

WATER PERMIT NO. 2273-2

Phone: 394-4165

Name of Applicant: City of Rapid City

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

Amount of Water Claimed: 1.74 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: Increase

diversion rate on Permit No. 2085-2. Water Received by PU Permit 86.2

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 32-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)

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

No. 2273-2 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:

(check one)

☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 2086-2
☐ 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 for water appropriated by 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 1.74 *CFS or 756 ac-ft annually **GPM 756 ac-ft annually ***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 1 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 diversion rate for 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 McLaughlinSubscribed and sworn to before me this 22nd day of March19 93Patsy Horton

Notary Public

SOUTH DAKOTA WATER PERMIT NO. 2273-2

Date of first receipt of application March 24, 1993.

The Water Management Board approved Water Permit Application No. 2273-2 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. 2273-2 increases the authorized diversion rate of 1.74 cubic feet of water per second (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. 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. Water Permit Nos. 2271-2 and 2272-2, combined, 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) authorized by this permit is the amount of water necessary to authorize additional pumping by the three wells authorized by Water Permit No. 2085-2 to existing pumping capacity of 12.42 cfs.
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 May 18, 1989.
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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2273-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2273-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. 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.
3. 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 (directly or for storage purposes). 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.

(continued)

Water Permit No. 2273-2
City of Rapid City
Page 2

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.

WATER MANAGEMENT BOARD

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

NOV 14 1994
date

RECEIPT

413722

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>2273-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	350	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	350 00

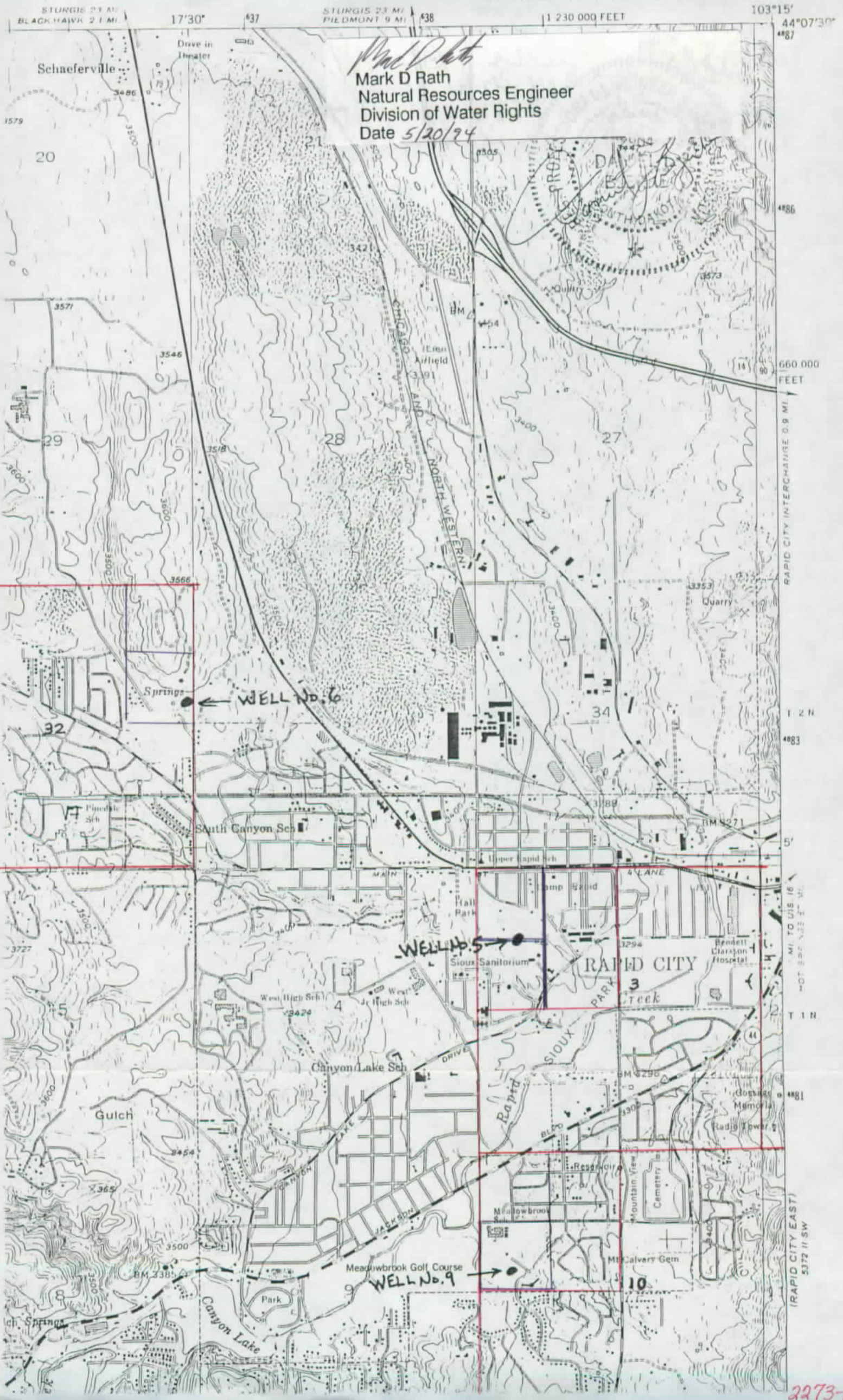
By

John Hatch
Chief Engineer

KS

RAPID CITY WEST QUADRANGLE
SOUTH DAKOTA- PENNINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

5372
RAPID CITY



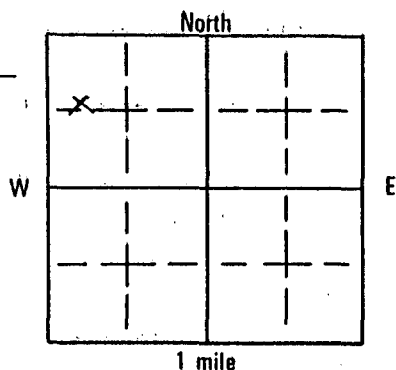
1865, 1900, 1941, 1948, 1957

1955, 1997 (2015) SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NW 1/4 Sec 3 Twp 1N Rg 7ECounty
PenningtonPlease mark well
location with
an "X"

well #5

Well Completion Date Feb. 1990

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Air + Mud Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
80 LB/FT	20 IN	0 FT	75 FT	25 IN
54 LB/FT	13 3/8 IN	0 FT	924 FT	17 1/2 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 924 FEETWhat is grouting material? CementIf cement, number of sacks? 958Describe grouting procedure 20" + 13 3/8" casing
was both pressure groutedWhat was grout weight? 15 LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Circulated Chlorine solutionBacteriological analysis ☒ YES ☐ NOLaboratory sent to Travis Labs

Well Owner:

Name Rapid CityAddress 300 6th Street 57201Well Log: AH: Dan Bjerke Depth _____

Formation

From

To

gravel + red silt	0	48
Spearfish	48	283
Minnokahta	283	325
Opache	325	442
Minnelusa	442	912
Madison	912	1292

STATIC WATER LEVEL 0 FeetIf flowing: closed in pressure 45 PSIGPM flow 1100 through 8 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other; specify flowing well pitless adapterCan well be completely shut in? yes

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

210 ft. After 168 Hrs. pumped 1700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

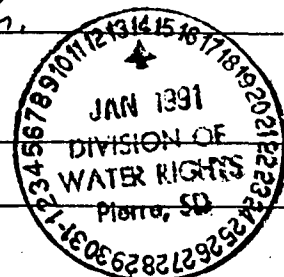
Drilling firm Taylor Drilling

Signature of License Representative:

Ralph Taylor Jr.

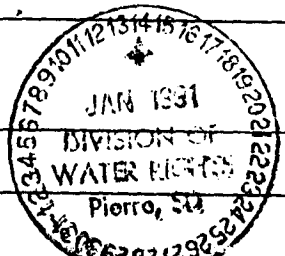
Signature of Well Owner:

Date _____



10-85

Date _____



10-85

Date _____

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 1.7⁴₂ 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

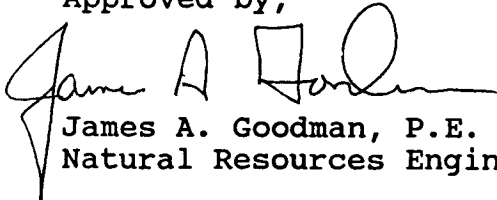
1. These applications, combined, propose to increase the diversion rate for City well Nos. 5, 6 and 9, as authorized by Water Permit No. 2085-2, by 4.41 cfs from the Madison Formation.
2. A July 14, 1992 water permit inspection found Rapid City Well Nos. 5, 6 and 9 capable of consistently producing 12.42 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 1.77⁴ 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. 2273-2, 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. 2273-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending DEFERRAL of Application No. 2273-2 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 above the printed name.

JOHN HATCH, Chief Engineer
May 21, 1993

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2273-2, 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. 2273-2, City of Rapid City, c/o Dan Bjerke, 300 6th Street, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2273-2 for a 20-year term pursuant to SDCL 46-1-14 and 46-2A-20 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 with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 2273-2 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 2273-2 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
2. 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.
3. 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 these wells are abandoned or the Permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. 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.
5. 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

FIRST TRANSMITTAL NOTICE

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

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 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Pennington)I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid City Journalprinted and published in Rapid CityCounty of Pennington and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:March 9, 1994March 16, 1994Cost of Printing: 29 9/16 inch @ 5.10Per inch run 2 times \$301.56Helena M. Bauer
(Signature)Bookkeeper

(Title)

March 16, 1994

(Date Signed)

March 9, 16 L436

NOTICE OF HEARING
TO VALIDATE VESTED
WATER RIGHTAPPLICATION 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 SE¼ NE¼ Section 9, to irrigate 104 acres located in the SE¼ NE¼, NE¼ SE¼ Section 9 and the SW¼ NW¼, NW¼ SW¼ 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. 2155-2 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 (600 acre-feet of water annually) from one well (Madison Formation) located on the quarter section line of the NE¼ SW¼ and NW¼ SE¼ of Section 1-T1N-R7E reserved by Future Use Permit No. 2084-2. 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 SE¼ NE¼ Section 32-T2N-R7E; SW¼ NW¼ Section 10-T1N-R7E and the NW¼ NW¼ 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 NE¼ SE¼ Section 22-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 SE¼ NE¼ Section 32-T2N-R7E; SW¼ NW¼ Section 10-T1N-R7E and the NW¼ NW¼ 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.

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Pursuant to SDCL 46-1-14 and 46-2A-20, the Chief Engineer 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. 2084-2 from one well (Madison Formation) located in the NW¼ SE¼ Section 7-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 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 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 SW¼ NE¼, NW¼ SE¼, NE¼ SW¼, SE¼ NW¼, E¼ NE¼ Section 9; W¼ NW¼, NW¼ SW¼ 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.

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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 East 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 Matthews Training Center, Joe Foss Building, 523 East Capitol, Pierre, S.D. The Chief Engineer's recommendation 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.

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These applications 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

RECEIPT

414358

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 22, 1988

RECEIVED OF City of Rapid City, Rapid City, SD

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. 2273-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John H. Hester

REPORT ON INSPECTION OF PERMIT NO. 2085-2

DATE: 7/14/1992

DIVERSION POINT LEGAL LOCATION: Well #6 - SE1/4 NE1/4 of Section 32 T2N-R7E, Well #9 - SW1/4 NW1/4 of Section 10 T1N-R7E, Well #5 The line between the NW1/4 NW1/4 SW1/4 NW1/4 of Section 3 T1N-R7E

WELL INFORMATION:

- 1) Well Drilling Firm: Taylor Drilling
- 2) No. of Wells 3
- 3) Depth(s) 1292', 1299' & 1051'
- 4) Well log is available Y
- 5) Comment: These are Madison Aquifer wells drilled in February 1990, September 1990 & March 1991, respectively.

Well #6

Casing:

- 1) Diameter 25 & 17 inches
- 2) Length 75 & 849 feet
- 3) Type steel

Screen:

- 1) Type open hole design
- 2) Length 368 feet
- 3) Static water level 0 feet

Well #9

Casing:

- 1) Diameter 25 & 17.5 inches
- 2) Length 20 & 816 feet
- 3) Type steel

Screen:

- 1) Type open hole design
- 2) Length 463 feet
- 3) Static water level 8 feet

Pump:

- 1) Make Layne
- 2) Model 11BEH
- 3) Size ?
- 4) Capacity 1827 GPM

Motor:

- 1) Make Hitachi
- 2) Model No. VTI
- 3) Horsepower rating 125 hp

Pump:

- 1) Make American Turbine
- 2) Model 10H75
- 3) Size ?
- 4) Capacity 801 GPM

Motor:

- 1) Make Hitachi
- 2) Model No. VTI
- 3) Horsepower rating 125 hp

Well #5

Casing:

- 1) Diameter 20 & 13 3/8 inches
- 2) Length 55 & 953 feet
- 3) Type steel

Screen:

- 1) Type open hole design
- 2) Length 43 feet
- 3) Static water level 0 feet

Pump:

- 1) Make Worthington
- 2) Model 12HHH425-10
- 3) Size 10"
- 4) Capacity 2700 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 9537/V01U
- 3) Horsepower rating 350 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Municipal water 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. 2085-2,2125-2, 2271-2,2272-2 and 2273-2

Upper Cheyenne River - 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 I made a thorough examination of the water use system constructed by the City of Rapid City of 300 6th St, Rapid City, SD 57701 holder of Permit Nos. 2085-2,2125-2,2271-2 and 2273-2, bearing the priority of May 18, 1989 and Permit No. 2272-2 bearing the priority of March 19, 1990 authorizing the combined diversion of 12.42 cu. ft. per second of the waters of ground water from the Madison formation 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 12.42 cfs.

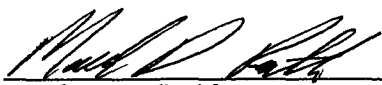
B. Works used to transport water to place of use:

Municipal water distribution system.

The system is in the following condition good. The point of diversion is located Well #5- W1/2 NW1/4 S3-T1N-R7E (from the NW corner of S3, 780 ft E and 1320 ft S); Well #6- SE1/4 NE1/4 S32-T2N-R7E (from the NE corner of S32 150 ft W and 2150 ft S); Well #9- SW1/4 NW1/4 of S10-T1N-R7E (from the NW corner of S10, 590 ft E and 2250 ft S). The works are capable of diverting and conveying to the place of use 12.42 cu. ft. per second of water and an annual volume of 5394 acre-feet of water which is to be used for municipal use. Water has been put to beneficial use and the license should be issued for 12.42 cfs and an annual volume of 5394 acre-feet. Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: none

Date: 7/14/1992



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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2273-2

(1) The City of Rapid City, 300 6th St, Rapid City SD 57701 made Application No. 2273-2, March 24, 1993 for a water permit to appropriate an additional 1.74 cubic feet of water per second (cfs) from groundwater (three wells), Penninton County, South Dakota for municipal use purposes. Permit No. 2273-2, with a priority date of May 18, 1989 was approved April 6, 1994 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.

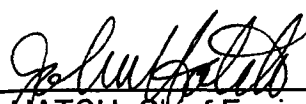
Water Permit No. 2273-2 increases the authorized diversion rate of 1.74 cfs (756 acre-feet of water annually) from the three wells developed under Water Permit No. 2085-2, by placing to beneficial use, water reserved by Future Use Permit No. 2086-2. An inspection of Permit No. 2085-2 found three wells 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. Water Permit Nos. 2271-2 and 2272-2, combined, 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) authorized by this permit is the amount of water necessary to authorize additional pumping by the three wells authorized by Water Permit No. 2085-2 to existing pumping capacity of 12.42 cfs.

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.

(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 12.42 cubic feet of water per second (5,394 acre-feet annually) for beneficial use. The location of the diversion points are: Well #5 - 780 feet east and 1320 feet south of the northwest corner of Section 3-T1N-R7E (W 1/2 NW 1/4); Well #6 - 150 feet west and 2150 feet south of the northeast corner of Section 32-T2N-R7E (SE 1/4 NE 1/4); and Well #9 - 590 feet east and 2250 feet south of the northwest corner of Section 10-T1N-R7E (SW 1/4 NW 1/4).

(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. 2273-2 is issued a license to appropriate water, the right to use 12.42 cubic feet of water per second (5,394 acre-feet annually) from groundwater (three wells) with priority dates of May 18, 1989 (11.98 cfs) and March 19, 1990 (0.44 cfs) from the location specified in (2) of this license. The water to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Permit No. 2273-2 and subject to South Dakota State Law.



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

SEP 6 1995
date



**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.

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: City of Rapid City

DATE: January 25, 2002

RE: Discrepancy in License???

COMMENTS:

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

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

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

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

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

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



Ken Buhler
Natural Resources Engineer

Permit No. 2085-2, 2125-2, 2271-2, 2272-2 and 2273-2
Upper Cheyenne River - Water District

Contact Person & Address: **John Wagner, Water Superintendent**

Dan Bjerke, Public Works Director

300 6th St.

Rapid City, SD 57701-2724

Report Of Examination Of Works

On, November 7, 2002, I made a thorough examination of the water use system constructed by the City of Rapid City of 300 6th St., Rapid City, SD 57701-2724 holder of Permit Nos. 2085-2, 2125-2, 2271-2, and 2273-2, bearing the priority of May 18, 1989, and Permit No. 2272-2 bearing the priority of March 19, 1990 authorizing the combined diversion of 12.42 cu. ft. per second of the waters of ground water from the Madison aquifer for municipal purposes, in Pennington County.

The system is in the following condition good. The point of diversion is located Well #5 - 1360 feet south and 580 feet east of the northwest corner of Sec. 3, T1N-R7E (NE¼ NW¼ SW¼ NW¼ Sec. 3) with a longitude of -103.26984 and a latitude of 44.078386; Well #6 - 2250 feet south and 150 feet west of the northeast corner of Sec. 32, T2N-R7E (NE¼ SE¼ SE¼ NE¼ Sec. 32) with a longitude of -103.29268 and a latitude of 44.090511; and Well #9- 2250 feet south and 730 feet east of the northwest corner or Sec. 10, T1N-R7E (NW¼SE¼SW¼NW¼ Sec. 10) with a longitude of -103.269289 and a latitude of 44.061372 The works are capable of diverting and conveying to the place of use 11.06 cu. ft. per second of water which is to be used for municipal purposes.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map map on file
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na
- 4) Exceptions to compliance are: na

Report On the Specifics of the System

Diversion Point Information:

Well #5

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Taylor Drilling</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>1292</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|----------------------------------|---------------------------|
| 1) Diameter <u>13 3/8</u> inches | 2) Length <u>924</u> feet |
|----------------------------------|---------------------------|

3) Type steel

Screen:

1) Type none- open hole completion

2) Length 368 feet (open hole interval)

3) Static water level +104 feet

Pump\ Motor:

1) Pump Make Gould

2) Pump Model 11CLC

3) Capacity 1640 GPM

4) Motor Make Hatachi

5) Horsepower rating 200 hp

Well #6

1) Well Drilling Firm: Taylor Drilling

2) No. of Wells one

3) Depth(s) 1299 feet

4) Well log is available yes

Casing:

1) Diameter 13 3/8 inches

2) Length 836 feet

3) Type steel

Screen:

1) Type none- open hole completion

2) Length 463 feet (open hole interval)

3) Static water level 8 feet

Pump\ Motor:

1) Pump Make J-Line pump

2) Pump Model 10KC

3) Capacity 725 GPM

4) Motor Make Hatachi

5) Horsepower rating 125 hp

Well #9

1) Well Drilling Firm: Taylor Drilling

2) No. of Wells one

3) Depth(s) 1051 feet

4) Well log is available yes

Casing:

1) Diameter 13 3/8 inches

2) Length 1008 feet

3) Type steel

Screen:

- 1) Type none- open hole completion 2) Length 43 feet (open hole interval)
3) Static water level +76 feet

Pump\ Motor:

- 1) Pump Make J-Line pump(Line shaft) 2) Pump Model 12YC
3) Capacity 2600 GPM 4) Motor Make US Motor
5) Horsepower rating 350 hp

Distribution System:

- 1) Type municipal water distribution system

COMMENTS: Since errors occurred in the original inspection report, Water Right No. 2273-2 was re-inspected. Water Permit No. 2273-2 was intended to correct for the deficiency between the diversion authority for wells No. 5, 6, and 9, and the actual diversion rate from the wells. This deficiency was incorrectly calculated to be 1.74 cfs, but was actually only 0.38 cfs. Therefore, Water Right No. 2273-2 should be re-issued for 11.06 cfs. The volume of water associated with this Water Right should be 165.06 ac-ft/yr [(0.38 cfs*723.96694 ac-ft/yr/cfs)*60%(reasonable useage)].



Ken Buhler
Natural Resources Engineering Specialist
DENR, Water Rights Program

SEPT 30, 2004

Date



July 15, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Wagner, Water Superintendent
City of Rapid City
300 6th Street
Rapid City SD 57701

Dear Mr. Wagner:

I am writing regarding Rapid City's Water Right No. 2273-2. This water right deals with wells designated by Rapid City as No. 5 (between Sioux Sanitarium & Camp Rapid), No. 6 (Springs well) and No. 9 (Meadowbrook Golf Course). A map showing the location is attached. This gets rather complicated so please bare with me.

Water Permit No. 2273-2 was intended to correct deficiency between the diversion authority for well Nos. 5, 6 & 9. These three wells were originally developed under authorization of Permit No. 2085-2 which appropriated 8.01 cubic feet of water per second (cfs) from up to six (6) wells. In 1992, Mark Rath made a licensing investigation and found three wells constructed and determined they were capable of producing 12.42 cfs. Rapid City applied for three water permits to transfer diversion authority in order to make up for the 4.41 cfs deficiency in the combined developed diversion rates from the wells. Specifically, Rapid City applied for and obtained:

- Permit No. 2271-2 – transferred 2.23 cfs (800 ac-ft) from the well (designated as No. 7) that was authorized by Permit No. 2125-2 to city well Nos. 5, 6 & 9. City well No. 7 was never constructed.
- Permit No. 2272-2 – transferred 0.44 cfs which was the undeveloped portion of Permit No. 2124-2 from city well No. 8 to city well Nos. 5, 6 & 9.
- Permit No. 2273-2 – placed to beneficial use 1.74 cfs (756 acre feet) of water appropriated and reserved by Future Use Permit No. 2086-2 to city well Nos. 5, 6 & 9.

Water Permit No. 2085-2 plus the diversion authority provided by the three permits listed above provide a total diversion authority of 12.42 cfs. Based on this, all these permits were incorporated into Water License No. 2273-2 and issued in 1995 for 12.42 cfs from Well Nos. 5, 6 & 9.

In 2002, Ken Buhler reviewed Rapid City's Madison well and found discrepancies in the amount of water being diverted by these three wells. Ken then conducted an examination of the water use from these wells in May of 2003 and found the diversion capability of the wells to be 11:06 cfs (4,964 gpm) based on consultation with Rapid City. A copy of Ken's report is attached. Specifically, the wells are capable of producing:

Well No.	Diversion capability
5	3.65 cfs (1,640 gpm)
6	1.62 cfs (725 gpm)
9	5.79 cfs (2600 gpm)
TOTAL	11.06 cfs (4,965 gpm)

Based on this information it appears that Water Right No. 2273-2 is licensed for 1.36 cfs (12.42 cfs minus 11.06 cfs) more than the diversion capability from the wells. If this is correct, the water right will need to be reissued for 11.06 cfs to reflect the water use system. Please review this information carefully to determine if Rapid City concurs with the diversion capability and reissuance of Water License No. 2273-2 for 11.06 cfs from these three wells.

In addition to the issue regarding Water Right No. 2273-2, the city of Rapid City holds Future Use Permit No. 2086-2 which is due for a seven (7) year review. This future use permit originally reserved 9,991 acre feet of water from the Madison Formation. Over the years, Rapid City has obtained a number of permits to construct and place to beneficial use this reserved water. The following table shows the permits obtained to place to beneficial use this reserved water.

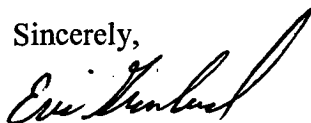
Permit	Amount taken from Future Use	Balance
2086-2	Original Future Use Permit	9,991 ac-ft/yr
2125-2	800 ac-ft/yr	9,191 ac-ft/yr
2155-2	1,160 ac-ft/yr	8,031 ac-ft/yr
2156-2	482 ac-ft/yr *	7,549 ac-ft/yr
2271-2	0 additional	7,549 ac-ft/yr
2273-2	756 ac-ft/yr **	6,793 ac-ft/yr
2275-2	491 ac-ft/yr	6,302 ac-ft/yr
2519-2	776 ac-ft/yr	5,526 ac-ft/yr
2520-2	291 ac-ft/yr	5,235 ac-ft/yr
	Remaining in Reserve	5,235 ac-ft/yr

* Permit No. 2156-2 was originally for 1,160 ac-ft/yr but based on development was licensed for 482 ac-ft/yr so the 678 ac-ft/yr that was not developed reverted back to the future use permit

** Permit No. 2273-2 was licensed for 756 ac-ft/yr but the reissuance described above would be for 165 ac-ft/yr (60% of the 0.38 cfs actually developed under No. 2273-2). However, since this water right was licensed there is no provision allowing for reversion back to Future Use Permit No. 2086-2.

John, I know I've thrown a lot of numbers at you. Please take time to digest them and then give me a call so we may talk about the action that should be taken. My goal is to have the water rights accurately reflect the city's system.

Sincerely,



Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2728

WATER DIVISION

300 Sixth Street

September 8, 2004

Mr. Eric Gronlund
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

SEP 10 2004

WATER RIGHTS
PROGRAM

Dear Mr. Gronlund,

I am writing regarding your letter dated July 15, 2004 concerning Rapid City's Water Right No. 2273-2. This water right deals with wells designated by Rapid City as No. 5, No. 6 and No. 9. Based on the information that Ken Buhler collected in 2002 on these wells, it appears that Water Right No. 2273-2 is licensed for 1.36 cfs more than the wells are actually producing.

Rapid City is in agreement with your finding and agrees that the Water Right will need to be reissued for 11.06 cfs instead of 12.42 cfs (a difference of 1.36 cfs).

Sincerely,

John Wagner
Water Superintendent
Rapid City Water Division

SUPERINTENDENT
605-394-4162
Fax 605-394-6624

UTILITY BILLING
605-394-4125
Fax 605-394-6624

WATER PRODUCTION
605-394-4162
Fax 605-394-6624

UTILITY SERVICE
605-394-4160
Fax 605-394-6624

UTILITY MAINTENANCE
605-394-4163
Fax 605-394-6625



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER



PRINTED ON RECYCLED PAPER

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 2273-2, City of Rapid City

ADDRESS: COUNTY: Pennington

DATE: September 30, 2004 TELEPHONE:

RE: Quantification of Water Right No. 2273-2

COMMENTS:

Water Right No. 2273-2 is being reissued to reflect the actual diversion rate from the wells. The water license was issued for 12.42 cfs and quantified at 5,394 acre feet of water annually. The 5,394 acre feet of water annually was arrived at based on 60% pumping for a year.

Ken Buhler's investigation of Water Right No. 2273-2 found that the diversion rate of 12.42 cfs was wrong. The actual production from the wells is 11.06 cfs. The acre foot annual volume on the reissued license was determined by take 60% pumping of 11.06 cfs. This amounts to 4,804 acre feet of water annually.

NAME: Eric Thompson

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2273-2

(1) The City of Rapid City, 300 6th St, Rapid City SD 57701 was issued Water License No. 2273-2, September 6, 1995 for a water permit to divert 12.42 cubic feet of water per second (cfs) [5,394 acre-feet annually] from groundwater (three wells), Pennington County, South Dakota for municipal purposes. Water License No. 2273-2, was issued with priority dates of May 18, 1989 (11.98 cfs) and March 19, 1990 (0.44 cfs).

Based on a November 7, 2002 re-inspection of the system, Water License No. 2273-2 is being reissued to reflect the actual diversion rate developed from the three wells.

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 4,804 acre-feet of water annually.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 11.06 cubic feet of water per second for beneficial use [4,804 acre-feet annually]. The location of the diversion point are Well #5 – 1,360 feet south and 580 feet east of the northwest corner Section 3-T1N-R7E (SW ¼ NW ¼); Well # 6 – 2,250 feet south and 150 feet west of the northwest corner of Section 32-T2N-R7E (SE ¼ NE ¼) and Well #9 – 2,250 feet south and 730 feet east of the northwest corner of Section 10-T1N-R7E (SW ¼ NW ¼).

(3) 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 Reissued Water License No. 2273-2 is issued a license to appropriate water, the right to use 11.06 cubic feet of water per second [4,804 acre-feet annually] from groundwater (three wells) with priority dates of May 18, 1989 (10.62 cfs) and March 19, 1990 (0.44 cfs) from the locations specified in (2) of this license. The water is used for municipal purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2273-2 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 19 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

Enclosed is Reissued Water License No. 2273-2. Based on a November 7, 2002 re-inspection of the system, the water license is being reissued to reflect the actual diversion rate developed from the three wells.

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.

Sincerely,

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

enclosure