

WATER PERMIT NO. 2320-2

Phone: 605-342-5044

Name of Applicant: Donna & Fred Sedivy

Post Office Address: 2100 Sedivy Lane
~~PO Box 1234~~ Rapid City SD 57703¹

Amount of Water Claimed: 0.86 cfs Total Acres: 60

Source of Water Supply: Rapid Creek

Water to be used for: irrigation County: Pennington

Location: Rapid Valley

PRIORITY Date Received: 9-28-94 Fee: \$150.00

Corrected Application Received: 10-31-94 Period of Annual Use: Apr 1 - Oct 31

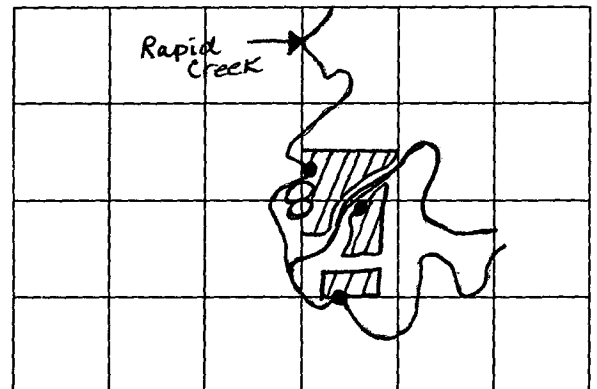
Remarks: _____

Diversion Point: SW 1/4 NE 1/4 and NW 1/4 SE 1/4

Sec 8-T1N-R8E

Land to be Irrigated: SW 1/4 NE 1/4 and NW 1/4

SE 1/4 Sec 8-T1N-R8E



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: Gene W.? Reviewed and the Number

dated on: 11-8-94 By: Karen Schlaak

SOUTH DAKOTA
WATER PERMIT NO. 2320-2 FOR IRRIGATION

Date of first receipt of application September 24, 1994.

Date of return to applicant for corrections, amendments or changes October 25, 1994.

Date of receipt of corrected application October 31, 1994.

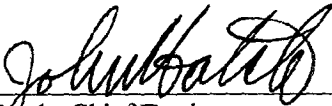
The Water Management Board approved Water Permit Application No. 2320-2 on October 2, 1996 for Donna and Fred Sedivy, PO Box 1972, Rapid City SD 57709 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2320-2 appropriates 0.48 cubic feet of water per second from Rapid Creek located in the SW 1/4 NE 1/4, NW 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 8 to irrigate 33.4 acres located in the SW 1/4 NE 1/4, NW 1/4 SE 1/4 Section 8; all in T1N-R8E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is September 24, 1994.
4. One-fifth of the construction is to be completed on or before April 2, 1999.
5. All construction is to be completed on or before October 2, 2001.
6. Water is to be put to beneficial use on or before October 2, 2005.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

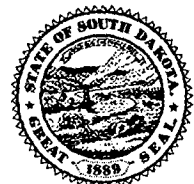
1. Permit No. 2320-2 is subject to the Board of Water and Natural Resources formally including the land within the Rapid Valley Water Conservancy District.
2. Permit No. 2320-2 authorizes diversion of stored irrigation water available under the Rapid Valley Water Conservancy District's contract from Pactola Reservoir. This Permit authorizes diversion of natural flow water, if available on a priority basis.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

OCT 21 1996

date



FORM 2: Application for irrigation in South Dakota

(type or print)

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

No. 2320-2 Hydrologic Unit 10/20110
Basin Upper Cheyenne
Newspaper Rapid City Journal, Rapid City, SD
(office use only)



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

Type of Application: New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant DONNA & FRED SEDIVY Phone 605-342-5044
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 1972 Rapid City State South Dakota
0.48 (Street, RR, or Box) (City) (Zip Code) 57709
- Amount of water claimed 0.48 *CFS or 1660 **GPM ***AF Total Acreage 33.4
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Rapid Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4 NE 1/4
NW 1/4 SW 1/4 and SW 1/4 SE 1/4
Section 8-T1N-R8E County Pennington
- County or counties where water will be used Pennington
- Annual period during which water is to be used April 1 to Oct 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 NE 1/4 Section 8-T1N-R8E	6.0		
<u>SW 1/4 NE 1/4 and NW 1/4 SE 1/4</u>	<u>33.4</u>		
<u>Section 8-T1N-R8E</u>			

- Type of Irrigation: Gravity: Towline Center Pivot Gun Other (Specify):
- Crops to be irrigated: Alfalfa & Sod
- Give a description of the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)

County of Pennington)^{SS}

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

Signed Donna Sedivy Fred Sedivy

Subscribed and sworn to before me this 27 day of September 19 94

Sandra Molitor
Notary Public



RECEIPT

414286

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 28, 19 94

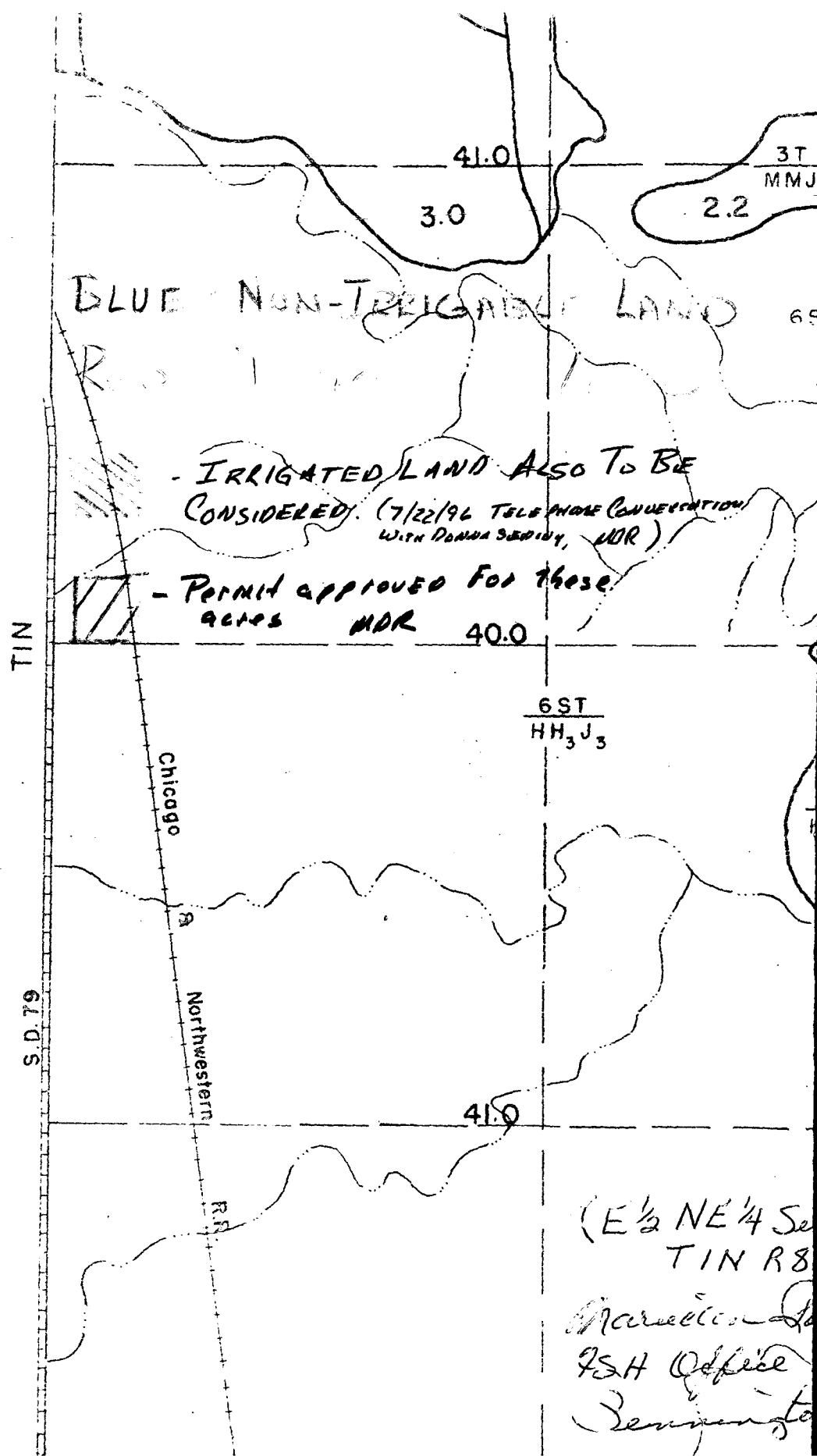
RECEIVED OF Donna Sedivy, PO Box 1972, Rapid City, SD 57709

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

Fee for Application for Permit No. <u>2320-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer



BLUE NON-IRRIGABLE LAND

- IRRIGATED LAND ALSO TO BE
CONSIDERED. (7/22/96 TELEPHONE CONVERSATION
WITH DONNA SERRIN, MDR)

- Permit approved for these
acres MDR 40.0

TIN

S.D. 79

Chicago

Northwestern

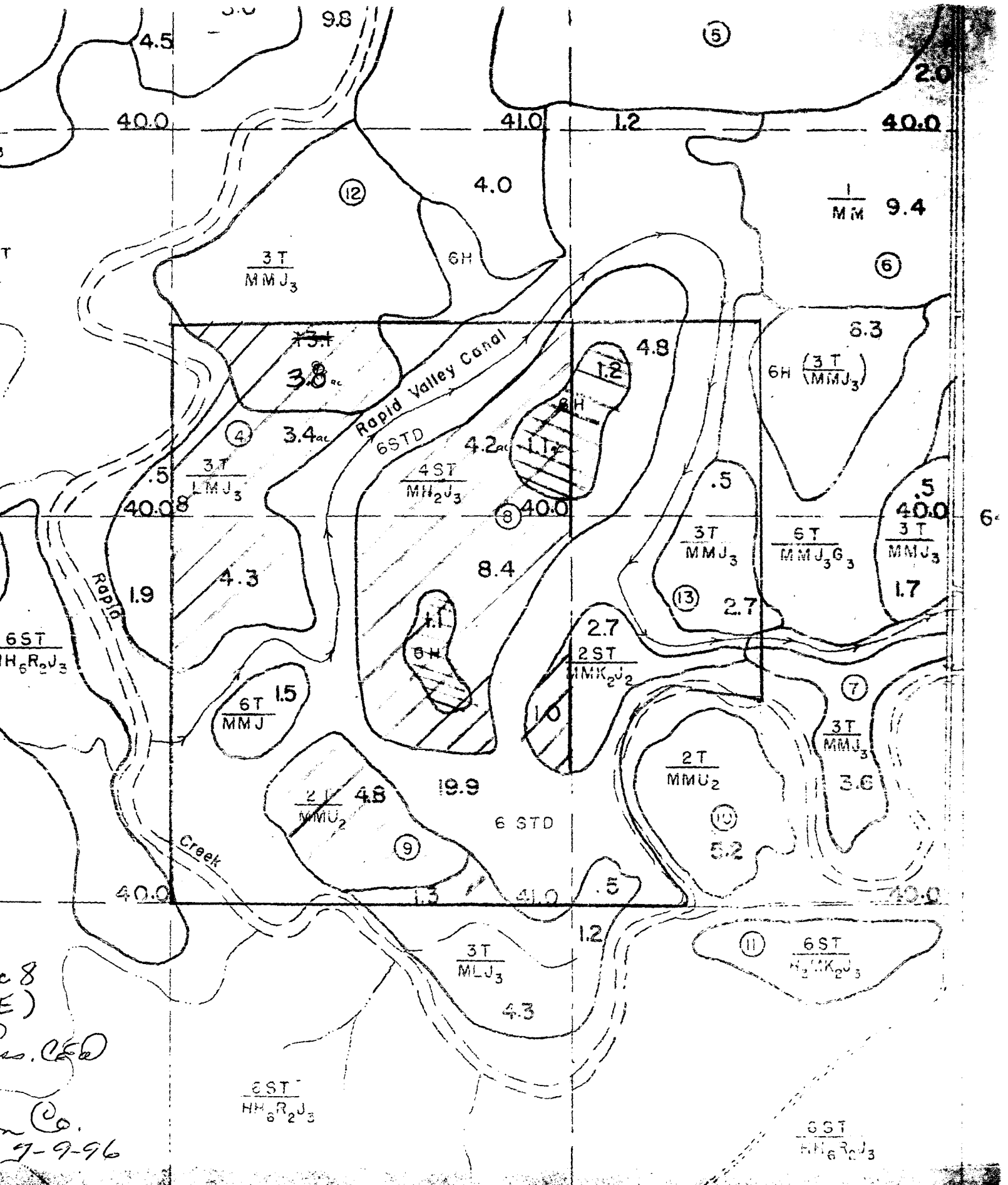
R.R.

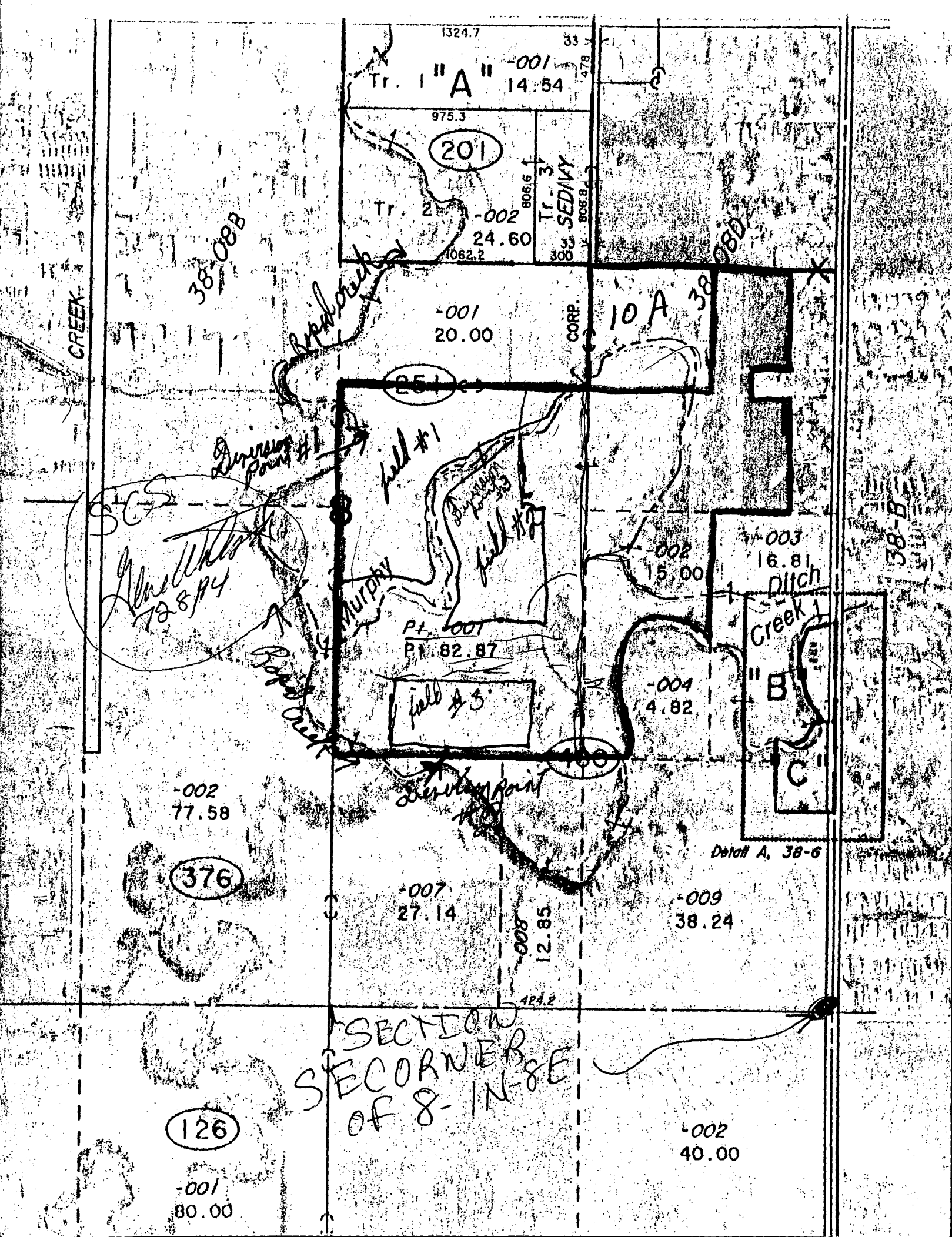
6ST
HH₃J₃

41.0

(E 1/2 NE 1/4 Sec
TIN R8)

Marion
FSH Office
Bemington







United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Newell Field Office

P.O. Box 226

Newell, South Dakota 57760-0226



IN REPLY REFER TO:

N-430

WTR-4.00-

SEP 8 1994

Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Environment and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Irrigated Acreage for Rapid Valley Water Conservancy District, Rapid Valley Unit, South Dakota

Dear Mr. Hatch:

This letter is in response to a request from Mark Rath for information regarding the requirements Reclamation would have for bringing new lands into the Rapid Valley Water Conservancy District (District).

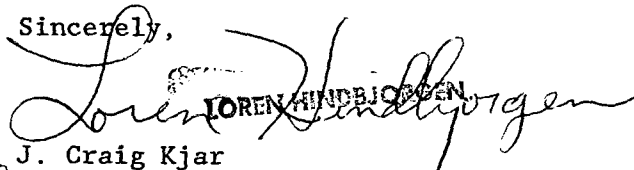
It is our understanding that certain water users on the Murphy Ditch (Rapid Valley Water Company) outside of the existing District boundaries have requested project water be made available to their lands. In order to provide project water to these lands, the following requirements would have to be met:

1. Land classification would need to be completed or reviewed for the lands to be included. This requirement is to assure that the land being proposed for delivery of project water is capable of repaying all costs associated with delivery of the water including construction costs and operation and maintenance costs. The cost of the land classification would be the responsibility of the landowner and would be paid in advance with no guarantee that the land would be classified as irrigable.
2. The State of South Dakota would have to approve the expansion of the District boundary to include the proposed lands.
3. Reclamation would need to address the overall water supply to assure adequate supplies for any new lands.
4. Compliance with the National Environmental Policy Act (NEPA) would require review and documentation of the proposed action. The cost of NEPA compliance would be paid in advance by the beneficiaries.
5. The Rapid Valley Water Conservation District will have to submit a formal request to Reclamation requesting inclusion of these lands into the District.

The District is prohibited from selling irrigation water outside the District boundary by the existing contracts for project water supplies at both Deerfield and Pactola Reservoirs. Current Reclamation law requires that water cannot be delivered to ineligible lands.

If you have any questions, please contact Craig Kjar at (605) 456-2695.

Sincerely,


J. Craig Kjar
FOR Chief, O&M Division

cc: Jerry Hamerquist, President
Rapid Valley Water Conservancy District
P.O. Box 26
Caputa SD 57725

Mr. Jerry Marsh, Secretary
Rapid Valley Water Conservancy District
HCR 36 Box 35
Caputa SD 57725

Mr. Duane Scott, Watermaster
Rapid Valley Water Conservancy District
RR 5 Box 750
Rapid City SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1994

Donna and Fred Sedivy
PO Box 1972
Rapid City, SD 57709

Dear Mr & Mrs Sedivy:

I am writing this letter in reference to your water permit application received on September 28, 1994. The proposed source of water for this application would be from Rapid Creek. Water availability in Rapid Creek for your proposed irrigation is questionable.

There are two types of flow in Rapid Creek. First is natural flow water which is not available for your use because it has been fully appropriated for several years. The second is purchased water which is available only through the Rapid Valley Water Conservancy District's (RVWCD) contract with the US Bureau of Reclamation for stored water releases from Pactola and Deerfield reservoirs. The RVWCD is prohibited from selling irrigation water outside the District boundary by existing contracts for project water unless requirements to expand District boundaries and to irrigate new land are met. Current Bureau of Reclamation requirements do not allow water to be delivered to ineligible lands. Enclosed is a copy of a letter from the Bureau of Reclamation that lists the requirements to bring new land into Rapid Valley Water Conservancy District.

If you intend to continue with the water permit application process, I plan to recommend DENIAL of your application to the Water Management Board due to insufficient available water for the project. A hearing on your application will then be scheduled before the Water Management Board. If you decide to withdraw your application prior to publication of the Notice of Hearing, your application fee will be refunded.

If you want to proceed with this application, we will need additional information, before further processing of your application. If you have any questions, please contact Mark Rath, phone (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Division of Water Rights

c: Jerry Hammerquist, RVWCD
Craig Kjar, US Bureau of Reclamation

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1994

Donna and Fred Sedivy
PO Box 1972
Rapid City SD 57501

Dear Mr. & Mrs. Sedivy:

In regard to your water permit application received on September 28, 1994, the following information needs to be clarified in order to process your application.

1. On the application, Item No. 2, you indicated the amount of water claimed to be 1600 gallons per minute (gpm). Under state statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would equate to 0.86 cfs (387 gpm) for the 60 acres to be irrigated. Please let us know if you concur with this change.
2. Please complete Item No. 4 of the application giving the location of the points of diversion. From the map, it would appear the diversion points are located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 8-T1N-R8E.
3. It would also appear that the land to be irrigated would be located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 8-T1N-R8E.

Upon clarification and completion of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 1994

Fred and Donna Sedivy
Box 1972
Rapid City, SD 57709

Dear Mr. and Mrs. Sedivy:

Mark Rath from the Division of Water Rights contacted us on your behalf regarding the questions you raised about the Rapid City Water Conservancy District (the District). The Rapid City Water Conservancy District is organized as a *Water User District*. South Dakota Codified Law (SDCL) 46A-9 includes the laws under which a water user district must operate.

One question you raised regarded the process by which the Rapid City Water Conservancy District had revised its boundaries. In 1989, the District determined that there were lands within the district not utilizing the water supply services of the district and that it was not necessary or feasible to retain those lands in the district. They adopted a resolution and filed it with the Board of Water and Natural Resources (the Board) on September 21, 1989. The Board set a public hearing date for October 4, 1989 at 2:00 p.m. at the Rapid City Hilton. SDCL 46A-9-23.2 states,

"The board of directors of a water user district shall publish a copy of the resolution and a notice of the time and place where the resolution shall be considered by the board in each county in which lands to be excluded lie. The resolution and notice shall be published in a newspaper of general circulation in the county once each week for at least two successive weeks before the date of the hearing...Any landowner, entryman or resident upon the lands to be excluded under the resolution may file with the Board of Water and Natural Resources a written protest against the exclusion of all or a portion of the lands and may appear at the hearing to register his protest."

The Board of Water and Natural Resources minutes of October 4, 1989 indicate that notice of the public hearing was published in the Rapid City Journal and no written comments were received. The Board voted to adopt Resolution #89-71, approving the exclusion of lands from the Rapid Valley Conservancy District.

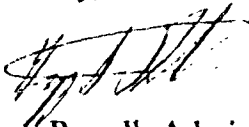
The other question you had regarded the process you would follow to get back into the District. First, you would have to submit a petition to the District's board requesting an extension of the district to include your lands. The District's board must then pass a resolution in support of your petition. The petition must then be filed with the Board of Water and Natural Resources along with a map showing the location of lands to be included. The Board would then determine if the petition complies with the law. If the petition is legal, the Board would publish the petition, accept written protests against the petition, and either approve or dismiss the petition. Laws governing the process to extend a district are stated in SDCL 46A-9-20 through 46A-9-23, 46A-9-12 through 46A-9-16 and 46A-9-18.

The procedure to obtain additional water for irrigation should begin by you becoming a member of the District. The next step would be meeting the Bureau of Reclamation's requirements to contract for project water as outlined in the letter from Craig Kjar on September 8, 1994. This letter was previously forwarded to you by the Division of Water Rights. The final step in the process would be filing an application with the Division of Water Rights to acquire a water right. Water Rights will recommend denial of the permit to the Water Management Board unless you have contracted with the Bureau of Reclamation to receive project water.

I have enclosed copies of the South Dakota Codified Laws dealing with the exclusion of lands and the extension of a district. I have also enclosed copies of the Board of Water and Natural Resource's minutes from 1989 involving the Rapid City Water Conservancy District and the resolution they passed approving the exclusion of lands.

I hope this information will be beneficial to you. If you have any further questions, please feel free to contact either Lynne Chasing Hawk or myself at 773-4216.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Greg Powell', with a stylized flourish at the end.

Greg Powell, Administrator
Division of Water Resources Management

Enclosures

REPORT ON WATER PERMIT APPLICATION NO. 2320-2
DONNA AND FRED SEDIVY
DECEMBER 12, 1994

Application No. 2320-2, Donna and Fred Sedivy, proposes to appropriate 0.86 cubic feet of water per second (cfs) from Rapid Creek to irrigate 60 acres. The diversion points are to be located in the SW1/4 NE1/4, NW1/4 SW1/4 and SW1/4 SE1/4 of Section 8 T1N-R8E. The location of the irrigated acres is to be in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 8. The proposed project is to be located near the east side of Rapid City.

Review of Existing Water Rights

There are 76 existing water rights/permits, appropriating 263.50 cfs, located on Rapid Creek between Pactola Reservoir and the confluence with the Cheyenne River. There is also one deferred application, No. 2187-2 (Roland Sailer), to divert 0.06 cfs for irrigation from Rapid Creek. The priority date for this application would be junior to all these water rights/permits and the deferred application. Natural flow water would not be available for this project except under usual runoff conditions. A reliable water source would only be available through the Rapid Valley Water Conservancy District contracts for Deerfield and Pactola stored water releases into Rapid Creek.

Review of the Proposed Project

The proposed irrigated acres are located outside of the existing Rapid Valley Water Conservancy District (RVWCD) boundaries. US Bureau of Reclamation (USBOR) law prohibits the delivery of project water to non-project land. In order for the RVWCD to provide water to this land several requirements would have to be met (USBOR, 1994):

1. Land classification would need to be completed or reviewed to determine if the land could be classified as irrigable.
2. USBOR would need to address the overall water supply to assure adequate supplies for additional lands.
3. Compliance with the National Environmental Policy Act (NEPA) would require review and documentation of the proposed action.
4. The landowner would need to submit a petition to the RVWCD board for inclusion of the land within the district. The RVWCD board would need to pass a resolution in support of the petition. The petition must then be filed with the SD Board of Water and Natural Resources. The Board of Water and Natural Resources will need to act on the petition pursuant to SDCL 46A-9-12 to 46A-9-16 46A-9-18 and 46A-9-20 to 46A-9-23 and approve or dismiss the petition for land inclusion.

5. The Rapid Valley Water Conservancy District would have to submit a formal request to USBOR requesting inclusion of these lands into the District.

These requirements would need to be met by the applicant prior to water being available for irrigation. This application should be deferred until an agreement with the Rapid Valley Water Conservancy District is obtained to use project water from Deerfield and Pactola Reservoirs.

Conclusions

1. Application No. 2320-2, Donna and Fred Sedivy, propose to divert 0.86 cfs from Rapid Creek to irrigate 60 acres.
2. Water for this project would only be available through the Rapid Valley Water Conservancy District's Deerfield and Pactola Contracts for stored water releases.
3. US Bureau of Reclamation law prohibits the delivery of project water to ineligible land. The proposed acres are considered ineligible because they are located outside the existing District boundaries.
4. The District boundaries can be changed to include the proposed acres so they can be eligible for the delivery of project water if certain requirements are met.
5. Application No. 2320-2 should be deferred until the applicant has met the requirements to contract for project water with the Rapid Valley Water Conservancy District.



Mark D. Rath
Natural Resources Engineer III

Approved by:



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

References

1. US Bureau of Reclamation, September 8, 1994 letter to the Chief Engineer.
2. S.D. Department of Environment and Natural Resources. Division of Water Rights Records.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2320-2, Donna and Fred Sedivy

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. 2320-2, Donna and Fred Sedivy, PO Box 1972, Rapid City, SD 57709.

The Chief Engineer is recommending DEFERRAL of Application No. 2320-2 until the applicant has met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District.

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
December 16, 1994



**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.

January 24, 1995

Donna and Fred Sedivy
PO Box 1972
Rapid City, SD 57709

Dear Mr. & Mrs. Sedivy:

Water Permit Application No. 2320-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # (605)394-8300). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. The Chief Engineer's recommendation is for DEFERRAL of Application No. 2320-2. 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 application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 application.

c: Jerry Hammerquist, Rapid Valley Water Conservancy District, PO Box 26, Caputa, SD 57725
Tim Olson, South Dakota Department of Game, Fish and Parks, Pierre, SD 57501
Dan Bjerke, City of Rapid City, 300 6th Street, Rapid City, SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 1995

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2320-2 to be published twice. Please publish the first notice on February 1, 1995, 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 Donna and Fred Sedivy, PO Box 1972, Rapid City, SD 57709 (Ph # 605-342-5044).

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 application 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 February 1, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2320-2 to Appropriate Water

Notice is given that Donna and Fred Sedivy, PO box 1972, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.86 cubic feet of water per second from Rapid Creek located in the SW 1/4 NE 1/4, NW 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 8 to irrigate 60 acres located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 8; all in T1N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 2320-2 until the applicant has met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District. This application will be considered by the Water Management Board at 10:00 am, March 8, 1995, Crown Room, Kings Inn Best Western Convention Center, 220 South Pierre, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 24, 1995. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 East Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 24, 1995, at the above Water Rights Division address to request information on this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 24, 1995.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:01:01:01 thru 74:02:01:15. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Pennington)

I, Samantha Wentworth

certify that the attached printed Notice was

taken from the Rapid City Journal

printed and published in Rapid City

County of Pennington and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

February 1, 1995

February 8, 1995

Cost of Printing: \$92.92

Samantha Wentworth
 (Signature)

Accounting Clerk
 (Title)

February 9, 1995
 (Date Signed)

Feb. 1, 8 L150

NOTICE OF HEARING ON APPLICATION NO. 2220-2 TO APPROPRIATE WATER

Notice is given that Donna and Fred Sedivy, P.O. Box 1972, Rapid City, SD 57709 has filed an application for a water permit to appropriate 0.84 cubic feet of water per second from Rapid Creek located in the SW¼ NE¼, NW¼ SW¼ and the SW¼ SE¼ Section 8 to irrigate 60 acres located in the SW¼ NE¼ and the NW¼ SE¼ Section 8; all in T1N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 2220-2 until the applicant has met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District. This application will be considered by the Water Management Board at 10:00 a.m., March 8, 1995, Crown Room, Kings Inn Best Western Convention Center, 200 South Pierre, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 24, 1995. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 East Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a

lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 24, 1995, at the above Water Rights Division address to request information on this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 24, 1995.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:01:01:01 thru 74:02:01:15. Steven M. Pirner, 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 14, 1995

NOTICE

TO: Fred and Donna Sedivy
Box 1972
Rapid City, SD 57709

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

SUBJECT: Deferral of Water Permit Application No. 2320-2, Fred and Donna Sedivy

On March 8, 1995, the Water Management Board deferred consideration of Water Permit Application No. 2320-2 until the applicant has met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District (RVWCD). In order for the RVWCD to provide water to this land several requirements would have to be met.

1. Land classification will need to be completed or reviewed to determine if the land could be classified as irrigable.
2. US Bureau of Reclamation will need to address the overall water supply to assure adequate supplies for additional lands.
3. Compliance with the National Environmental Policy Act (NEPA) will require review and documentation of the proposed action.
4. The applicant will need to submit a petition to the RVWCD Board for inclusion of the land within the District. The RVWCD Board will need to pass a resolution in support of the petition. The petition must then be filed with the SD Board of Water and Natural Resources. This Board will need to act on the petition to approve or dismiss the petition for land inclusion.
5. The RVWCD will have to submit a formal request to the Bureau of Reclamation requesting inclusion of these lands into the District.

Once these requirements have been met, the application will be scheduled for a hearing before the Water Management Board. Completion of these requirements should not be interpreted as approval of the water permit application by the Water Management Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny the application based on the facts presented at the public hearing.

Please contact Mark Rath, staff engineer at 773-3352 if you have any questions.

c: Diane Best, Assistant Attorney General
Jerry Hammerquist, Rapid Valley Conservancy District
Craig Kjar, Bureau of Reclamation

CERTIFICATION

I hereby certify that on March 14, 1995, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 14, 1995, regarding Deferral of Water Permit Application No. 2320-2, Fred and Donna Sedivy, addressed as stated below:

Fred and Donna Sedivy, Box 1972, Rapid City, SD 57709.

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

Craig Kjar, Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

Copy Sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SS

Sworn to, before me, this 20th day of March, 1995



John Hatch

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

NEWELL FIELD OFFICE COPY

APR 10 1996

Early Y/N Taking #

By:

CPA 5-7

FILE	
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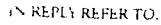
Attention: Craig Kjar

Thank you for the land classification map of the area we are interested in irrigating. Please cancel our request for further land classification. This map shows there are enough acres of irrigable land to meet our needs.

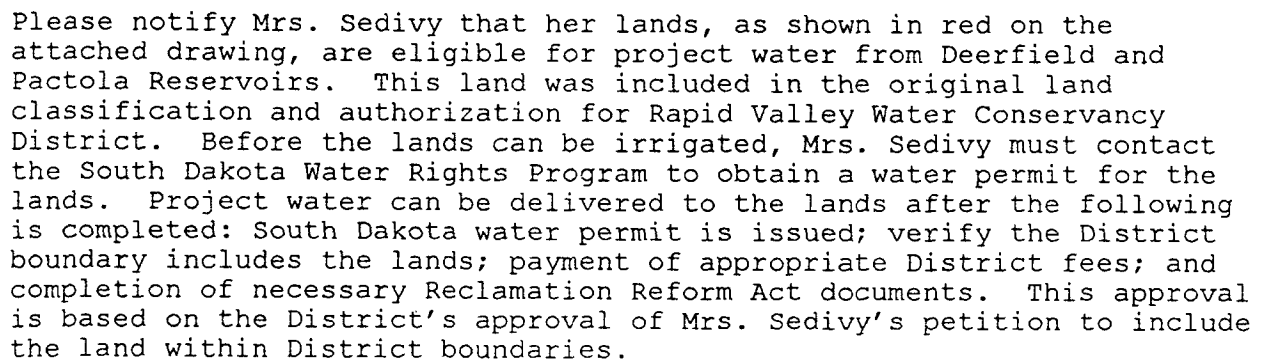
At any rate, go ahead with the necessary paperwork for us to have water to irrigate these irrigable acres as shown on your map.

Sincerely,
Donna Sediwy
Donna Sediwy

cc: Jerry Hammerquist, President
Rapid Valley Water Conservancy District

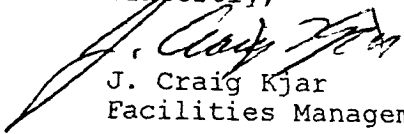


Newell, South Dakota 57760-0226



Please contact Curt Anderson or me at (605) 456-2695 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Craig Kjar", is written over the typed name.

J. Craig Kjar
Facilities Management

Enclosure

cc: John Hatch, Chief Engineer
Department of Water and Natural Resources
Joe Foss Building
Pierre, South Dakota 57501



July 8, 1996

John Hatch, Chief Engineer Water Rights Division
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Sir,

Today I spoke with Mark Rath on the telephone. I am enclosing the items that he said your office needed to finish the necessary steps for securing the final Water Permit No. 2320-2.

I have passed along the need for a letter of intent to include these acres in the Rapid Valley Water Conservancy District. You will be getting that from Jerry Hammerquist.

Take this letter as my amended application to include forty-three and eight tenths acres instead of the original acreage. This comes from the enclosed soil map supplied by the U. S. Bureau of Reclamation at the Newell office. Please notice the map is signed by the local SCS office indicating legal location as requested by Mark Rath.

Hopefully this includes everything needed to speed this thing along. It has been two years of paperwork!! PLEASE NOTE CHANGE OF ADDRESS. I have cancelled the P.O. Box.

Sincerely,

Donna Sedivy
2100 Sedivy Lane
Rapid City, SD 57701

CC: Jerry Hammerquist, President
Rapid Valley Water Conservancy District



15605 Antelope Creek RD
Rapid City SD 57701
July 15, 1996

Mr. John Hatch
South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch;

Mr. Jerry Hammerquist, president of the Rapid Valley Water Conservancy District requested I provide your department with a copy of a proposal to allow a certain acreage into the district. Please find a copy of the proposal as copied from the RVWCD minutes of the March 28, 1996 meeting and given to the Bureau of Reclamation on April 23, 1996.

Sincerely,

H. Dale Gossard

H. Dale Gossard

Secretary, RVWCD

Copy of the 6th paragraph of the minutes
of the Rapid Valley Water Conservancy District.
This meeting was held on Thrusday evening,
March 28, 1996 at the Caputa Community Center,
Caputa, South Dakota.

The proposal to allow the Sedivy acreage request to come into
the Rapid Valley Water Conservancy District was discussed.
A motion was made to accept ~~thir~~ petition by the RVWCD and refer
it to the Bureau of Reclamation for land classification.
This motion was secnded and carried by a voice vcte.
The meeting was adjourned.

H. Dale Gossard
H. Dale Gossard, Secretary

Conversation or File Documentation

NAME OF PERSON OR FILE: DONNA SEDIVYADDRESS: 2100 SEDIVY LANE LAND CITY COUNTY PENNINGTONDATE: July 22, 1996 TELEPHONE 605-342-5044RE: ACREAGE INCLUSIONS

COMMENTS:

I CONTACTED MRS SEDIVY BY TELEPHONE CONCERNING THE AMENDED
MAP THAT WAS SUBMITTED. I TOLD HER THAT THE ACRES THAT WERE
MARKED AS INCLUSIONS DID NOT TOTAL 43.8 ACRES. IF TWO PARCELS
THAT WERE RECLASSIFIED BY THE BUREAU OF RECLAMATION AS POSS 40 LAND
WERE INCLUDED, THE TOTAL ACRES WOULD EQUAL 43.8 ACRES.
SHE TOLD ME TO INCLUDE THOSE LANDS IN THE APPLICATION

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

NAME: Mark R. Smith

Copy of a Motion from the Rapid Valley Water Conservancy District. This meeting was held Wednesday evening April 12, 1995 at the Caputa Community Center.



A motion was made by Mr. Kieffer to set an acreage cap for the Rapid Valley Water Conservancy District at the 1994 assessment level. Any new acreages requesting to come into the Rapid Valley Water Conservancy District will be placed on a waiting list. Any acreage taken out of irrigation in the district will allow an equal number of acres to become available for use of thoes on the waiting list to petition to come into the district.

Any land to be considered to become part of the Rapid Valley Water Conservancy District will have to go through the petitions and procedures as prescribed by the Bureau Of Reclamation and the Department of Environment and Natural Resources of the State of South Dakota, effective at that point in time.

This motion was seconded and carried by a voice vote.

H. Dale Gossard

H. Dale Gossard
Secretary

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2320-2, Donna and Fred Sedivy

ADDRESS: COUNTY: Pennington

DATE: August 5, 1996 TELEPHONE:

RE: Call from Mrs. Sedivy

COMMENTS:

Mrs. Sedivy contacted me in response to our conversation last week on the acreage in the application. The original application was for 60 acres located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 8, T1N, R8E. These were the acres advertised in the notice of hearing when the application was deferred by the Water Management Board. The application was deferred until the Sedivy's met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District.

I explained last week that since the amended application included acreage that was not included in the original application that a new notice of hearing will need to be published. The application was amended based on the acreage the Bureau of Reclamation outlined as suitable for irrigation. The Sedivy's amended the application to be for 43.8 acres to be located in the S1/2 NE1/4 and N1/2 SE1/4 of Section 8, T1N, R8E.

On August 5, 1996, Mrs. Sedivy contact me to say I was correct and that the some of the acreage in the two easterly quarter-quarters were not included in the orignal advertisement. However, she stated that these were marginal acres anyway and that they no longer wanted them included in the application. She asked me to amend the application to exclude and acres in the SE1/4 NE1/4 and NE1/4 SE1/4 of Section 8. Mrs. Sedivy indicated that from the Bureau map there were approximately 43.8 acres in the noticed area (SW1/4 NE1/4 and NW1/4 SE1/4 of Section 8, T1N, R8E).

Mrs. Sedivy understood that the Water Management Board will not act on the application until October 2, 1996.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Henderson

**REPORT ON DEFERRED WATER PERMIT APPLICATION NO. 2320-2
DONNA AND FRED SEDIVY**

August 6, 1996

Deferred Application No. 2320-2, Donna and Fred Sedivy, proposed to appropriate 0.86 cubic feet of water per second (cfs) from Rapid Creek to irrigate 60 acres. The diversion points were to be located in the SW1/4 NE1/4, NW1/4 SW1/4 and SW1/4 SE1/4 of Section 8 T1N-R8E. The location of the irrigated acres was to be in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 8.

The Water Management Board deferred consideration of Water Permit Application No. 2320-2 on March 8, 1995. The application was deferred until the applicants met the requirements to contract for project water from Deerfield and Pactola Reservoirs. Natural flow water from Rapid Creek is fully appropriated and the only available water for this project, except under large runoff conditions, would be from stored water releases through the reservoir contracts.

On July 8, 1996, the Water Rights Program received a letter from Donna Sedivy requesting that deferred Application No. 2320-2 be reconsidered by the Water Management Board. The applicant requests that the application be amended to reduce the amount of land to be irrigated from 60 acres to 33.4 acres. The acres proposed to be irrigated are located in the SW1/4 NE1/4 and the NW1/4 SE1/4 of Section 8 T1N-R8E.

The allowable diversion rate would also be reduced from 0.86 cfs to 0.48 cfs due to the irrigated acre reduction. The diversion points for the project are to be located in the SW1/4 NE1/4, NW1/4 SW1/4 and SW1/4 SE1/4 of Section 8 T1N-R8E.

Review of the Proposed Project

On March 8, 1995, the Water Management Board deferred consideration of Water Permit Application No. 2320-2 until the applicants met the requirements to contract for project water from Deerfield and Pactola Reservoirs. US Bureau of Reclamation law prohibits the delivery of project water to land not included within the District. Since that time, the applicants have petitioned the Rapid Valley Water Conservancy District (RVWCD) to include their land within the district for irrigation purposes. On March 28, 1996, the RVWCD board voted to accept the Sedivy's petition and refer the petition to the US Bureau of Reclamation (USBOR) for land classification.

On June, 19 1996, the USBOR notified the RVWCD in a letter that a total of 43.8 acres were classified as being eligible for project water from Deerfield and Pactola Reservoirs. The applicants are proposing to irrigate 33.4 acres in the following location:

<u>Legal Description</u>	<u>Number of Acres</u>
SW1/4 NE1/4 S8-T1N-R8E	12.5 ac
NW1/4 SE1/4 S8-T1N-R8E	20.9 ac

The USBOR specified that prior to the land being irrigated a water permit must be obtained and the land must be formally included within the District boundaries. To officially include the land within the District boundaries, the SD Board of Water and Natural Resources must formally approve the Sedivy's petition.

Review of the Water Source and Existing Water Rights

There are 74 existing water rights/permits appropriating 255.95 cfs from Rapid Creek to the confluence with the Cheyenne River. There is also one other deferred application, No. 2187-2 (Roland Sailer), to divert 0.06 cfs for irrigation from Rapid Creek. The priority date of October 31, 1994, for Water Permit Application No. 2320-2 would be junior to all the existing water rights/permits and the deferred application. Natural flow water would not be available for this project except under large runoff conditions. A reliable water source would only be available through the Rapid Valley Water Conservancy District contracts for Deerfield and Pactola stored water releases into Rapid Creek. The RVWCD board passed a motion on April 12, 1995, setting an acreage cap for the Rapid Valley Water Conservancy District at the 1994 assessment level. The RVWCD has taken the position that new acres can only be added when other acres are removed from the District.

The applicants are currently in the process of getting the proposed irrigated acres formally included within the Rapid Valley Water Conservancy District boundaries. This will allow them to receive contract water from Deerfield and Pactola Reservoirs. At the time that this report was written the Sedivy's petition to formally include the proposed irrigated acres within the Rapid Valley Water Conservancy District had not been presented to the Board of Water and Natural Resources for final approval.

Conclusions

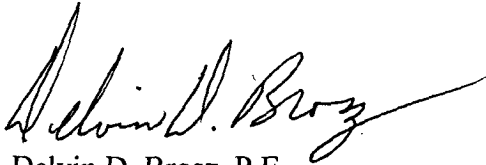
1. Application No. 2320-2, Donna and Fred Sedivy, proposes to divert 0.48 cfs from Rapid Creek to irrigate 33.4 acres.
2. Water for this project would only be available through the Rapid Valley Water Conservancy District's Deerfield and Pactola Contracts for stored water releases. Natural flow water from Rapid Creek would not be available for this project except under large runoff conditions and could not be counted upon as a reliable source of water.

3. US Bureau of Reclamation law prohibits the delivery of project water to land not included within the District. The applicants are currently in the process of getting their land included within the District in order to receive project water. At the time that this report was written the Sedivy's petition had not been presented to the Board of Water and Natural Resources for final approval.



Mark D. Rath
Natural Resources Engineer III

Approved by:



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

References

1. US Bureau of Reclamation, September 8, 1994 letter to the Chief Engineer.
2. S.D. Department of Environment and Natural Resources.
Division of Water Rights Records.
3. Written correspondence with the Rapid Valley Water Conservancy District

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2320-2, Donna and Fred Sedivy**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2320-3, Donna and Fred Sedivy, 2100 Sedivy Lane, Rapid City, SD 57709.

The Chief Engineer is recommending APPROVAL of Application No. 2320-2 for 0.48 cfs because 1) water can be obtained under contract from Pactola Reservoir 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) in the public interest with the following qualifications:

1. Permit No. 2320-2 is subject to the Board of Water and Natural Resources formally including the land within the Rapid Valley Water Conservancy District.
2. Permit No. 2320-2 authorizes diversion of stored irrigation water available under the Rapid Valley Water Conservancy District's contract from Pactola Reservoir. This Permit authorizes diversion of natural flow water, if available on a priority basis.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 6, 1996

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 2320-2, Donna and Fred Sedivy

ADDRESS: COUNTY: Pennington

DATE: August 6, 1996 TELEPHONE:

RE: Call to Mrs. Sedivy

COMMENTS:

Mark Rath prepared a report on deferred Application No. 2320-2 for Fred and Donna Sedivy. The report indicates that the 33.4 acres located in the SW1/4 NE1/4 and NW1/4 SE1/4 Section 8, T1N, R8E are eligible to be irrigated. I explained to Mrs. Seddivy why only 33.4 acres are eligible.

Mrs. Sedivy stated that if 33.4 acres was the amount of acres that could be processed without needing to readvertise the notice of hearing that the 33.4 acres were acceptable to her.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric H. Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

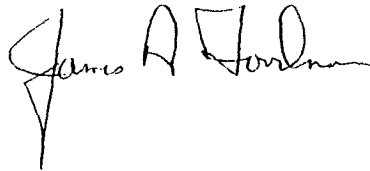
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 12, 1996

NOTICE

TO: Donna and Fred Sedivy
2100 Sedivy Lane
Rapid City, SD 57701

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

For 

SUBJECT: Scheduling Hearing for Deferred Water Permit Application No. 2320-2, Donna
and Fred Sedivy

The Water Management Board will consider Water Permit Application No. 2320-2 on October 2, 1996, at 9:30 am, in the Conference Room, Floyd Matthew Training Center, Foss Building, 523 East Capitol Ave., Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

This application was deferred by the Water Management Board on March 8, 1995, until the applicant has met requirements to contract for project water from Deerfield and Pactola Reservoirs with the Rapid Valley Water Conservancy District.

Applicable provision of the Notice of Hearing published February 1 and 8, 1995, in the Rapid City Journal will still apply at this hearing.

Enclosed is a copy of the report and recommendation prepared on the application. Contact Mark Rath or Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Jerry Hammerquist, Rapid Valley Water Conservancy District
Craig Kjar, Bureau of Reclamation
Tim Olson, Dept. of Game, Fish and Parks

CERTIFICATION

I hereby certify that on August 12, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 12, 1996, along with a copy of the Report and Revised Recommendation, regarding Scheduling Hearing for Deferred Water Permit Application No. 2320-2, Donna and Fred Sedivy, addressed as stated below:

Donna and Fred Sedivy, 2100 Sedivy Lane, Rapid City, SD 57701.

Jerry Hammerquist, Rapid Valley Water conservancy Dist., P.O. Box 26, Caputa, SD 57725.

Craig Kjar, Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

A copy of the above described Notice and attachment were sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

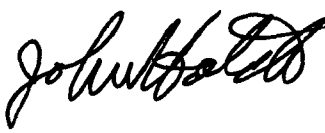
Tim Olson, Department of Game, Fish & Parks, Joe Foss Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of August, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 21 1996

Donna and Fred Sedivy
P.O. Box 1972
Rapid City, SD 57709

Dear Mr. and Ms. Sedivy:

Enclosed is Water Permit No. 2320-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Newell Field Office

P.O. Box 226

Newell, South Dakota 57760-0226

IN REPLY REFER TO:

OCT 24 1996

DK-461

LND-10.00

Mr. Jerry Hammerquist, President
Rapid Valley Water Conservancy District
P.O. Box 26
Caputa, SD 57725

Subject: Deferred Water Permit Application No. 2320-2, Donna and Fred Sedivy, Rapid Valley Unit

Dear Mr. Hammerquist:

The Water Management Board approved Water Permit Application No. 2320-2, Donna and Fred Sedivy, on October 2, 1996. The application was for irrigating 33.4 acres of land with 12.5 acres in the SW1/4NE1/4 of Sec 8-T1N-R8E and 20.9 acres in the NW1/4SE1/4 of Sec 8-T1N-R8E. The Chief Engineer recommended approval of the application for 0.48 cfs of water to be obtained from the District's contract for Pactola Reservoir water. The Bureau of Reclamation supported the Chief Engineer's position at the Water Management Board meeting.

South Dakota requirements for including lands within the District are as follows:

1. A petition containing a description of the land to be included and the signatures of at least 25% of the landowners in the area to be included. The petition needs to be certified by the circulator of the petition.

2. A map showing the location of the land to be included and any additional information needed to fully describe the project. This should be submitted with the petition.

3. The certified petition needs to be presented to the Board of Directors of the water user district. The petition must be published in the county newspaper once a week for two consecutive weeks.

4. After complying with all the above requirements, the petition bearing the approval by resolution of a majority of the Board of Directors of the Rapid Valley Water Conservancy District should be filed with the Department of Environment and Natural Resources. The filing information should include the dates of publication and name of the county newspaper. The District must also submit a map showing the expanded District boundary. The Board of Water and Natural Resources will then act upon the petition as specified in SDCL 46A-9-12 to 46A-9-16 and 46A-9-18.

According to Mr. Mark Rath, of the Department of Environment and Natural Resources, the Sedivy's have completed steps 1 and 2. Please verify that the publication of the petition has been accomplished as required in step 3. When the requirements of the first three steps are completed, please take final board action on the request and submit the final filing to the Board of Water and Natural Resources.

Please contact Curt Anderson or me at (605) 456-2695 if you have any questions for Reclamation.

If you have any questions regarding the submittal requirements to the Board of Water and Natural Resources, please contact Laurie Gates with Department of Environment and Natural Resources at (605) 773-4216.

Sincerely,



J. Craig Kjar
Facilities Management

cc: ✓ Mr. John Hatch, Chief Engineer
Department of Water and Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3001

FAX TRANSMITTAL COVER PAGE

DATE: Oct. 9, 1996TO: Curt AndersonPHONE #: _____ FAX #: 456-2153NUMBER OF PAGES INCLUDING COVER PAGE 2

MESSAGE: Attached is the resolution for the
Rapid Valley Water Conservancy District
board to pass. This is an example
for them to follow. Call if you have
any questions.

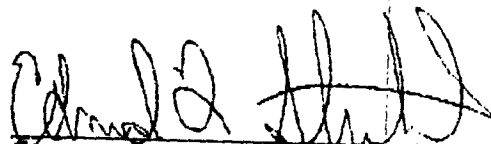
FROM: Laurie GatesPHONE #: 773-4216 FAX #: (605) 773-4068

**RESOLUTION OF BOARD OF DIRECTORS OF
BLACK HAWK WATER USER DISTRICT
APPROVING ADDITIONAL TERRITORY
TO THE DISTRICT**

WHEREAS, it would be in the best interest of Black Hawk Water User District if the real property described below were included within the boundaries of said District, now therefore,

BE IT RESOLVED that the Board of Directors of Black Hawk Water User District do hereby approve adding all of Blocks 8, 9, 10, 11 and 12 of Borden Subdivision, Located in Section 6, Township 2 North, Range 7 East of the Black Hills Meridian, Meade County, South Dakota to the boundaries of Black Hawk Water User District.

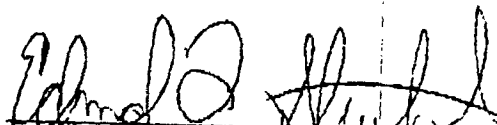
Dated this 13th day of February, 1996.



Secretary, Black Hawk Water
User District

I, the duly elected secretary of Black Hawk Water User District, do hereby certify that the within and foregoing Resolution was duly adopted by a majority of the members of the Board of Directors of Black Hawk Water User District at a Board of Directors meeting of said District held on February 13, 1996.

Dated this 13th day of February, 1996.



Secretary, Black Hawk Water
User District

CC: Rath, Mark <MARKR@denr.state.sd.us>

INFORMATION ON LAND RECLASSIFICATION FOR SEDIVY LANDS FROM LAURIE GATES ON ABOUT 10-7-96

Laurie wanted the District concerning Sedivy lands to do the following:

1. Petition with 25% of landowners signatures signed and certified. In this case only one person affected so only one signature needed.

2. Need map showing new District boundaries

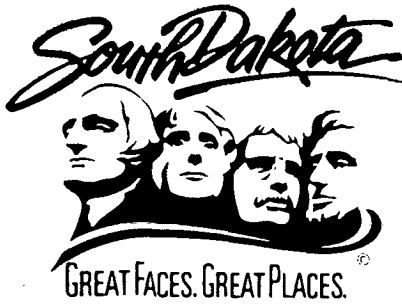
3. Petition published in newspaper, Rapid City Journal once a week for 2 consecutive weeks. Laurie needs a verification that it was published in newspaper. If they have not published yet Laurie wants the formal petition passed in language of petition she faxed to me. She then would like a copy of the petition and map sent to her to review before they publish to make sure everything OK and she may have their solicitor look at.

4. Once this is done Laurie will put before the Board of Water and Natural Resources.

Laurie's address

Department of Environment and Natural Resources
Water and Waste Funding Program
Foss Building
Attn: Laurie Gates
523 East Capital Av.
Pierre, SD 5701-3182

Laurie's phone 773-4216



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DONNA & FRED SEDIVY, 2100 SEDIVY LN, RAPID CITY, SD 57701

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s)2320-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2320-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2320-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DONNA & FRED SEDIVY
2100 SEDIVY LN
RAPID CITY SD 57701

4a. Article Number

2119 141 502

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Donna Sedivy

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 1998

2320-2

Donna & Fred Sedivy
2100 Sedivy Lane
Rapid City, SD 57701

Dear Mr. & Mrs. Sedivy:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, Notice concerning reporting requirements for Water Permit No. 2320-2.

I completed a questionnaire for you based on our January 12th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

January 13, 1998



Genny McMath,
Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Genny,

This is for written confirmation to our telephone conversation yesterday.

For next year and the following years, please send me the forms for reporting on irrigation activities and I will get the information from my renters and report them to you. This is for Water Permit No. 2320-2 only. Mr. Dave Snyder of Valley Green will report the activity on Permit No. 1684-2.

Actually 8.4 acres of the 33.4 acres on Water Permit No. 2320-2 were irrigated late this year. They were planted late in August and irrigated through this permit.

Also, I thought that we sent in the necessary forms for having the water permit put in my name only. I cleared this with Laurie Gates and the final petition was done in my name (Published Jan. 9th). Please check on that. If we haven't, please send me the necessary forms.

Sincerely,

Donna Sedivy
2100 Sedivy Lane
Rapid City, SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1998

2320-2

Donna Sedivy
2100 Sedivy Lane
Rapid City, SD 57701

Dear Ms. Sedivy:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in transferring Water Permit No. 2320-2 to your name.

Please review the form and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)*". Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 2320-2

Date: 2-13-98

I/We request that Water Permit No. 2320-2

formerly owned by: Donna and Fred Sedivy

be transferred to: (name & address) Donna Sedivy, 2100 Sedivy Lane
Rapid City, SD 57701 Telephone No. 605-342-5044

Title to the following described land(s)/property has been transferred as described above:

33.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T1N, R8E

I/We understand that the validity of Water Permit No. 2320-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Donna Sedivy being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Donna Sedivy
(Signed)

Subscribed and sworn to before me this 13 day of Feb, 19 98.

James M. Holloway
(Notary Public)
My Commission expires Jan 30, 2004

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415651

Pierre, February 18, 19 98

RECEIVED OF Donna Sedivy, 2100 Sedivy Lane, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

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

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

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

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

Fee for Filing Transfer Form Water Permit No. 2320-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John H. Hutton



2320-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1998

No. 2320-2

Donna Sedivy
2100 Sedivy Lane
Rapid City, SD 57701

Dear Ms. Sedivy:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2320-2.

Our records now show you as the owner of Water Permit No. 2320-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



January 16, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: VALLEY GREEN SOD FARMS, OP, DAVID SNYDER, 1996 SEDIVY LANE, RAPID CITY, SD 57703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 2320-2, 1684-2. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1684-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2320-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2320-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1684-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

c: DONNA SEDIVY, 2100 SEDIVY LANE, RAPID CITY, SD 57703

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VALLEY GREEN SOD FARMS, OP
DAVID SNYDER
1996 SEDIVY LANE
RAPID CITY SD 57703

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

LoRoe Snyder 1-17-02

C. Signature

X

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Insured Mail☒ Return Receipt for Merchandise☒ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. AI

7001 2510 0004 4797 5590



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2002

1684-2
2320-2

Dave Snyder
Valley Green Sod Farms
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 1684-2 and Water Permit No. 2320-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 21, 2007

2487-2

2537-2

1684-2

2320-2

Dave Snyder
Valley Green Sod
2100 Sedivy Lane
Rapid City, SD 57703

Dear Mr. Snyder:

I am writing this letter in reference to your March 20, 2007 telephone request allowing diversion from Rapid Creek prior to the irrigation season. Flow today in Rapid Creek at the USGS gaging station at Rapid City is 23 cfs.

The Water Rights Program will grant your request to immediately begin Rapid Creek diversions under your Water Right No. 2537-2, the Donna Sedivy Water Right Nos. 1684-2 and 2320-2, and the Open Bible Christian Center's Water Right No. 2487-2.

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

Sincerely,

Mark D Rath,
Natural Resources Engineering Specialist

RECEIVED

MAY 07 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2320-2

Date: 5/6/2010

I/We request that Water Permit No. 2320-2

formerly owned by: Donna Sedivy

be transferred to: (name & address) David D. Snyder
2100 Sedivy Lane, Rapid City, SD 57703

Telephone No. 605-341-4932

Title to the following described land(s)/property has been transferred as described above:

33.4 acres – SW ¼ NE ¼ and NW ¼ SE ¼ Section 8, T1N, R8E

I/We understand that the validity of Water Permit No. 2320-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We David D. Snyder, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/7, 20 10

RECEIVED OF Valley Green Inc 2100 Sedivy Ln Rapid City SD 57703

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	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 <u>2320-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04550**

By *Garland Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 2010

1684-2
2320-2

David D Snyder
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Water Right No. 1684-2 and Water Permit No. 2320-2. The ownership changes have been completed. Nos. 1684-2 and 2320-2 formerly listed in the name of Donna Sedivy are now listed in your name.

Enclosed are your Receipt Nos. 04549 and 04550 in the amounts of \$50.00 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

DEC - 2 2016

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2320-2Date: November 30, 2016

I/We request that Water Right/Permit No. 2320-2 formerly owned by:
David Snyder be transferred to:

New Owner Name: K Bar S Enterprises, LLCAddress: 2100 Sedivy LaneCity, State, Zip Rapid City SD 57703 Telephone No. 605-515-4501

Title to the following described land(s)/property has been transferred as described above:

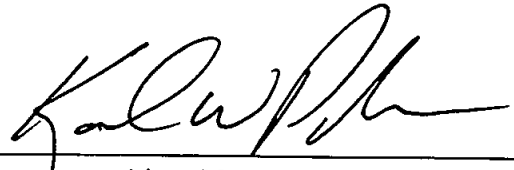
SW 1/4 NE 1/4 and NW 1/4 SE 1/4 in Section 8 T 1 N, R 8 E BHM Rapid City, Pennington County SD

- ☒ I understand that the validity of Water Right/Permit No. 2320-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, K Bar S Enterprises, LLC Karl Paepke Member, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/2, 20 16

RECEIVED OF DeMersseman Jensen Tellinghuisen & Huffman PO Box 1820 Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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 _____ 2320-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07967**

By J. James Ladman
Chief Engineer



2320-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 28, 2016

Richard Huffman
DeMersseman, Jensen, Tellinghuisen & Huffman LLP
PO Box 1820
Rapid City SD 57709

RE: Transfer of Water Permit/Right Nos. 1684-2, 2320-2 and 2537-2

Dear Mr. Huffman:

On December 2, 2016, we received transfer forms and filing fees from you for filing an ownership change on Water Right No. 1684-2 and Water Permit Nos. 2320-2 and 2537-2.

The ownership changes have been completed. The above listed water right and water permits originally held by David Snyder dba Valley Green Sod Farms, are now listed in the name of **"K Bar S Enterprises, LLC, 2100 Sedivy Lane, Rapid City SD 57703 – Karl Paepke, Member."**

Enclosed for your records are Receipt Nos. 07966, 07967 and 07968 in the amounts of \$50 each. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Karl Paepke, K Bar S Enterprises LLC



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 2, 2024

2320-2

K Bar S Enterprises LLC
c/o Karl Paepke
2100 Sedivy Ln
Rapid City SD 57703

Dear Mr. Paepke:

I am writing in regard to Water Permit No. 2320-2. The water permit authorizes diversion 0.48 cfs (approx. 215 gpm) of water from Rapid Creek, for the irrigation of 33.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T1N-R8E, Pennington County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Permit No. 2320-2 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 33.4 acres irrigated
- Reported water use – 74.25 ac-ft of water (approximately 26.7 inches)
- Authorized water use – 66.8 acre-feet (33.4 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Permit No. 2320-2 authorizes a diversion rate of 0.48 cubic feet or water per second (approx. 215 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 350 gpm. A new permit would be required to increase the rate of diversion from 0.48 cfs to 0.78 cfs.

enclosure

File: Water Right Nos. 1576A-2, 1684-2, 2320-2, 2487A-2, & 2537-2

Water Rights Program

File Documentation

NAME: Karl Paepke

DATE: March 27, 2026

Operator, Open Bible Christian Center (2487A-2)

Owner, K Bar S Enterprises, LLC. (1576A-2, 1684-2, 2320-2 & 2537-2)

ADDRESS:

PHONE:

RE: Request to irrigate early (2487A-2)

COMMENTS:

Carl Paepke, on behalf of K Bar S Enterprises, LLC and Open Bible Christian Center, requested permission to start irrigating on April 1, before the April 15 period of use on the Water Right No. 2487A-2. All other water rights/permits have an annual period of use starting April 1. Mr. Paepke mentioned that he operates a sod farm and the Open Bible Christian Center irrigation system. Due to the very dry winter, there is no moisture, and he had concerns regarding losing his sod production and the center lawn. Mr. Paepke made this request based on a letter in the file for Water Permit No. 2537-2 dated March 21, 2007, from Water Rights Staff member Mark Rath. The letter provided to the previous permit holder for Water Permit No. 2537-2, Dave Snyder, approved the request to immediately begin Rapid Creek diversions.

I consulted with staff engineer Nakaila Steen who is our Rapid Creek expert. She explained some history of allowing some early water to use to clean the ditches and startup a couple of center pivots. Based on past practice and to prevent undue loss, I have approved the request for this year. I informed Mr. Paepke that it would probably be prudent to apply for an amendment to the permit to change the date to earlier in the year and that it may also be prudent to do that for all his water rights/permits.



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program