

WATER PERMIT NO. 2383-2

Name of Applicant: Wes Wileman

Address: 8540 Morris Lane, Rapid City SD 57701

Phone: 605 393-0201

Amount of Water Claimed: no add'l

Total Acres: 54 acres

Source of Water Supply: Murphy Ditch

Water to be used for: irrigation

County: Pennington

Type of Waste Disposal System: NA

Location:

PRIORITY

Date Received: 3-25-1997

Fee: \$15

Corrected Application Received: 5-14-97 Period of Annual Use: April 15 - November 1

Remarks: Vested Right Claim with priority date of _____

Diversion Point: (Murphy Ditch)

SW 1/4 Sec 8-T1N-R8E

Land to be Irrigated: E 1/2 NE 1/4

Sec 24-T1N-R8E

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Nell M Johns, NRCS

Reviewed and the Number Assigned on: 3-25-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

PERMITS TRANSFERRING WATER AND ACREAGE

WATER RIGHT NO. 2383-2, LITTLE GIANT DITCH COMPANY

June 14, 1878 **LICENSED FOR:** **6.27 CFS** **346 AC**

		REDUCED BY:		REMAINING:		PERMIT APPROVED
2399-2	CITY OF RAPID CITY (Wileman property)	0.44 CFS	27.3 ACRES	5.83 CFS	318.7 AC	5-7-98
2468-2	CITY OF RAPID CITY (Gordie Howie property)	0.57 CFS	34.8 ACRES	5.26 CFS	283.9 AC	12-05-01
2768-2	CITY OF RAPID CITY (Brian Dail shareholder)	0.38 CFS	----	4.88 CFS	----	10-15-17
2769-2	CITY OF RAPID CITY (Brian Dail shareholder)	1.55 CFS	----	3.33 CFS	----	10-15-17
2883-2	Rapid Valley Sanitary District	0.396 CFS		2.934 CFS		03-14-25

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2383-2 FOR IRRIGATION

Date of Receipt of Claim May 14, 1997.

Date of Validation July 9, 1997.

The Water Management Board validated Vested Water Right Claim No. 2383-2 for irrigation purposes for Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City SD 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2383-2 validates a claim for 66 acres omitted from Vested Water Right No. 653-2. This vested water right also corrects the irrigated acres and diversion point for a portion of the irrigated acres authorized by Vested Water Right No. 653-2 for the Little Giant Ditch Company. Vested Water Right No. 653-2 appropriates 6.27 cubic feet of water per second from Rapid Creek located in the SE 1/4 NW 1/4 Section 15-T1N-R8E to irrigate 650 acres located in the S 1/2 SW 1/4 Section 14; NE 1/4, NW 1/4, N 1/2 SW 1/4, SE 1/4 Section 23; W 1/2 NW 1/4, SW 1/4, E 1/2 SE 1/4 Section 24; all in T1N-R8E and Lots 3 & 4 Section 19; Lot 1 Section 30; all in T1N-R9E. A staff investigation found the 478 acres were being irrigated by the Little Giant Ditch Company. However 66 acres were not properly described and a total of 119 acres use a different Rapid Creek diversion point.

The 66 acres not originally described under Water Right No. 653-2 are located in the E 1/2 NW 1/4 and the NE 1/4 of Section 24-T1N-R8E. Additionally, these 66 acres along with 53 acres described above and located in Lots 3 and 4 (W 1/2 SW 1/4) Section 19 and Lot 1 (NW 1/4 NW 1/4) Section 30; all in T1N-R9E use the Rapid Creek diversion point operated by the Rapid Valley Water Company (Murphy) Ditch diversion point. This diversion point is located in the SW 1/4 Section 8-T1N-R8E.

2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 15 - November 1.
3. The priority date of the Vested Water Right is June 14, 1878.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

FEB 19 1998

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2383-2</u>	Hydrologic Unit <u>10/20/10</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal, Rapid City, SD</u>	



Application For Permit To Appropriate Water For Irrigation

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.) CORRECT
FACILITATED ACRES OMITTED WITH VALIDATION OF NO 653-2

- Name of Applicant LITTLE GIANT DITCH CO. ☐ Owner ☐ Tenant/Lessee Phone _____
(check one)
Mailing Address 7900 MORRIS LANE, RAPID CITY, SD State 57701
(Street, RR, or Box) (Zip Code)
- Amount of water claimed NO ADD'L *CFS or _____ **GPM _____ ***AF Total Acreage 99 ac 119 ac
(*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 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 15 - NOVEMBER 1
- List below each forty acre division, 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
S 19-1-9 LOT 3 (NW 1/4 SW 1/4)	29	S 24-1-8 NE 1/4 NW 1/4	* 36
" " LOT 4 (SW 1/4 SW 1/4)	21	NW 1/4 NE 1/4	* 32
S 30-1-9 LOT 1 (NW 1/4 NW 1/4)	3	SE 1/4 NW 1/4	* 40
E 1/2 NE 1/4 Sec 24 T1N-R8E	** 28 ac	SW 1/4 NE 1/4	* 34

8. Give a description of the project. (Attach sheet if more space is needed)
- THE 91 ACRES TOTAL CLAIMED HAVING A PRIORITY DATE OF JUNE, 14 1878.
- * 38 ac of TOTAL 142 ac ARE CLAIMED BALANCE IS IDENTIFIED BY NO 1727-2 RAPID VALLEY WATER COMPANY
- NOT ** 28 ac of TOTAL 56 ac ARE CLAIMED BALANCE IS IDENTIFIED BY NO 1727-2 RAPID VALLEY WATER COMPANY

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, Wayne Anderson, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Wayne R. Anderson

Subscribed and sworn to before me this 12th day of May 19 97

Seneca J. Shroyer My Commission Expires Aug. 24, 2001
Notary Public

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use



Name of Applicant (Same as Form 2) Little Giant Ditch Co.
Mailing Address 7900 Morris Lane Rapid City SD 57701
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
B. Date of start of construction of water supply system _____
C. Date that water was first applied to beneficial use _____
D. Name of owner of original water supply system _____
E. Amount of water originally applied to beneficial use _____
F. Present use of water - amount of water now being used _____
Date that this water was first used _____

G. Chronological History of Water Use

Records show that the Rapid Valley Water Co. first started carrying water for a portion of the Little Giant Ditch Co. in 1909.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
SS

County of PENNINGTON)

I, Wayne Anderson
(print or type)

the applicant, certify that I have read the foregoing and that the matters therein are true.

Signed Wayne F. Anderson

Subscribed and sworn to before me May 12, 1997

Denise J. Shroyer
Notary Public

My Commission Expires Aug. 24, 2001

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

_____, 19____
(Print Name)

_____, 19____
(Print Name)

RECEIPT

415288

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 25, 19 97RECEIVED OF Wesley D. Wileman, 8540 Morris Lane, Rapids City, SD 57701

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

Fee for Application for Permit No. <u>2383-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	15	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	15 00

By John Hatch
Chief Engineer

Affidavit of Water Use

No. _____

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Wes Wilman

Mailing Address 8540 Morris Lane Rapid City S.D. 57701
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
- B. Date of start of construction of water supply system _____
- C. Date that water was first applied to beneficial use _____
- D. Name of owner of original water supply system _____
- E. Amount of water originally applied to beneficial use _____
- F. Present use of water - amount of water now being used _____
Date that this water was first used _____

G. Chronological History of Water Use

Water was originally diverted thru the Little Giant Ditch Company for 26 Acres & Thru the Murphy Ditch Company for 28 Acres now all the water comes thru the Murphy Ditch Company. This change occurred on or before April 15th 1954

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Pennington)
SS

I, Wes Wilman the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed [Signature]

Subscribed and sworn to before me March 21, 1997

[Signature]
Notary Public

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Steven J. Murphy, 1997
(Print name)

Steven J. Murphy, 1997
(Print name)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 1997

NOTICE

To: Wayne Anderson, President
Little Giant Ditch Company
7900 Morris Lane
Rapid City, SD 57701

From: John Hatch, Chief Engineer
Water Rights Program, DENR

Subject: Notice of Requirement to File Vested Right Claim

This notice is in regard to the Little Giant Vested Water Right No. 653-2 that was validated on December 2, 1992. Prior to the validation hearing Mark Rath, an engineer with the Water Rights Program, informed you in a September 29, 1992, letter that the Public Notice for Vested Water Right Claim published in the Rapid City Journal in 1988 was incomplete. The publication did not include a second diversion point located at the Rapid Valley Water Company (Murphy Ditch) diversion point and certain irrigated acres. Little Giant Ditch Company took no action at that time to make the corrections and the claim was validated as advertised in December of 1992.

On September 29, 1993, Mark Rath met with yourself and the affected Little Giant Ditch Company property owners concerning filing of another vested water right claim to fix the earlier omissions. There had been no action taken concerning the omissions until March 25, 1997, when Wes Wileman filed a vested water right claim to correct his irrigated acreage. These acres are a portion of the total acres identified as being previously omitted from the Little Giant Vested Water Right.

Mr. Wileman's vested water right claim is only for a portion of the total Little Giant acres irrigated from the Murphy Ditch diversion point. To finalize all of the remaining Little Giant vested right claims, the Water Management Board needs to consider all the affected acres at the same time. South Dakota Codified Laws SDCL 46-5-49 states that if someone asserts the existence of a vested water right, the Chief engineer may require that person to file a vested right claim within ninety days. Therefore I am giving you notice that you have 90 days from the date of this notice to submit your application for the remainder of the omitted acres. The filing fee is \$15. Any claim filed after 90 days will be considered a new application and receive a new priority date, if approved.

Enclosed is a partially completed set of application forms and the instruction sheet to claim vested rights. We will be glad to help you complete the applications and answer any questions you may have.

c: Wes Wileman, 8540 Morris Lane, Rapid City, SD 57701

CERTIFICATION

I hereby certify that on April 23, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 23, 1997, regarding Notice of Requirement to File Vested Right Claim, addressed as stated below:

Wayne Anderson, President, Little Giant Ditch Company, 7900 Morris Lane, Rapid City, SD 57701.

Wes Wileman, 8540 Morris Lane, Rapid City, SD 57701.

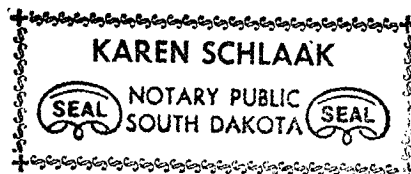
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of April, 1997

Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Wes Wileman

ADDRESS: COUNTY: Pennington

DATE: 5/28/97 TELEPHONE: 393-0201

RE: Status of application

COMMENTS:

Mr. Wileman called on the status of the application for Little Giant Ditch Co. I indicated that the application was still being reviewed. He wondered whether it would be scheduled for the July 9 and 10, 1997, Water Management Board meeting. I stated that I was unsure whether we would get it the application reviewed and public noticed for the July meeting.

Mr. Wileman indicated the \$15 application filing fee he submitted with his vested water right application should be transferred over to the current Little Giant 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: Eric Hurland

REPORT ON VESTED WATER RIGHT CLAIM NO. 2383-2

LITTLE GIANT DITCH COMPANY

June 2, 1997

Vested Water Right Claim No. 2383-2, Little Giant Ditch Company, is to add 66 acres and to specify the correct diversion point for those same 66 acres and for an additional 53 acres with a claimed priority date of June 14, 1878. This application seeks to validate an Application to reflect the historical irrigation by Little Giant Ditch Company, with a claimed priority date of June 14, 1878.

Review of the Vested Water Right Claim

The Little Giant Ditch Company holds Vested Water Right No. 653-2 which was validated on December 2, 1992. The Little Giant Ditch Company filed an application for a water permit with Water Rights in 1960 to add a diversion point for a portion of their irrigated acres. The additional diversion point located in the SW1/4 of Section 8 T1N-R8E is the Rapid Valley Water Company (Murphy) Ditch diversion point. A portion of the Little Giant Ditch Company irrigated land has been supplied with irrigation water from the Murphy Ditch for several years.

Water License No. 653-2 (recognized water right claim) was issued to the Little Giant Ditch Company in 1971 which inadvertently omitted 66 acres located in E1/2 of the NW1/4 and the NE1/4 of Section 24 T1N-R8E irrigated from Rapid Creek by the Murphy Ditch. The water license also mistakenly listed 53 acres located in Lots 3 and 4 (W1/2 SW1/4) of Section 19 and Lot 1 (NW1/4 NW1/4) of Section 30 all in T1N-R9E as being irrigated from the wrong diversion point. The 1988 legal advertisement for the validation of Recognized Vested Water Right No. 653-2 also did not contain these changes. This vested water right claim is to correct these errors.

Review of the Water Source and Existing Water Rights

There are 75 existing water rights/permits appropriating 256.81 cfs from Rapid Creek to the confluence with the Cheyenne River. The priority date for this Vested Water Right Claim is June 14, 1878. This is one of the more senior water rights on Rapid Creek.

Conclusions

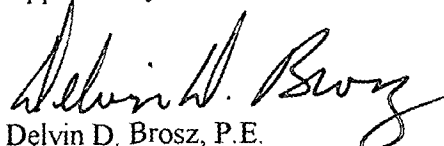
1. Vested Water Right Claim No. 2383-2 is to correct the irrigated acres and diversion point for irrigation authorized by Vested Water Right No. 653-2 for the Little Giant Ditch Company.
2. A 1960 water permit application for Vested Water Right No. 653-2 requested an additional diversion point for a portion of the Little Giant acres. The water license issued in 1971 did not include these changes.
3. The 1988 legal advertisement for the validation of Recognized Vested Water Right No. 653-2 also did not contain these changes. This vested water right claim is to correct these errors.



Mark D. Rath

Natural Resources Engineer III

Approved by:



Delvin D. Brosz, P.E.

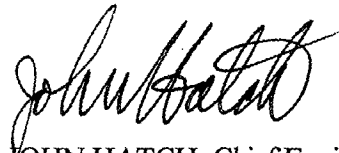
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2383-2, Little Giant Ditch Company

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 Validation of Vested Water Right Application No. 2383-2. Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City, SD 57701

The Chief Engineer is recommending VALIDATION of Application No. 2383-2 because 1) water has been appropriated as described for irrigation use with a priority date of June 14, 1878, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
June 3, 1997



**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.

June 4, 1997

Little Giant Ditch Company
%Wayne Anderson
7900 Morris Lane
Rapid City, SD 57701

Dear Mr. Anderson:

Vested Water Right Application No. 2383-2 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. 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: Wes Wileman, 8540 Morris Lane, Rapid City, SD 57701
Kurt Anderson, BOR, Newell Field Office, P.O. Box 226, Newell, SD 57760-0226
Steve Murphy, RVWC, Rt 5, Box 125, Rapid City, SD 57701
Daniel Bjerke, City of Rapid City, 300 6th St., Rapid City, SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 4, 1997

Rapid City Journal
P.O. Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2383-2 to be published twice. Please publish the first notice on June 12, 1997, with the second publication 7 days later.

Please BILL the Water Rights Program for the cost of publication. The Water Rights Program address is Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (Ph # (605) 773-3352).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 2383-2

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 2383-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 12, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2383-2, Little Giant Ditch Company

Notice is given that Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City, SD 57701 has filed an application to validate a vested water right claim. Application No. 2383-2 proposes to validate a claim for 66 acres omitted from Vested Water Right No. 653-2. The application is also ~~is~~ to correct the irrigated acres and diversion point for a portion of the irrigated acres authorized by Vested Water Right No. 653-2 for the Little Giant Ditch Company. The application seeks to validate Application No. 2383-2 to reflect the historical irrigation with a claimed priority date of June 14, 1878.

Vested Water Right No. 653-2 appropriates 6.27 cubic feet of water per second from Rapid Creek located in the SE1/4 NW1/4 Section 15, T1N, R8E to irrigate 650 acres located in the S1/2 SW1/4 Section 14; NE1/4, NW1/4, N1/2 SW1/4, SE1/4 Section 23; W1/2 NW1/4, SW1/4, E1/2 SE1/4 Section 24; all in T1N, R8E and Lots 3 & 4 Section 19; Lot 1 Section 30; all in T1N, R9E. A Water Rights Program staff investigation found that 478 acres were being irrigated by the Little Giant Ditch Company. However, 66 acres were not properly described and a total of 119 acres use a different Rapid Creek diversion point.

The 66 acres not originally described under Water Right No. 653-2 are located in the E1/2 NW1/4 and the NE1/4 of Section 24, T1N, R8E. Additionally, these 66 acres along with 53 acres described above and located in Lots 3 and 4 (W1/2 SW1/4) Section 19 and Lot 1 (NW1/4 NW1/4) Section 30; all in T1N, R9E use the Rapid Creek diversion point operated by the Rapid Valley Water Company (Murphy) Ditch diversion point. This diversion point is located in the SW1/4 of Section 8, T1N, R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2383-2 because 1) water has been appropriated as described for irrigation use with a priority date of June 14, 1878, 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 30, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 11:30 a.m. (CDT), July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The July 9, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 30, 1997.

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 June 30, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-2A-22; 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, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. Nettie Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Pennington)

I, Patricia K. Van Patten

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:

June 12, 1997

June 19, 1997

Cost of Printing One hundred thirty-nine

and 40 cents (\$139.40)

Patricia K. Van Patten
(Signature)

Legal Advertising Representative
(Title)

6/19/97

(Date Signed)

June 12, 1997 L4037

NOTICE OF HEARING TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 2383-2 LITTLE GIANT DITCH COMPANY

Notice is given that Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City, SD 57701, has filed an application to validate a vested water right claim. Application No. 2383-2 proposes to validate a claim for 66 acres omitted from Vested Water Right No. 653-2. The application is also to correct the irrigated acres and diversion point for a portion of the irrigated acres authorized by Vested Water Right No. 653-2 for the Little Giant Ditch Company. The application seeks to validate Application No. 2383-2 to reflect the historical irrigation with a claimed priority date of June 14, 1878.

Vested Water Right No. 653-2 appropriates 6.27 cubic feet of water per second from Rapid Creek located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T1N, R8E to irrigate 650 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24; all in T1N, R8E and Lots 3 & 4 Section 19; Lot 1 Section 30; all in T1N, R9E. A Water Rights Program staff investigation found that 478 acres were being irrigated by the Little Giant Ditch Company. However, 66 acres were not properly described and a total of 119 acres use a different Rapid Creek diversion point.

The 66 acres not originally described under Water Right No. 653-2 are located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 24, T1N, R8E. Additionally, these 66 acres along with 53 acres described above and located in Lots 3 and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$) Section 19 and Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 30; all in T1N, R9E use the Rapid Creek diversion point operated by the Rapid Valley Water Company (Murphy) Ditch diversion point. This diversion point is located in the SW $\frac{1}{4}$ of Section 8, T1N, R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2383-2 because 1) water has been appropriated as described for irrigation use with a priority date of June 14, 1878, 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 30, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained.

The Water Management Board will consider this application at 11:30 a.m. (CDT), July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The July 9, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 30, 1997.

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 June 30, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-2A-22; 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, 46-5-49 and Board Rules ARSD 74:02:01-01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

Nettie Myers, Secretary
Department of Environment
and Natural Resources

PAYMENT REQUEST FORM

PAYEE: Rapid City Journal
P.O. Box 450
Rapid City, SD 57709

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Billed Account Number: 4037-2

Publication of Notice of Hearing to Validate Vested Water right
Application No. 2383-2, Little Giant Ditch Company, published on June
12 and 13, 1997.

AMOUNT: \$139.40

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John Hated

7-8-97

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 19 1998

Little Giant Ditch Company
c/o Wayne Anderson
7900 Morris Lane
Rapid City SD 57701

Dear Mr. Anderson:

Enclosed are Validated Vested Water Right Nos. 653-2 and 2383-2 and Water License No. 2383-2 for Little Giant Ditch Company.

As long as the ditch company uses the water beneficially, as stated in the Water License, the State Water Laws provide that the ditch company has a continuing right to use the water.

Very truly yours,

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

ks

enclosures

Permit No. 653-2
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

I have this day made a thorough examination of the water use system constructed by Little Giant Ditch Company of Rapid City, SD holder of Vested Water Right Claim No. 653-2, bearing the priority of June 14, 1878 authorizing the diversion of 6.27 cu. ft. per second of the waters of surface water for irrigation purposes, in Pennington County.

The system is in the following condition fair. The points of diversion is located as follows:

SE1/4 NW1/4 Section 15 T1N-R8E, diversion point shared with South Side Ditch.

- * SW1/4 Section 8 T1N-R8E, water carried by Rapid Valley Water Company Ditch.

The Vested Water Right Claim appropriates 6.27 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

		On License No. 653-2	Found During Inspection

Land Located in T1N-R8E			
Section 14	SW1/4 SW1/4	37	18
	SE1/4 SW1/4	23	23
Section 23	NW1/4 NW1/4	10	0
	NE1/4 NW1/4	32	18
	SE1/4 NW1/4	15	15
	NW1/4 SW1/4	8	0
	NE1/4 SW1/4	28	28
Section 24	NW1/4 NW1/4	24	24
	SW1/4 NW1/4	37	37
	NW1/4 SW1/4	34	34
	SW1/4 SW1/4	12	12
	NE1/4 SW1/4	23	9
	SE1/4 SW1/4	9	9
	NE1/4 SW1/4	12	0
Land located in T1N-R9E			
* Section 19	Lot 3 (NW1/4 SW1/4)	29	29
	Lot 4 (SW1/4 SW1/4)	21	21
* Section 30	Lot 1 (NW1/4 NW1/4)	3	3

280
333

The following land was inspected on September 25, 26 and 27 1990 in conjunction with the Rapid Valley Water Company (Murphy Ditch) inspection. At that time it was found these acreages were irrigated by both the Little Giant water right and the Murphy Ditch water right out of Murphy Ditch. It was later determined this land was included on the original Little Giant Water Permit No. 653-2, but was inadvertently omitted from the recognized vested water right and also from the June 23 and 30, 1988 Pennington County advertisement for Validation of Vested Water Right Claim.

On the Murphy Ditch Water Right No. 1727-2 the total acreage irrigated was listed with the proportionate share of Murphy Ditch acreage listed. This should be the same procedure followed on the Little Giant water right.

** 38 of the total 142 acres	On Permit No. 653-2	Found During 1990 Inspection
Section 24 T1N-R8E		
NE1/4 NW1/4		36
NW1/4 NE1/4		32
SE1/4 NW1/4	40	
SW1/4 NE1/4	34	

** 28 of the total 56 acres

Section 24 T1N-R8E	NE1/4 NE1/4	31
	SE1/4 NE1/4	25

* Indicates land listed on the 1988 advertisement, but diversion point is from the Rapid Valley Water Company (Murphy Ditch) diversion point.

** Indicates land and diversion point not listed on the 1988 advertisement. This land is irrigated from Rapid Valley Water Company (Murphy Ditch) diversion point SW1/4 Section 8 T1N-R8E.

The total acres irrigated under Little Giant Ditch comprise a total of 346 acres of land.

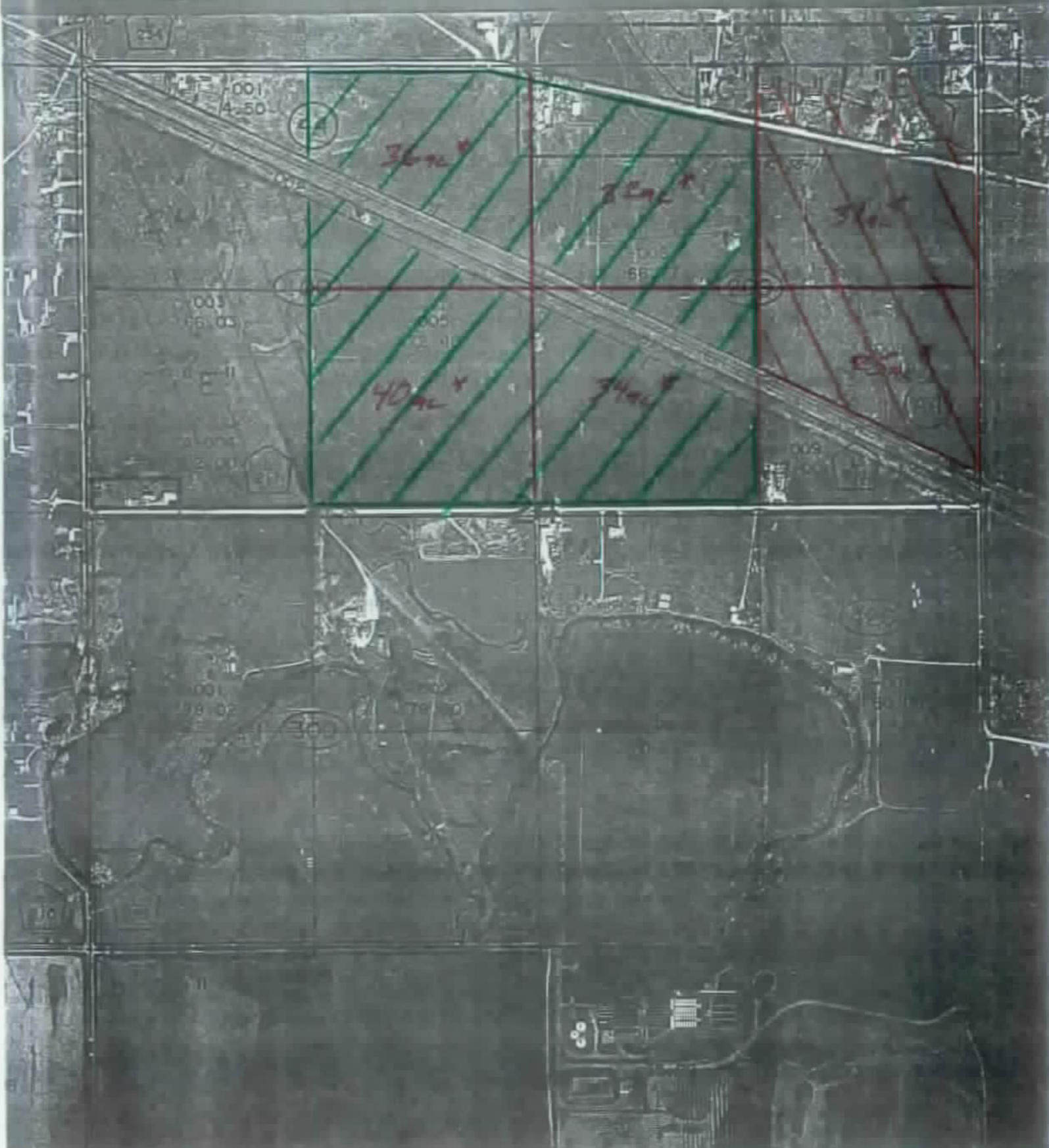
Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 8/14/92



Mark D Rath
Natural Resources Engineer
DENR, Water Rights Division





Mark D Rath
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date *6/2/97*

LITTLE GIANT DITCH
SEC 24-T1N-R8E

* 56 ac + 198 Total Acres Claimed, Balance Is
According To be Indicated By 1727-C Reno Valley District

No 2383-2

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2383-2 FOR IRRIGATION

(1) Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City SD 57701 made Application No. 2383-2, for validation of a vested right claim to irrigate 66 acres omitted from Vested Water Right No. 653-2, validated December 2, 1992, from Rapid Creek, Pennington County, South Dakota, for irrigation purposes. Vested Water Right No. 2383-2 was validated July 9, 1997 with a priority date of June 14, 1878. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The applicable portions of Vested Water Right No. 653-2 are incorporated into this Vested Water Right.

(2) The vested right owner is entitled to divert 6.27 cubic feet of water per second for beneficial use.

Diversion point No. 1 is located in the SE 1/4 NW 1/4 Section 15-T1N-R8E (diversion shared with South Side Ditch)

Acreage irrigated (227 acres) from diversion point No. 1:

Section 14-T1N-R8E	SW 1/4 SW 1/4	18 acres
	SE 1/4 SW 1/4	23 acres
Section 23-T1N-R8E	NE 1/4 NW 1/4	18 acres
	SE 1/4 NW 1/4	15 acres
	NE 1/4 SW 1/4	28 acres
Section 24-T1N-R8E	NW 1/4 NW 1/4	24 acres
	SW 1/4 NW 1/4	37 acres
	NW 1/4 SW 1/4	34 acres
	SW 1/4 SW 1/4	12 acres
	NE 1/4 SW 1/4	9 acres
	SE 1/4 SW 1/4	9 acres

(continued)

Diversion point No. 2 is located in the SW1/4 Section 8-T1N-R8E (water carried by Rapid Valley Water Company-Murphy Ditch)

Acreage irrigated (119 acres) from diversion point No. 2:

** 28 acres of the following 56 acres are authorized for irrigation by this vested water right. The balance of the acres are authorized for irrigation by vested water right No. 1727-2, Rapid Valley Water Company*

Section 24-T1N-R8E	NE 1/4 NE 1/4	*	31 acres
	SE 1/4 NE 1/4	*	25 acres

*** 38 acres of the following 142 acres are authorized for irrigation by this vested water right. The balance of the acres are authorized for irrigation by vested water right No. 1727-2, Rapid Valley Water Company*

Section 24-T1N-R8E	NE 1/4 NW 1/4	**	36 acres
	SE 1/4 NW 1/4	**	40 acres
	NW 1/4 NE 1/4	**	32 acres
	SW 1/4 NE 1/4	**	34 acres

Section 19-T1N-R9E	Lot 3 (NW 1/4 SW 1/4)	29 acres
	Lot 4 (SW 1/4 SW 1/4)	21 acres

Section 30-T1N-R9E	Lot 1 (NW 1/4 NW 1/4)	3 acres
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for a total of 346 acres.

(3) Pursuant to Section 46-5-30.1 Little Giant Ditch Company, c/o Wayne Anderson, 7900 Morris Lane, Rapid City SD 57701 the holder and/or owner of Incorporated Vested Water Right No. 2383-2 is issued a license to appropriate 6.27 cubic feet of water per second from Rapid Creek with a priority date of June 14, 1878 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Incorporated Vested Water Right No. 2383-2 and subject to South Dakota State Law.


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

FEB 19 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 2008

John A MacPherson
MacPherson Law Offices LLC
PO Box 999
Rawlins WY 82301-0999

RE: Location Notice No. 311-2A, Vested Water Right No. 1979-2, Water Permit Nos. 2383-2
and 2440-2

Dear Mr. MacPherson:

Thank you for your call concerning the changes needed for the above listed files.

Enclosed, as we discussed, are partially completed Notice of Transfer of Ownership forms for making the changes. Please review the forms and make any necessary corrections. The forms will need to be submitted along with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

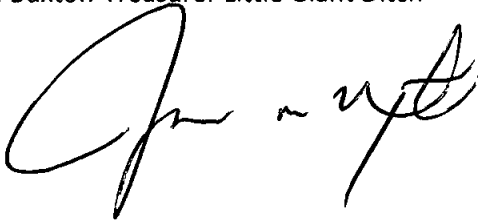
No 2383-2
RECEIVED
NOV - 9 2015
**WATER RIGHTS
PROGRAM**

11/03/15

To whom it may concern,

Upon notification from Brian Dail that he had ownership of property served by the Little Giant Ditch he has submitted payments for an assessment of 115 acres. The Little Giant Ditch has received no notification at any time of any change of status regarding Brian's ownership of land and/or water rights.

Jon Buxton-Treasurer Little Giant Ditch

A handwritten signature in black ink, appearing to read 'Jon Buxton', written in a cursive style.

**Report for Reissuing of Vested Right License No. 2383-2
Little Giant Ditch
December 1, 2015**

Vested Water Right License No. 2383-2 which incorporates No. 653-2 needs to be reissued. The original validated acres were reduced without giving the vested water right holder, Little Giant Ditch Company, due process to the reduction in the number of acres. The claim for Vested Water Right No. 653-2 originally was filed in 1960 with a diversion rate of 8.0 cfs for the irrigation of 650 acres.

The Water Management Board validated the claim on December 2, 1992. A second vested water right claim, No. 2383-3, was filed in 1997 and was validated by the Water Management Board on July 9, 1997 for an additional 66 acres and an additional diversion point. The total validated acres for the two vested water rights was 716 acres. Below is a list of the validated acres and the locations of the associated diversion points.

Irrigation use covered by Vested Water Right No. 653-2 from the Rapid Creek diversion point located in the SE ¼ NW ¼ of Section 15 T1N-R8E (Little Giant/South Side Ditch joint diversion point):

Land Located in T1N-R8E

Section 14	SW ¼ SW ¼	37 ac	SE ¼ SW ¼	23 ac
Section 23	NW ¼ NW ¼	10 ac	NE ¼ NW ¼	32 ac
	NW ¼ NE ¼	40 ac	NE ¼ NE ¼	39 ac
	SW ¼ NE ¼	40 ac	SE ¼ NE ¼	39 ac
	SE ¼ NW ¼	15 ac	NW ¼ SW ¼	8 ac
	NE ¼ SW ¼	28 ac	NW ¼ SE ¼	35 ac
	NE ¼ SE ¼	28 ac	SW ¼ SE ¼	8 ac
	SE ¼ SE ¼	2 ac		
Section 24	NW ¼ NW ¼	24 ac	SW ¼ NW ¼	37 ac
	NW ¼ SW ¼	34 ac	SW ¼ SW ¼	12 ac
	NE ¼ SW ¼	23 ac	SE ¼ SW ¼	9 ac
	NE ¼ SE ¼	12 ac	NE ¼ SE ¼	34 ac
	SE ¼ SE ¼	28 ac		

Irrigation from the Rapid Creek diversion point located in the SW ¼ of Section 8 T1N-R8E (Rapid Valley Water Company):

Land Located in T1N-R9E

Section 19	Lot 3 (NW ¼ SW ¼)	29 ac	Lot 4 (SW ¼ SW ¼)	21 ac
Section 30	Lot 1 (NW ¼ NW ¼)	3 ac		

The total number of acres validated was 650 acres.

Irrigation use covered by Vested Right No. 2383-2 with a diversion point located in the SW ¼ of Section 8 T1N-R8E (Rapid Valley Water Company).

Land Located in T1N-R8E

Section 24	*NE ¼ NW ¼	36 ac	*SE ¼ NW ¼	40 ac
	*NW ¼ NE ¼	32 ac	*SW ¼ NE ¼	34 ac

*(38 ac of 142 ac - The remainder of the acres irrigated are authorized by VR No. 1727-2, Rapid Valley Water Company)

**NE ¼ NE ¼	31 ac	**SE ¼ NE ¼	25 ac
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The total number of acres validated was 66 acres.

**(28 ac of 56 ac - The remainder of the acres irrigated are authorized by VR No. 1727-2, Rapid Valley Water Company)

There have been three transfers from the Little Giant Ditch Company vested water rights to municipal and rural water system use. The first transfer was Water Right No. 1101-2 reducing Vested Water Right by 1.73 cfs and 139 acres. The second transfer was No. 2399-2 reducing vested right by 0.44 cfs and 27.3 acres. The third transfer was No. 2468-2 reducing vested right by 0.57 cfs and 34.8 acres.

Reissue of Vested Right No. 2383-2

Vested Water Right No. 2383-2 should be reissued for 5.26 cfs for 514.9 acres. The location of the remaining acres and their associated diversion point are as follows:

Irrigation use covered by Vested Water Right No. 653-2 from the Rapid Creek diversion point located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15 T1N-R8E (Little Giant/South Side Ditch joint diversion point):

Land Located in T1N-R8E

Section 23	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32 ac
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 ac
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15 ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 ac
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8 ac
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2 ac		
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24 ac	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37 ac
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$	9 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	28 ac		

Irrigation from the Rapid Creek diversion point located in the SW $\frac{1}{4}$ of Section 8 T1N-R8E (Rapid Valley Water Company diversion point):

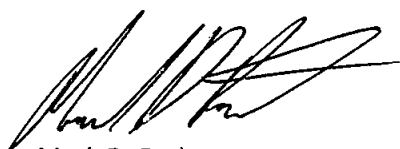
Land Located in T1N-R9E

Section 19	Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	15.2 ac
Section 30	Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)	3 ac

Land Located in T1N-R8E

Section 24	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.7 ac		
Section 24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	* 36 ac	SE $\frac{1}{4}$ NW $\frac{1}{4}$	* 40 ac
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	* 32 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	* 34 ac

*(38 ac of 142 ac - The remainder of the acres irrigated are authorized by VR No. 1727-2, Rapid Valley Water Company)



Mark D. Rath
Natural Resources Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

2383-2

DEC 03 2015

Wayne Anderson, President
Little Giant Ditch Company
7900 Morris Lane
Rapid City SD 57701

Dear Mr. Anderson:

Enclosed is Reissued Vested Right Water License No. 2383-2.

A review found the original validated acres were reduced in the 1998 license without giving the vested water right holder, Little Giant Ditch Company, due process with respect to the reduction in the number of acres authorized.

The reissued license takes into account the acreage omitted from the original license and the three transfers of portions of the vested right to municipal and rural water system use.

As long as the ditch company uses the water beneficially as stated in the Water License, State Water Laws provide a continuing right to the use of the water.

Sincerely,

Jeanne Goodman
Chief Engineer
Water Rights Program
605 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 2383-2

(1) Little Giant Ditch Company was issued Vested Right Water License No. 2383-2, February 19, 1998 for a right to divert 6.27 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for irrigation of 346 acres. Vested Right No. 2383-2 was validated July 9, 1997 for irrigation of 66 acres omitted from Vested Water Right No. 653-2. Upon licensing, the applicable portions of Vested Water Right No. 653-2 were incorporated into No. 2383-2 retaining a priority date of June 14, 1878.

The claim for Vested Water Right No. 653-2 was originally filed in 1960 and validated by the Water Management Board on December 2, 1992 for a diversion rate of 8.00 cfs for irrigation of 650 acres. A second vested water right claim, No. 2383-3, was filed in 1997 and was validated by the Water Management Board on July 9, 1997 for an additional 66 acres and an additional diversion point. The total validated acres for the two vested water rights were 716 acres.

A review found the original validated acres were reduced in the 1998 license without giving the vested water right holder, Little Giant Ditch Company, due process with respect to the reduction in the number of acres authorized.

There have been three transfers from the Little Giant Ditch Company vested water rights to municipal and rural water system use. The first transfer was Water Right No. 1101-2 reducing the vested right by 1.73 cfs and 139 acres. The second transfer was No. 2399-2 reducing the vested right by 0.44 cfs and 27.3 acres. The third transfer was No. 2468-2 reducing vested right by 0.57 cfs and 34.8 acres.

Based on the review of the original validations and the transfers to municipal and rural water system use, Vested Water Right No. 2383-2 is being reissued for 5.26 cfs for 514.9 acres retaining a priority date of June 14, 1878.

(2) Little Giant Ditch Company is entitled to divert 5.26 cubic feet of water per second for beneficial use. The location of the remaining acres and their associated diversion points are as follows:

Irrigation from the Rapid Creek diversion point located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15 T1N-R8E (Little Giant/South Side Ditch joint diversion point):

Land located in T1N-R8E:

Section 23	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32 ac
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 ac
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15 ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 ac
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8 ac
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2 ac		
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24 ac	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37 ac
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$	9 ac
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 ac
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	28 ac		

continued

Vested Right Water License No. 2383-2

Irrigation from the Rapid Creek diversion point located in the SW $\frac{1}{4}$ of Section 8 T1N-R8E
(Rapid Valley Water Company diversion point):

Land located in T1N-R9E:

Section 19 Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) 15.2 ac

Section 30 Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 3 ac

Land located in T1N-R8E:

Section 24 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ac

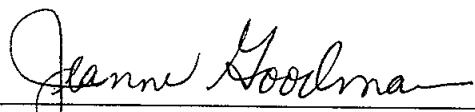
Section 24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	* 36 ac	SE $\frac{1}{4}$ NW $\frac{1}{4}$	* 40 ac
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	* 32 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	* 34 ac

* (38 ac of 142 ac – the remainder of the acres irrigated are authorized by Vested Right No. 1727-2, Rapid Valley Water Company)

The total acreage authorized is 514.9 acres

(3) Pursuant to South Dakota Water Law 46-5-30.1 Little Giant Ditch Company %Wayne Anderson, 7900 Morris Lane, Rapid City SD 57701 the holder and/or owner of Vested Water Right No. 2383-2 is issued a license to appropriate water, the right to use 5.26 cubic feet of water per second from Rapid Creek with a priority date of June 14, 1878 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Vested Water Right No. 2383-2 and subject South Dakota State Law.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 03 2015

date

