1994. 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 these applications at 10:00 a.m., April 6, 1994, 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 these applications based on the facts presented at the public hearing. The April 6, 1994, 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 March 28, 1994.

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 March 28, 1994, 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 application are made pursuant to SDCL 46-1-1 thru 46-1-10, 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 thru 46-2A-18, 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, 46-5-37, 46-5-37.1, 46-5-49; 46-6-1 thru 46-6-2, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:20 thru 74:02:01:22, 74:02:01:37 thru 74:02:01:37.02. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1994

Dear :

Enclosed is a copy of the Notice of Hearing for Vested Water Right Application No. 2294-2 and Water Permit Application Nos. 2271-2, 2272-2, 2273-2, 2275-2 and 2276-2 for the City of Rapid City. The Notice of Hearing is scheduled to be published in the Rapid City Journal for two consecutive weeks beginning March 9, 1994.

A copy of the notice of hearing on the applications is being sent to you because of your previous interest in Rapid City's water permit applications.

If you have any questions or would like to request a copy of the report on any of the applications, please feel free to contact mark rath or myself at 773-3352.

Sincerely,

Eric Gronlund
Natural Resources Engineer III
Water Rights Division

enclosure

(Vested Water Right Application No. 2294-2)
(Water Permit Application Nos. 2271-2, 2272-2, 2273-2, 2275-2, 2276-2)

THE ATTACHED LETTER WAS SENT TO THE FOLLOWING:

Bruce Laymon, Project Manager
Bureau of Reclamation
P.O. Box 226
Newell, SD 57760

Harry Morris
116580 S. Buxton Rd.
Butte, MT 59750-9717

Rapid Valley Water Company, Inc.
Rt 2, Box 160
Rapid City, SD 57701

Keith Ham, President
St. Germain Ditch
HCR 36, Box 34
Caputa, SD 57725

Walter Jones, Secretary
Lone Tree Water Company
RR 2, Box 4970
Rapid City, SD 57701

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

Michael M. Hickey, Attorney
818 St. Joseph Street
P.O. Box 2670
Rapid City, SD 57709-2670

Charles Johnson
Hawthorne Ditch Company
1500 East 27th Street
Rapid City, SD 57701

David Lamb
RR 2, Box 223
Rapid City, SD 57701

Melvin Brassfield
Box 24
Caputa, SD 57725

A. Carl Ham
Ham Ranch, Inc.
HCR 36, Box 34
Caputa, SD 57725

Robert Dustman
Dustman Ranch Partnership
Box 53
Caputa, SD 57725

THE ATTACHED LETTER WAS SENT INTER-OFFICE TO THE FOLLOWING:

Tim Olson
Water Permits Coordinator
Department of Game, Fish & Parks
Joe Foss Building
Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

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

Dear Mr. Bjerke:

Enclosed are Water Permit Nos. 2271-2, 2272-2, and 2273-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

The final inspection has been completed on these Permits, and we are ready to issue the Water License. The water license will incorporate Water Permit Nos. 2085-2, 2125-2, 2271-2, 2272-2 and 2273-2. Statutes require we charge \$50 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,

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

enclosures



2272-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

2273-2

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

Dear Mr. Bjerke:

Enclosed is Water License No. 2273-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414358 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2273-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit Nos. 2085-2, 2125-2, 2271-2 and 2272-2 have been incorporated into this Water License No. 2273-2 with a total annual diversion of 5,394 acre-feet of water annually.