

WATER PERMIT NO. 2487-2

Name of Applicant: David D Snyder

Address: 2100 Sedivy Lane, Rapid City SD 57703

Phone: 605 388-8873

Amount of Water Claimed: 0.54 cfs (add'l)

Total Acres: 17

Source of Water Supply: Rapid Creek

Water to be used for: irrigation

County: Pennington

Type of Waste Disposal System:

Location: just east of Rapid City

PRIORITY

Date Received: 8-14-2002

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: April 15 – October 31

Remarks: increases the diversion rate authorized by 1576B-2 from 0.24 cfs to 0.78 cfs

Diversion Point: NW ¼ NE ¼ Sec 8-T1N-R8E

Land to be Irrigated: NW ¼ NE ¼

Sec 8-T1N-R8E

Depth of Well: NA

Well Driller: : NA

Remarks:

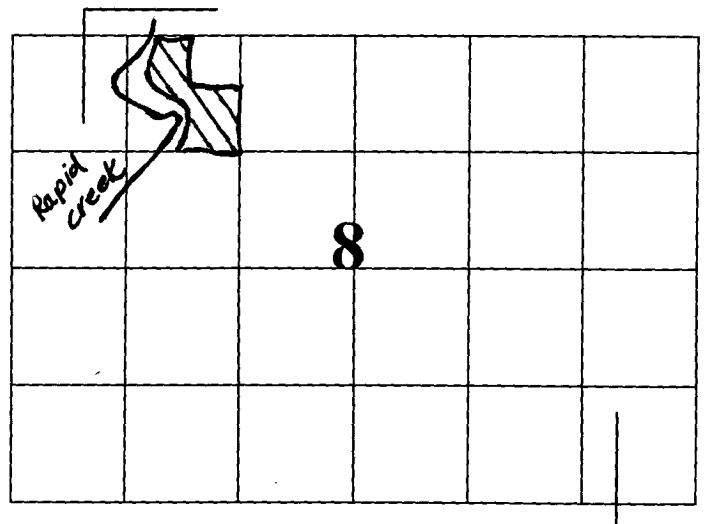
Type of Map: plat

Prepared by: Robert H Dominicak, PE

Reviewed and the Number Assigned on: 8-14-02

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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	No. <u>2487-2</u> (office use only) Hydrologic Unit <u>10/20/10</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal, Rapid City</u>

RECEIVED
AUG 14 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 1576B-2
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
I need to increase the diversion rate so I can install a new set-line sprinkler system

- Name of Applicant DAVID D. SNYDER Phone 605-388-8873
(check one) ☐ Owner ☒ Tenant/lessee
- Mailing Address 2100 Seditry Lane State S.D. 57703
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 54 *CFS or 54 **GPM 0 ***AF Total Acreage No additional
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply RAPID Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
See water right # 1576B-2 NW1/4 NE1/4 Sec 8-T1N-R8E
County PENNINGTON
- County or counties where water will be used PENNINGTON
- Annual period during which water is to be used April 15th through October 31st
- 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
See Permit 1576B-2			
NW1/4 NE1/4 Sec 8-T1N-R8E	17 AC		

8. Give a description of the project. (Attach sheet if more space is needed)
A sod farm will be developed on this land. The irrigation system will require 350 gpm for no more than 5 hours a day.
This project would not require more water than is appropriated but it will require an increased diversion rate.

STATE OF SOUTH DAKOTA) SS
County of PENNINGTON

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)

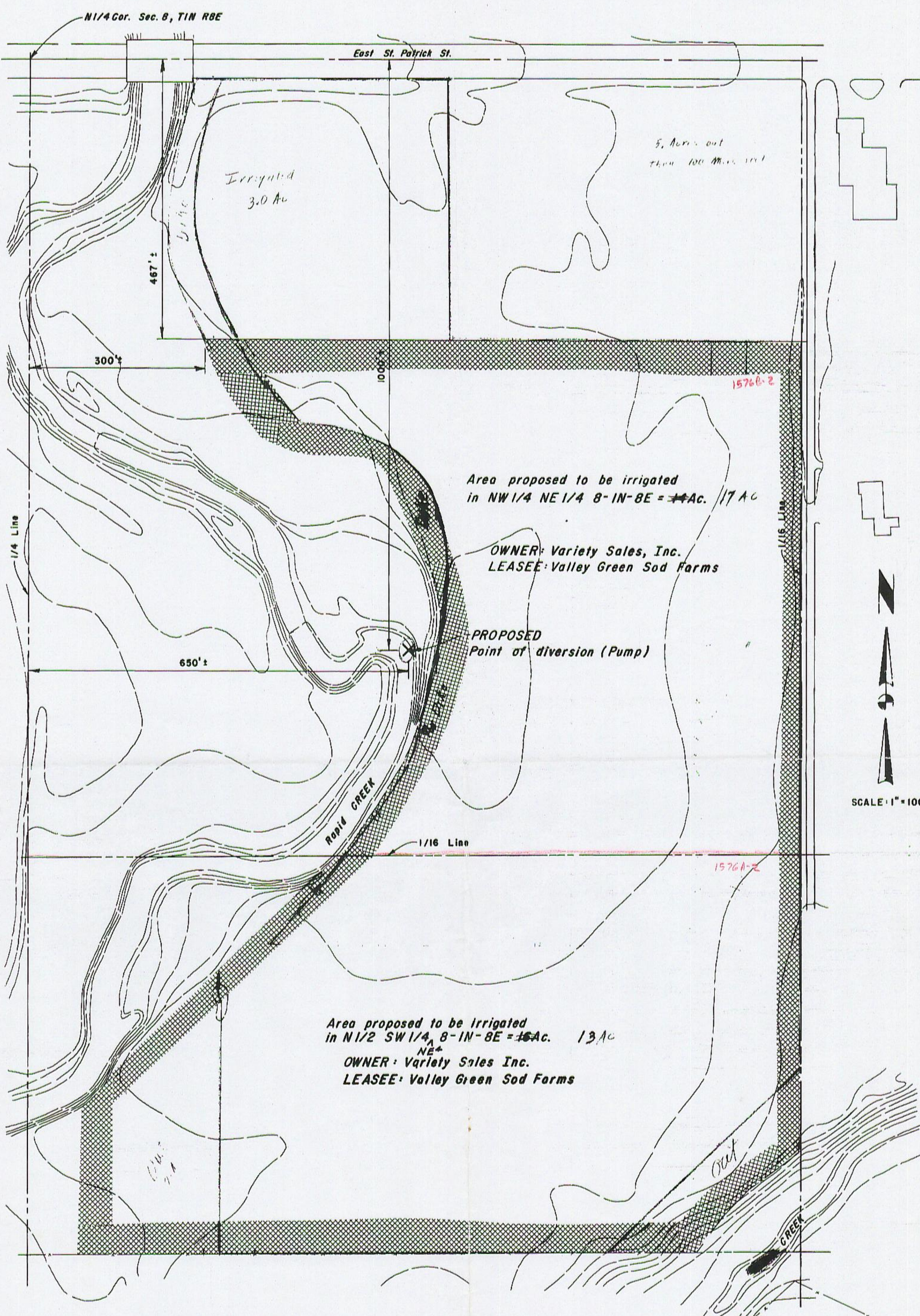
I, DAVID D. SNYDER, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature David D. Snyder

Subscribed and sworn to before me this 13th day of August 20 02

Joanne Kopp

My Commission Expires:
June 30, 2008



SURVEYOR'S CERTIFICATE

I, Robert H. Dominick, a Registered Professional Engineer and Land Surveyor within the State of South Dakota, do hereby certify that I have, at the request of Valley Green Sod Farms, prepared the above map showing land proposed to be irrigated within the NW 1/4 NE 1/4 and the N 1/2 SW 1/4 NE 1/4 of Section 8, Township 1 North, Range 8 East, Black Hills Meridian, and have located the proposed point of diversion as shown thereon.

In Witness Whereof, I have hereunto set my hand and seal this 1st day of April, 1977.

Robert H. Dominick

PROPOSED IRRIGATION
AREA AND DIVERSION
NW 1/4 NE 1/4 8 SW 1/4 NE 1/4
SECTION 8, T1N R8E BHM
VALLEY GREEN SOD FARMS
RAPID CITY, SOUTH DAKOTA

SOUTH DAKOTA
WATER PERMIT NO. 2487-2 FOR IRRIGATION

Date of first receipt of application August 14, 2002.

The Water Management Board approved Water Permit No. 2487-2 on March 5, 2003 for David D Snyder, 2100 Sedivy Lane, Rapid City SD 57703 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. 2487-2 appropriates an additional 0.54 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1576B-2. Water Permit No. 1576B-2 held by Open Bible Christian Center appropriates 0.24 cfs from Rapid Creek located in the NW ¼ NE ¼ Section 8 to irrigate 17 acres located in the NW ¼ NE ¼ Section 8; all in T1N-R8E. This permit increases the water appropriation from 0.24 cfs (108 gallons per minute) to 0.78 cfs (350 gallons per minute) with no increase in the number of acres irrigated.
2. The amount of the appropriation may not exceed 3 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 15–October 31.
3. The date from which applicant may claim right is August 14, 2002 (for the additional 0.54 cfs appropriation).
4. One-fifth of the construction is to be completed on or before September 5, 2005.
5. All construction is to be completed on or before March 5, 2008.
6. Water is to be put to beneficial use on or before March 5, 2012.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

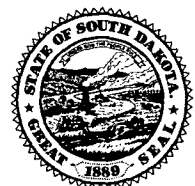
1. Permit No. 2487-2 authorizes diversion of stored water available under the Rapid Valley Water Conservancy District's contract from Deerfield Reservoir. This Permit authorizes diversion of natural flow water, if available on a priority basis.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate and volume of water if the method of irrigation, time constraints or type of soil so requires, Water Right No. 1576B-2 and Water Permit No. 2487-2, combined, authorizes a maximum diversion rate applied to the land of 0.78 cfs for irrigation of 17 acres with an annual volume not to exceed 3 acre feet of water per acre per year. Irrigation is limited to 6 hours per 24 hour day.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 31 2003

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 417289

Pierre, August 14, 2002

RECEIVED OF Valley Green Inc., 2100 Sedivy Lane, Rapid City SD 57703

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

Fee for Application for Permit No. 2487-2 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. 2487-2 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

200 00

By

David S. Ebel
Chief Engineer

gm

REPORT ON WATER PERMIT APPLICATION NO. 2487-2

David D. Snyder
September 20, 2002

Application No. 2487-2, David D. Snyder, proposes to appropriate an additional 0.54 cubic feet of water per second from Rapid Creek by increasing the diversion rate authorized by Water Right No. 1576B-2. Water Right No. 1576B-2, held by Open Bible Christian Center, appropriates 0.24 cfs from Rapid Creek located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 T1N-R8E. The water is to be used for irrigation of 17 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 T1N-R8E. The irrigation project is located on the east edge of Rapid City in Pennington County.

Review of the Proposed Project

The applicant leases land owned by Open Bible Christian Center, the holder of Water Right No. 1576B-2. The applicant proposes to increase the diversion rate from Rapid Creek to irrigate 17 acres for sod production. The irrigation for these acres is currently authorized by Water Right No. 1576B-2 with a diversion rate of 0.24 cfs (108 gallons per minute). This application would increase the authorized diversion rate by 0.54 cfs to 0.78 cfs (350 gpm). This diversion rate is in excess of one cfs for each 70 acres. SDCL 46-5-6 may allow for an increase in diversion rate if the method of irrigation, time constraints on diversion of water, or type of soil so requires. The applicant intends to irrigate a sod farm with a system requiring a diversion rate of 0.78 cfs but will limit irrigation time to a maximum of 6 hours per day.

Review of Existing Water Rights

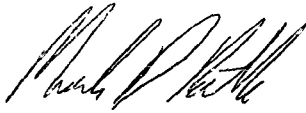
Appropriations of water from Rapid Creek exceed water availability except during extremely wet conditions. There are a total of 88 existing water rights/permits appropriating 265.22 cfs from Rapid Creek from its headwater to its confluence with the Cheyenne River. The Water Management Board has been granting new water rights from Rapid Creek only when stored project water from Deerfield Reservoir is available to the irrigator.

The Bureau of Reclamation stores water in Deerfield Reservoir and releases it for irrigation use in the Rapid Valley by members of the Rapid Valley Water Conservancy District. For land to be eligible to be irrigated using this project water, the land must be included within the irrigation district. A review of the 1989 Revised Map of Rapid Valley Water Conservancy District indicates these acres are included in the district and are eligible to receive project water.

Conclusions

1. This application proposes to appropriate an additional 0.54 cubic feet of water per second from Rapid Creek by increasing the diversion rate authorized by Water Right No. 1576B-2.
2. This application would increase the authorized diversion rate 0.24 cfs to 0.78 cfs.
3. The diversion rate of 0.78 cfs is in excess of one cfs for each 70 acres.

4. SDCL 46-5-6 may allow for an increase in diversion rate if the method of irrigation, time constraints on diversion of water, or type of soil so requires. The applicant intends to irrigate a sod farm with a system requiring a diversion rate of 0.78 cfs but with a limit in irrigation time of 6 hours per day.
5. A review of the 1989 Revised Map of Rapid Valley Water Conservancy District indicates these acres are included in the district and are eligible to receive project water released from Deerfield Reservoir.

A handwritten signature in black ink, appearing to read 'Mark D. Rath', with a stylized, cursive script.

Mark D. Rath
Natural Resources Engineering Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2487-2, David D. Snyder**

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. 2487-2, David Snyder, 2100 Sedivy Lane, Rapid City SD 57703.

The Chief Engineer is recommending APPROVAL of Application No. 2487-2 because 1) contract water from the Bureau of Reclamation is available, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Permit No. 2487-2 authorizes diversion of stored water available under the Rapid Valley Water Conservancy District's contract from Deerfield Reservoir. This Permit authorizes diversion of natural flow water, if available on a priority basis.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate and volume of water if the method of irrigation, time constraints or type of soil so requires, Water Right No. 1576B-2 and Water Permit No. 2487-2, combined, authorizes a maximum diversion rate applied to the land of 0.78 cfs for irrigation of 17 acres with an annual volume not to exceed 3 acre feet of water per acre per year. Irrigation is limited to 6 hours per 24 hour day.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbe, Chief Engineer
September 26, 2002

L1238873

**NOTICE OF
APPLICATION NO. 2487-2
TO APPROPRIATE WATER**

Notice is given that David Snyder, 2100 Sedivy Lane, Rapid City, SD 57709, has filed an application for a water permit to appropriate an additional 0.54 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1576B-2. Water Permit No. 1576B-2 held by Open Bible Christian Center appropriates 0.24 cfs from Rapid Creek located in the NW¼ NE¼ Section 8 to irrigate 17 acres located in the NW¼ NE¼ Section 8; all in the IN-RBE. This application proposes to increase the water appropriation from 0.24 cfs (108 gallons per minute) to 0.78 cfs (380 gallons per minute) with no increase in the number of acres irrigated. This diversion rate is in excess of one cfs for each 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires. The applicant states a sod farm will be operated on this land. The irrigation system will require 0.78 cfs and operate for no more than 6 hours a day.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2487-2 because 1) contract water from the Bureau of Reclamation is available, 2) existing rights will not be unlawfully impaired, 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 contesting 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 November 22, 2002.

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 the Mathews Training Center, Foss Building, 523 E. Capitol, Pierre, South Dakota, at 10:00 a.m. December 4, 2002. 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. The December 4, 2002 hearing date will be by South Dakota REE, BHM, Pennington County Subdivision and Lot H-L, TN, less part of Lot 1 of Block 3 on Lot 3 in the Pennington County Zoning Ordinance with Section 204 of the Pennington District in accordance residence in a Limited Agricultural Permit to allow a conditional use. Heavy Clemmons has applied for a Conditional Use Ordinance as follows:

The Pennington County Zoning Ordinance under the provisions of Planning Board of Commissioners to the Pennington County has approved the following petitioners has approved is hereby given that

**BOARD OF COMMISSIONERS
THE PENNINGTON COUNTY
NOTICE OF HEARING BEFORE**

L1238872 OCT. 11

Instruction to Newspaper - Publish first Notice on October 4, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING ON APPLICATION NO. 2487-2 to Appropriate Water

Notice is given that David D Snyder, 2100 Sedivy Lane, Rapid City SD 57703 has filed an application for a water permit to appropriate an additional 0.54 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1576B-2. Water Permit No. 1576B-2 held by Open Bible Christian Center appropriates 0.24 cfs from Rapid Creek located in the NW ¼ NE ¼ Section 8 to irrigate 17 acres located in the NW ¼ NE ¼ Section 8; all in the 1N-R8E. This application proposes to increase the water appropriation from 0.24 cfs (108 gallons per minute) to 0.78 cfs (350 gallons per minute) with no increase in the number of acres irrigated. This diversion rate is in excess of one cfs for each 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires. The applicant states a sod farm will be operated on this land. The irrigation system will require 0.78 cfs and operate for no more than 6 hours a day.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2487-2 because 1) contract water from the Bureau of Reclamation is available, 2) existing rights will not be unlawfully impaired, 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 November 22, 2002. 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 The Mathews Training Center, Foss Building, 523 E. Capitol, Pierre SD at 10:00 A.M. December 4, 2002. 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. The December 4, 2002 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 November 22, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 22, 2002, 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-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

September 27, 2002

David D. Snyder
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

Water Permit Application No. 2487-2 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). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 27, 2002

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2487-2 to Appropriate Water to be published twice. Please publish the first notice on October 4, 2002 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 David D. Snyder, 2100 Sedivy Lane, Rapid City, SD 57703 (Ph # 605-388-8873).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2487-2

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

Date _____

We are in receipt of your letter of September 27, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 2487-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

Daniel Bjerke, Public Works Director
City of Rapid City
300 6th Street
Rapid City SD 57701-2724

Dear Mr. Bjerke:

I am writing regarding Water Right Permit Application No. 2487-2 filed by David Snyder. This application seeks to increase the diversion rate from Rapid Creek. Water Right No. 1576B-2 held by Open Bible Christian Center currently appropriates water from Rapid Creek to irrigate 17 acres. Mr. Snyder will operate a sod farm on this property.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on October 4 and 11, 2002. If the city desires to participate in the December 4th Water Management Board hearing on this application, a petition to intervene must be filed by November 22, 2002 as set forth in the notice of hearing.

If you have any questions, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

Leslie Potts, Pastor
Open Bible Christian Center
2225 E. St. Patrick
Rapid City SD 57703

Dear Pastor Potts:

I am writing regarding Water Right Permit Application No. 2487-2 filed by David Snyder. This application seeks to increase the diversion rate from Rapid Creek. Water Right No. 1576B-2 held by Open Bible Christian Center currently appropriates water from Rapid Creek to irrigate 17 acres. Mr. Snyder will operate a sod farm on this property.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on October 4 and 11, 2002. If Open Bible desires to participate in the December 4th Water Management Board hearing on this application, a petition to intervene must be filed by November 22, 2002 as set forth in the notice of hearing.

This information is being sent to you because Open Bible Christian Center is the owner of the property. If you have any questions, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

Curt Anderson
Bureau of Reclamation
515 9th Street, Suite 101
Rapid City, SD 57701-2695

Dear Mr. Anderson:

I am writing regarding Water Right Permit Application No. 2487-2 filed by David Snyder. This application seeks to increase the diversion rate from Rapid Creek. Water Right No. 1576B-2 held by Open Bible Christian Center currently appropriates water from Rapid Creek to irrigate 17 acres. Mr. Snyder will operate a sod farm on this property.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on October 4 and 11, 2002. If the Bureau desires to participate in the December 4th Water Management Board hearing on this application, a petition to intervene must be filed by November 22, 2002 as set forth in the notice of hearing.

If you have any questions, please contact Mark Rath at (605) 773-3352.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

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

Dear Mr. Hammerquist:

I am writing regarding Water Right Permit Application No. 2487-2 filed by David Snyder. This application seeks to increase the diversion rate from Rapid Creek. Water Right No. 1576B-2 held by Open Bible Christian Center currently appropriates water from Rapid Creek to irrigate 17 acres. Mr. Snyder will operate a sod farm on this property.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on October 4 and 11, 2002. If the District desires to participate in the December 4th Water Management Board hearing on this application, a petition to intervene must be filed by November 22, 2002 as set forth in the notice of hearing.

If you have any questions, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2002

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

Dear Mr. Ham:

I am writing regarding Water Right Permit Application No. 2487-2 filed by David Snyder. This application seeks to increase the diversion rate from Rapid Creek. Water Right No. 1576B-2 held by Open Bible Christian Center currently appropriates water from Rapid Creek to irrigate 17 acres. Mr. Snyder will operate a sod farm on this property.

Enclosed is a copy of the recommendation, report and notice of hearing on this application. The notice is to be published in the Rapid City Journal on October 4 and 11, 2002. If you desire to participate in the December 4th Water Management Board hearing on this application, a petition to intervene must be filed by November 22, 2002 as set forth in the notice of hearing.

If you have any questions, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Bangs McCullen Law Firm

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

Reply to Rapid City Office

Rapid City

Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel F. Duffy
Jeffrey G. Hurd
John H. Raforth
Terry G. Westergaard
Steven R. Nolan
Gregory J. Erlandson
Rachel V. Jepsen
Tracey A. Fischer

Sioux Falls

Michael A. Hauck
John P. Mullen
Robert J. Hollan

Writer's e-mail address: gerland@bangsmccullen.com

November 7, 2002

RECEIVED
NOV 08 2002
WATER RIGHTS
PROGRAM

Mr. Garland Erbele
Chief Engineer, Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Mr. David D. Snyder
2100 Sedivy Lane
Rapid City, SD 57703

**RE: Rapid Valley Conservancy District
Petition in Opposition to Application No. 2487-2
to Appropriate Water**

Dear Gentlemen:

This letter serves as formal notice that the Rapid Valley Water Conservancy District (RVWCD) opposes the above-referenced water rights application which is scheduled to be considered by the Water Management Board at 10:00 a.m. on December 4, 2002, at The Mathews Training Center, Foss Building, 523 East Capitol in Pierre, South Dakota. RVWCD, pursuant to A.R.S.D. 74:02:01:12.02, through its undersigned attorney, respectfully requests it receives further notices and all other materials pertaining to any hearing upon which this permit or petition in objection thereto relates.

1. Interest in the Application

RVWCD is a Water User District organized pursuant to S.D.C.L. ch. 46A-9. RVWCD has approximately 70 members who purchase Rapid Creek irrigation water in Pennington County. Applicant seeks to increase his diversion rate from 0.24 cfs to 0.78 cfs to irrigate 17 acres for sod production on the eastern edge of Rapid City and within RVWCD's boundaries.

2. Reasons for Opposing the Application

a. General Policy Considerations

RVWCD submits that granting the permit will not benefit the public and is certainly not the best utilization of Rapid Creek water. Water resources should be developed for the "greatest public benefit." S.D.C.L. 46-1-2. Water conservation

Attorneys also admitted in
Nebraska, North Dakota,
Minnesota and Wyoming

Trust Building
818 St. Joseph Street
P.O. Box 2670
Rapid City, SD 57709-2670
605-343-1040
Fax: 605-343-1503

Security Bank Building
100 N. Phillips Ave.
Suite 610
P.O. Box 949
Sioux Falls, SD 57101-0949
605-339-6800
Fax: 605-339-6801

www.bangsmccullen.com

November 7, 2002

Page 2

should be "exercised with a view to the reasonable and beneficial use ... in the interest of the people and for the public welfare." S.D.C.L. 46-1-4. A water right does not "constitute absolute ownership" but shall "remain subject to the principle of beneficial use." S.D.C.L. 46-5-5. "Beneficial use" is defined as any "use of water ... that is reasonable and useful and beneficial to the appropriator, and at the same time is consistent with the interest of the public of this state in the best utilization of water supplies[.]" S.D.C.L. 46-1-6(3).

RVWCD concedes the proposed use would be beneficial to the applicant. The requested diversion rate increase may have, however, unpredictable and unfortunate consequences upon RVWCD members. RVWCD has, unfortunately, experienced similar difficulties with other users of Rapid Creek water resulting in a lack of water to its members.

b. Requested Appropriation does not meet Exceptions to Appropriation Limitations

South Dakota law provides limitations upon the amount of water that may be appropriated for irrigation purposes as contemplated under applicant's permit. Specifically, S.D.C.L. 46-5-6 provides in part:

In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cubic foot of water per second for each seventy acres, or the equivalent thereof, and the volume of water diverted for use may not exceed two acre-feet per acre, delivered on the land for a specified time each year. The Water Management Board may allow a greater diversion, in volume or rate or both, if the **method of irrigation, any time constraints on diversion of water, or the type of soil so requires**. However, no annual volume may be greater than three acre-feet per acre delivered to the land.

RVWCD acknowledges the Water Management Board has discretion to allow a greater diversion in certain circumstances. Chief Engineer Erbele recommends a "maximum diversion rate applied to the land of 0.78 cfs for irrigation of 17 acres with annual volume not to exceed 3 acre feet of water per acre per year." Mr. Erbele, however, does not specify which, if any, criteria from S.D.C.L. 46-5-6 provide justification for the departure.

RVWCD believes applicant is currently using a sprinkler system to be replaced with a new set-line sprinkler system. A sprinkler system such as proposed by applicant does not require an increased diversion rate to operate. Considering factor two, RVWCD knows of no time constraints which require departure from the standard diversion rate. With regard to factor three, soil requirements, RVWCD does not know what type of soil is present on applicant's land. Further, Mr. Erbele does not provide any information concerning the three criteria justifying departure.

c. Applicant's Proposed Use may Impair Existing Rights of RVWCD

RVWCD submits that approval of Mr. Snyder's permit exceeding the generally allowable flow rate may impair the rights of RVWCD members. RVWCD must constantly monitor and predict how much, if any, water must be purchased from the Bureau of Reclamation. Mr. Erbele, recommends approval of the application upon the condition that applicant limits diversion to six hours per day. Both junior and senior water rights holders are located above and below the area of applicant's intended use. RVWCD's ability to accurately measure its water needs should applicant's permit to exceed the appropriate diversion rate for six hours per day would be greatly diminished if the application is granted.

The Notice of Hearing on Application No. 2487-2, states that the Chief Engineer recommends approval of the request because, among other reasons, "contract water from the Bureau of Reclamation is available[.]" RVWCD anticipates it will not enter into a contract with the Bureau of Reclamation for the purchase of Pactola water. As such, it is important to note that RVWCD may be currently over-allocated on its water needs and may not have enough storage at Deerfield Reservoir to accommodate applicant's anticipated use.

Should the permit be granted, RVWCD would request the six hour irrigation period be strictly enforced so as to limit the harm to RVWCD members. If applicant's request is granted, RVWCD would respectfully request applicant be required to provide a monitoring plan for Water Board consideration and approval and RVWCD comment.

Conclusion

RVWCD respectfully requests the Board deny applicant's request. The question to the Board basically reduces itself to whether the Board wants to allow applicant to exceed the diversion rate as a matter of convenience at the expense of RVWCD. Applicant makes no claim that he will not be able to use his land as intended should his request be denied.

RVWCD would request to be heard and will be available to answer questions and concerns at the December 4th hearing on this application. Thank you in advance for your consideration and time.

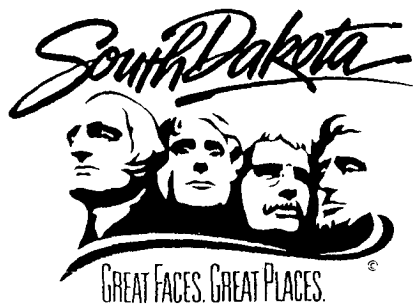
Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.



Gregory J. Erlandson

cc: Client



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2002

Gregory J. Erlandson
Bangs McCullen Law Firm
PO Box 2670
Rapid City SD 57709-2670

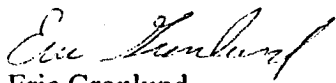
Dear Mr. Erlandson:

We have received the petition you filed on behalf of the Rapid Valley Water Conservancy District in opposition to Application No. 2487-2 (David Snyder). For your information, I am forwarding you a copy of the application, report and recommendation from the file.

The hearing before the Water Management Board is scheduled for 10:00 AM on December 4, 2002, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior agenda items. If there is a change in the hearing time, you will be notified.

Finally, I want to inform you that Diane Best, Assistant Attorney General, is the Water Right Program's counsel in this matter. The phone number for the Attorney General's office is (605) 773-3215.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

FIRST NATIONAL BANK BUILDING
909 ST. JOSEPH STREET
EIGHTH FLOOR
P.O. BOX 8250
RAPID CITY, SD 57709-8250
605-342-2592
FAX 605-342-5185

LAWYERS ALSO ADMITTED IN MINNESOTA AND IOWA
www.lynnjackson.com

Member of Lex Mundi

A Global Association of 125 Independent Law Firms

REPLY TO: Rapid City 605-342-2592

US BANK BUILDING
141 N. MAIN AVENUE
EIGHTH FLOOR
P.O. BOX 1920
SIOUX FALLS, SD 57101-3020
605-332-5999
FAX 605-332-4249

*From the offices of Catherine M. Sabers
e-mail address: csabers@lynnjackson.com*

December 4, 2002

RECEIVED
DEC 05 2002

WATER RIGHTS
PROGRAM

VIA FACSIMILE NO. 605-773-4068 & U.S. MAIL

Mr. Garland Erbele
Mr. Eric Gronlund
South Dakota Department of Environment & Natural Resources
Water Rights Program
Foss Building
523 East Capitol
Pierre, SD 57501

Re: Valley Green, Inc. (Rapid Valley Water Conservancy District)
Our File No. 010100-00004
Application No. 2487-2

Gentlemen:

I am forwarding by fax the Stipulation For Continuance Of Hearing On Application No. 2487-2, David D. Snyder signed by Mr. Erlandson and myself. I will be forwarding the original by mail to Mr. Guhin for his signature, as well as the signature of Ms. Best, under separate cover. I will ask that either Mr. Guhin or Ms. Best provide you with the original for the file and return copies to Mr. Erlandson and myself.

Mr. Garland Erbele
Mr. Eric Gronlund
December 4, 2002
Page 2

If you have any questions, please feel free to contact me.

Sincerely,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

A handwritten signature in cursive script, reading "Catherine M. Sabers", with a long horizontal flourish extending to the right.

Catherine M. Sabers

CMS:fjs

Enclosure

Enc/cc: Gregory J. Erlandson

cc: John Guhin
Diane Best

STIPULATION FOR CONTINUANCE OF HEARING
ON APPLICATION NO. 2487-2, DAVID D. SNYDER

RECEIVED
DEC 5 - 2002
WATER RIGHTS
PROGRAM

COMES NOW David D. Snyder, Applicant, by and through his undersigned attorney, Catherine M. Sabers, and Respondent Rapid Valley Water Conservancy District, by and through their undersigned attorney, Gregory J. Erlandson, and hereby stipulate that a continuance in this matter is necessary due to inclement weather conditions. Neither the Applicant nor the Respondent was able to travel to Pierre for the hearing on Mr. Snyder's application for an increased diversion rate. That application is dated August 13, 2002. The parties contacted Mr. Eric Gronlund of the Natural Resources Division and Mr. John Guhin, attorney for the State Water Board, prior to the scheduled hearing to notify the Board of their inability to attend. The parties have also spoken to Ms. Diane Best, staff attorney for the Division of Natural Resources. Neither Mr. Guhin nor Ms. Best had any objection to the continuance.

The parties hereby request that the Board or its appropriate representative set the hearing on Mr. Snyder's application for the soonest possible date and time. Applicant and Respondent would further stipulate to any type of expedited hearing that the State Water Management Board could accommodate.

Dated this 4th day of December 2002.

LYNN, JACKSON, SHULTZ &
LEBRUN, P.C.

BY: Catherine M. Sabers
Catherine M. Sabers
Attorneys for Applicant
P.O. Box 8250
Rapid City, SD 57709
605-342-2592

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.

BY: Gregory J. Erlandson
Gregory J. Erlandson
Attorneys for Respondent
P.O. Box 2670
Rapid City, SD 57709
605-343-1040

COPY

DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

STATE WATER MANAGEMENT
BOARD

BY: Diane Best

Diane Best
Attorney for DENR
Office of the Attorney General
500 East Capitol
Pierre SD 57501
605-773-4106

BY: _____

John P. Guhin
Attorney for Water Rights Program
Office of the Attorney General
500 East Capitol
Pierre SD 57501
605-773-773-4106

COPY

BEFORE THE

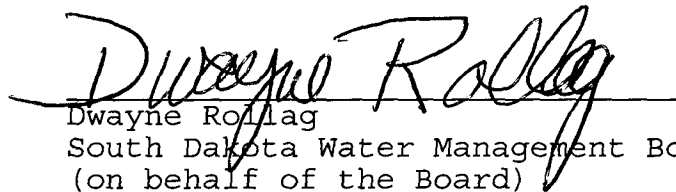
SOUTH DAKOTA WATER MANAGEMENT BOARD

IN RE WATER PERMIT	)	
APPLICATION NO. 2487-2,	)	APPOINTMENT OF
DAVID D. SNYDER	)	HEARING CHAIRMAN

The South Dakota Water management Board hereby appoints Rodney Freeman to act as Prehearing Chairman in the above-entitled contested case proceeding. This appointment includes the authority to set hearing for and act upon motions involving prehearing discovery, scheduling, briefing, continuances, or other prehearing matters. Further, this appointment includes the authority to make recommended rulings on substantive prehearing motions. The Board retains full authority to make final binding decisions with regard to substantive matters.

Dated this 21st day of December, 2002.

BY THE BOARD:


Dwayne Rollag
South Dakota Water Management Board
(on behalf of the Board)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

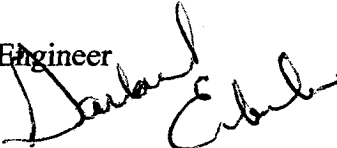
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 10, 2002

NOTICE

TO: Catherine M. Sabers
Lynn, Jackson, Shultz & Lebrun
PO Box 8250
Rapid City SD 57709

Gregory J. Erlandson
Bangs, McCullen, Butler, Foye & Simmons
PO Box 2670
Rapid City SD 57709

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Continuance of the March 13, 2002 Hearing on Water Right Permit Application No. 2487-2,
David Snyder

The December 4th hearing to consider Water Permit Application No. 2487-2 filed by David Snyder was postponed at the request of attorneys for the applicant and the petitioners. Parties stipulated that a continuance was necessary due to inclement weather conditions.

This application will be scheduled for the next meeting of the Water Management Board on March 5 and 6, 2003 in Pierre. Future notice will be provided of the time, date and location of the hearing before the Water Management Board.

Please contact Diane Best, Assistant Attorney General at (605) 773-3215 or Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General, 500 E. Capitol Ave., 57501-5070
David Snyder
Jerry Hammerquist
Keith Ham

CERTIFICATION

I hereby certify that on December 10, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 10, 2002, regarding continuance of the hearing for Water Right Permit Application No. 2487-2, David Snyder, addressed as stated below:

Catherine M. Sabers
Lynn, Jackson, Shultz & Lebrun
PO Box 8250
Rapid City SD 57709

Gregory J. Erlandson
Bangs, McCullen, Butler, Foye & Simmons
PO Box 2670
Rapid City SD 57709

David Snyder
2100 Sedivy Lane
Rapid City SD 57703

Jerry Hammerquist
PO Box 26
Caputa SD 57725

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

A copy of the above described Notice was sent Inter-office to:

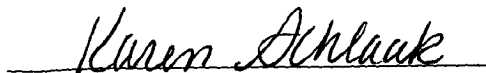
Diane Best, Assistant Attorney General, Capitol Building



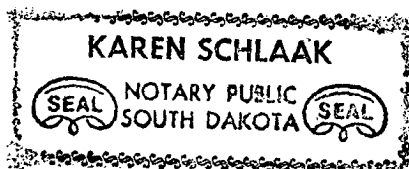
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of December, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2003

NOTICE

TO: Catherine M. Sabers
Lynn, Jackson, Shultz & Lebrun
PO Box 8250
Rapid City SD 57709

Gregory J. Erlandson
Bangs, McCullen, Butler, Foye & Simmons
PO Box 2670
Rapid City SD 57709

FROM: Garland Erbele, *Garland Erbele*
Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Water Right Permit Application No. 2487-2, David Snyder

Water Permit Application No. 2487-2 proposes to appropriate an additional 0.54 cubic feet of water per second from Rapid Creek by increasing the diversion rate authorized by Water Right No. 1576B-2. Water Right No. 1576B-2, held by Open Bible Christian Center, appropriates 0.24 cfs from Rapid Creek located in the NW ¼ NE ¼ of Section 8 T1N-R8E. The water is to be used for irrigation of 17 acres located in the NW ¼ NE ¼ of Section 8 T1N-R8E. The irrigation project is located on the east edge of Rapid City in Pennington County.

The December 4, 2002, hearing on the application was continued due to inclement weather conditions. The Water Management Board will now consider Application No. 2487-2 on March 5, 2003, at 9:00 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre SD. The hearing time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice published October 4 and 11, 2002, in the Rapid City Journal will still apply at the March 5th hearing before the Water Management Board. This hearing may be an adversarial proceeding. Any party of record has the right to be present and 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 State Supreme Court as provided by law.

Please contact Diane Best, Assistant Attorney General at (605) 773-3215 or Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General, 500 E. Capitol Ave., 57501-5070
David Snyder
Jerry Hammerquist
Keith Ham

CERTIFICATION

I hereby certify that on February 3, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 3, 2003, regarding scheduling of the hearing for Water Right Permit Application No. 2487-2, David Snyder, addressed as stated below:

Catherine M. Sabers
Lynn, Jackson, Shultz & Lebrun
PO Box 8250
Rapid City SD 57709

Gregory J. Erlandson
Bangs, McCullen, Butler, Foye & Simmons
PO Box 2670
Rapid City SD 57709

David Snyder
2100 Sedivy Lane
Rapid City SD 57703

Jerry Hammerquist
PO Box 26
Caputa SD 57725

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

A copy of the above described Notice was sent Inter-office to:

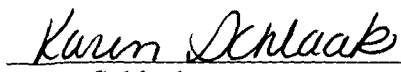
Diane Best, Assistant Attorney General, Capitol Building



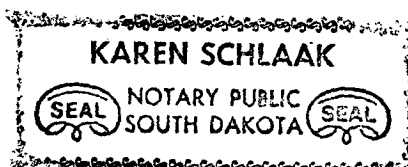
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of February, 2003.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Bangs McCullen Law Firm

Bangs, McCullen, Butler, Foye & Simmons, L.L.P.

Reply to Rapid City Office

Writer's e-mail address: gerland@bangsmccullen.com

Rapid City

Thomas H. Foye
Thomas E. Simmons
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey
Terry L. Hofer
Rod Schlauger
Daniel F. Duffy
Jeffrey G. Hurd
John H. Raforth
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Steven R. Nolan
Gregory J. Erlandson
Rachel V. Jepsen

Sioux Falls

Michael A. Hauck
John P. Mullen
Brian K. Kirby
Victoria M. Duehr

Attorneys also admitted in
Nebraska, North Dakota
and Minnesota

Trust Building
818 St. Joseph Street
P.O. Box 2670
Rapid City, SD 57709-2670
605-343-1040
Fax: 605-343-1503

Security Bank Building
100 N. Phillips Ave.
Suite 610
P.O. Box 949
Sioux Falls, SD 57101-0949
605-339-6800
Fax: 605-339-6801

www.bangsmccullen.com

RECEIVED
FEB 27 2003
WATER RIGHTS
PROGRAM

February 26, 2003

Mr. Garland Erbele
Chief Engineer, Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

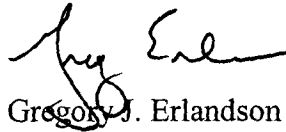
**RE: Rapid Valley Conservancy District
Petition in Opposition to Application No. 2487-2
to Appropriate Water**

Dear Gentlemen:

Please be advised that the Rapid Valley Water Conservancy District (RVWCD) hereby withdraws its petition in opposition to the above-referenced application. As a result, the RVWCD will not be present at the March hearing. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER,
FOYE & SIMMONS, L.L.P.



Gregory J. Erlandson

gje:lj

cc: Client
Catherine Sabers, Esq.
Diane Best, Esq.

AFTER FIVE DAYS RETURN TO

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS, L.L.P.

P.O. BOX 2670

Rapid City, South Dakota 57709-2670

|||||

Mr. Garland Erbele

Chief Engineer, Water Rights Program

Foss Building

523 E. Capitol

Pierre, SD 57501

5730143102 12

|||||



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 31 2003

David D Snyder
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

Enclosed is Water Permit No. 2487-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

2487-2

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11/11/2003

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

RECEIVED
NOV 13 2003
WATER RIGHTS
PROGRAM

FROM:

DAVID SNYDER
(name)

2100 Sedivy Lane
(address)

Rapid City, SD 57703
(city, state, zip)

605 388 8873
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

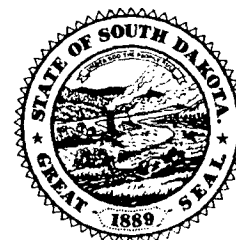
Water Permit No. 2487-2 states that the water use system is to be constructed by
3/5/2008, and water is to be put to beneficial use by 3/5/2012
(date) (date)

The water use system was completed on 9/5/2003
(date)

Applying the water to beneficial use was completed on 9/5/2003
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)



2100 Sedivy Lane

2487-2

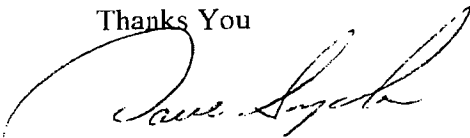
2100 Sedivy Lane
Rapid City, SD 57703
Ph 605-388-8873 Fax 605-343-8873
Email sodfarm@direcway.com

To Eric Gronlund

4/7/2005

I am asking for permission to water the field behind the Open Bible Christian Center where I am currently trying to harvest sod. The current conditions are very dry and which makes it difficult to produce a good saleable product. The field in question is for Water Permit Number 2487-2. I would appreciate your help if possible.

Thanks You



Dave Snyder



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2005

Dave Snyder
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

This letter is in response to your April 7, 2005 request for a variance to divert Rapid Creek water earlier than the April 15th date listed on Water Permit No. 2487-2. After checking the current natural flows in Rapid Creek, I have determined a variance may be granted allowing you to start diverting from the creek at this time.

This variance is for natural flows only and granting this variance is not intended to require the US Bureau of Reclamation to increase releases from the reservoirs. If natural flows in Rapid Creek decrease due to climatic conditions and impact domestic use, this variance will be rescinded.

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

Sincerely,

Eric Gronlund
Water Rights Program, DENR

**Permit No. 2487-2
Pennington County**

To: Chief Engineer, Water Rights Program, DENR Foss Bldg., Pierre, SD 57501

Other permit/license(s) associated with project: **1576-2 & 1576B-2**

Contact Person & Address: **David Snyder, 2100 Sedivy Lane, Rapid City, SD 57703**

Report of Examination of Works

On **July 18, 2005**, I made a thorough examination of the water use system constructed by the **Open Bible Christian Center, 2225 E. St. Patrick, Rapid City, SD** holder of Water License No. **1576B-2**, bearing the priority of **March 22, 1977**, authorizing the diversion of **0.24** cubic feet per second (cfs) of the waters of **Rapid Creek ONLY** through contract between the **Rapid Valley Conservancy District and Bureau of Reclamation** covering releases from **Deerfield and Pactola Reservoirs** for irrigation purposes, in **Pennington County** and **David Snyder**, lessee of the acreage irrigated.

Water Permit No. **2487-2** increased the appropriation by **0.54-cfs** for a total of **0.78-cfs** from **Rapid Creek** with no increase in irrigated acres. No. **2487-2** authorized the diversion of stored water under the **Rapid Valley Conservancy District's** contract from **Deerfield Reservoir** and natural flows if available on a priority basis. Irrigation under No. **2487-2** is limited to **6 hours per 24 hour day**.

The system is in the following condition: **Good**. The point of diversion is located in the **NW¼ NE¼ Section 8 T1N R8E 3264 feet East 1266 feet South of the NW corner of Section 8** with a longitude of **W103.179533** and a latitude of **N44.063877**. The works are capable of diverting and conveying to the place of use **0.78-cfs** of water for irrigation of **17-acres in the NW¼ NE¼ Section 8, all T1N R8E**.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by: **NA**
- 2) All structures, wells and lands on map: **Diversion location and acreage on map.**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **NA**
- 4) Exceptions to compliance are: **None**

Report on Specifics of the System

Pump\ Motor:

- | | |
|------------------------------------|------------------------------------|
| 1) Pump Make: Berkley | 2) Pump Model: B3TPM |
| 3) Capacity: 241 to 435 GPM | 4) Motor Make: NA |
| 5) Motor Model No.: NA | 6) Horsepower rating: 40 hp |

System Type:

Solid set sprinkler system

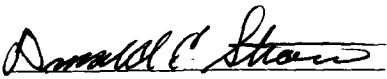
COMMENTS:

No. **2487-2** should be licensed for a total diversion of **0.78-cfs (350-gpm)** with following conditions:

0.24-cfs priority date of **March 22, 1977** subject to limitations and qualifications listed in No. **1576-2**.

0.54-cfs priority date of **August 14, 2002** subject to irrigation limited to **6 hours per 24 hour day**, annual volume not to exceed **3-acre feet per acre per year**.

No. **1576B-2** should be incorporated into No. **2487-2** and the license should be issued to the **Open Bible Christian Center**.


Donald E. Stroup

Natural Resources Project Engineer
DENR, Water Rights Program

8/8/05
Date



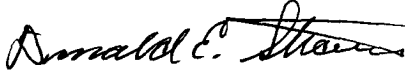
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2005

Internal Memorandum

TO: File 2487-2

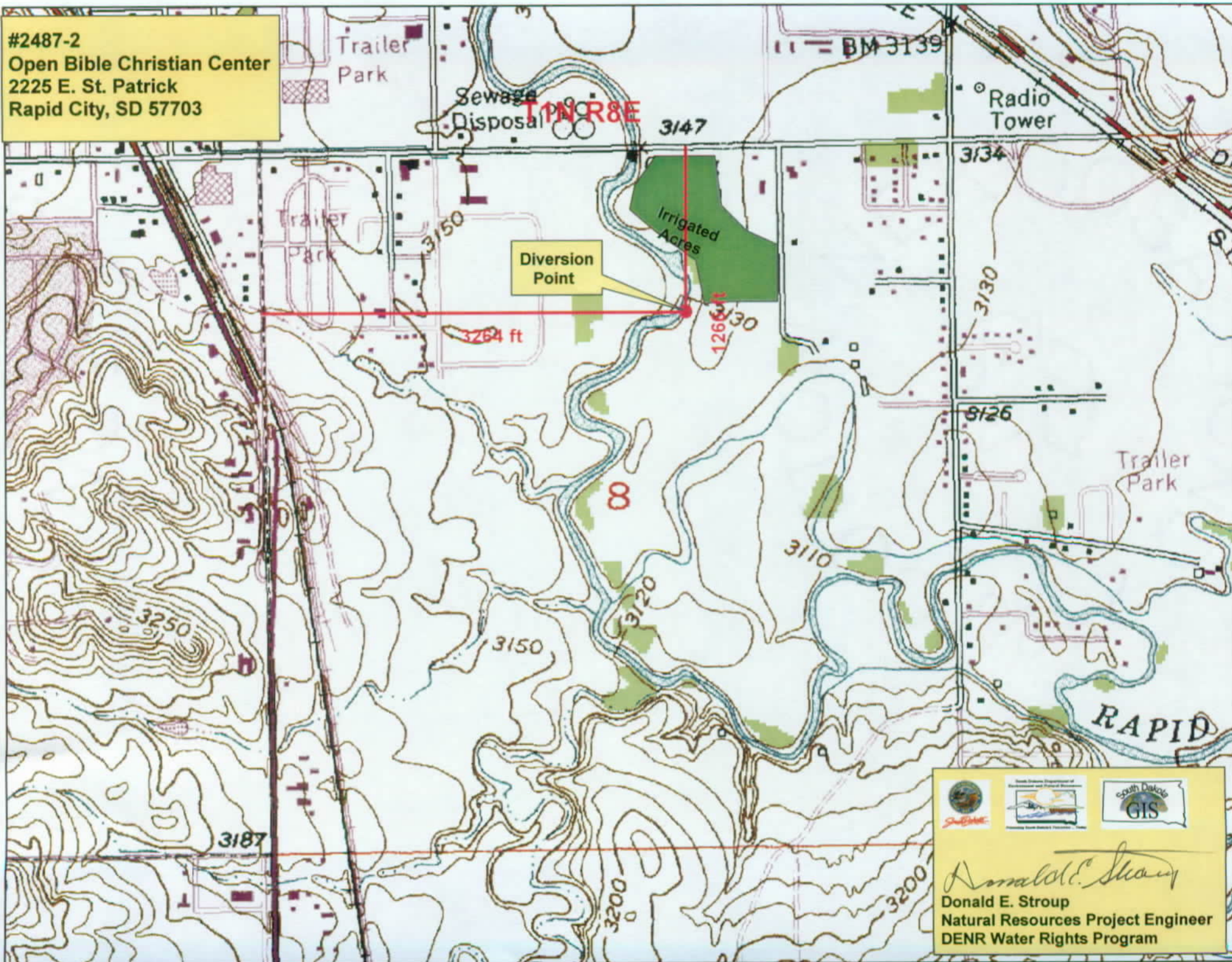
FROM: Donald E. Stroup 
Natural Resource Engineer
DENR Water Rights Program

SUBJECT: Incorporation of Water License # 1576B-2 into Water License # 2487-2

Water Permit # 2487-2 was issued in error to David Snyder who submitted the application for an increase in the diversion rate for WR # 1576B-2 held by Open Bible Christian Center. Open Bible Christian Center owns the land associated with #1576B-2 which they lease to David Snyder.

I spoke with David Snyder and Pastor Potts explaining that # 2487-2 was incorrectly issued and that when the license is issued it will be issued to the Center with # 1576B-2 incorporated. They both agreed that this is the way this should proceed.

#2487-2
Open Bible Christian Center
2225 E. St. Patrick
Rapid City, SD 57703



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2487-2**

(1) David D Snyder made Application No. 2487-2, August 14, 2002 for a water permit to divert and additional 0.54 cubic feet of water per second (cfs) from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Permit No. 2487-2, with a priority date of August 14, 2002 was approved March 5, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 5, 2008 and for the application to beneficial use of said water on or before March 5, 2012. *The permit holder submitted a "Notice Completion of Works" form indicating the project was completed and water placed to beneficial use in September, 2003.*

Water Right No. 1576B-2, held by Open Bible Christian Center, appropriates 0.24 cfs from Rapid Creek for irrigation of 17 acres. Water Permit No. 2487-2 authorized an increase in the water appropriation from 0.24 cfs to 0.78 cfs with no increase in the number of acres irrigated.

The applicable portions of Water Right No. 1576B-2 are incorporated into this Water License No. 2487-2. A priority date of March 22, 1977 is retained for 0.24 cfs (established by 1576B-2) and a priority date of August 14, 2002 is retained for 0.54 cfs (established by No. 2487-2). David Snyder filed Application No. 2487-2 as that of leaser of the property. The water license will be issued in the name of Open Bible Christian Center as owner of the property.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.78 cubic feet of water per second for beneficial use. The location of the diversion point is 3,264 feet east and 1,266 feet south of the NW corner of Section 8, T1N, R8E (NW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 17 acres in the NW ¼ NE ¼ Section 8, T1N, R8E.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Open Bible Christian Center, 2225 E St Patrick, Rapid City SD 57703 the holder and/or owner of Incorporated Water Right No. 2487-2 is issued a license to appropriate water, the right to use 0.78 cubic feet of water per second from Rapid Creek with priority dates of March 22, 1977 (0.24 cfs – stored water only) and August 14, 2002 (0.54 cfs – stored water and natural flows if available) for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2487-2 and subject to the following qualifications:

1. ***(0.24 cfs- priority date of March 22, 1977):*** Unappropriated water is available in Rapid Creek to reasonably satisfy this permit only through contract between the Rapid Valley Conservancy District and the Bureau of Reclamation covering releases from Deerfield Reservoir.

(0.54 cfs – priority date of August 14, 2002): Diversion of stored water is available under the Rapid Valley Water Conservancy District's contract with Deerfield Reservoir. This permit authorizes diversion of natural flow water, if available on a priority basis.

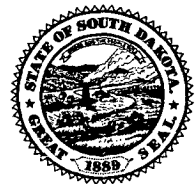
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate and volume of water if the method of irrigation, time constraints or type of soil so requires, Nos. 1576B-2 and 2487-2 combined, authorize a maximum diversion rate applied to the land of 0.78 cfs of irrigation of 17 acres with an annual volume not to exceed 3 acre feet of water per acre per year. Irrigation is limited to 6 hours per 24 hour day.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 18 2005

date





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AUG 18 2005

1576B-2
2487-2

Pastor Leslie Potts
Open Bible Christian Center
2225 E St Patrick
Rapid City SD 57703

David D Snyder
2100 Sedivy Ln
Rapid City SD 57703

Dear Pastor Potts and Mr. Snyder:

Enclosed is Water License No. 2487-2. The license incorporated the applicable portions of Water Right No. 1576B-2. Also enclosed is a map prepared by the staff engineer who conducted the field investigation.

Water License No. 2487-2 is the final document which completes the process of obtaining a water right. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
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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

**Valley Green Sod Farms
2100 Sedivy Lane
Rapid City, SD 57703**

FAX TRANSMITTAL

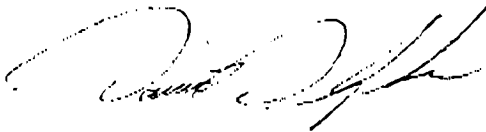
DATE:	3/25/2010		
TO:	Mark Rath - DENR	FROM:	«Dave Snyder Valley Green Sod Farms
FAX:	1-605-773-4068	FAX:	605-343-8873
TEL:		TEL:	605-388-8873 Office 605-390-9414 Cell
CC:		PAGES:	1

COMMENTS:

MARK

**I AM REQUESTING PERMISSION TO WATER THE FIELD BEHIND THE
OPEN BIBLE CHRISTIAN CENTER. CONDITIONS ARE DRY AND I
WOULD LIKE TO WATER WHERE I FERTILIZED. THE FIELD IN
QUESTION IS FOR WATERING PERMIT 2487-2.**

I APPRECIATE YOUR HELP



**DAVID SNYDER
VALLEY GREEN SOD FARMS**



**DEPARTMENT of ENVIRONMENT
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denr.sd.gov

March 26, 2010

No. 2487-2

David Snyder
2100 Sedivy Lane
Rapid City SD 57703

Dear Mr. Snyder:

This letter is in regards to your March 25, 2010 request for a variance allowing you to divert from Rapid Creek for irrigation covered by Water Permit No. 2487-2 prior to April 15 as listed in the permit.

Effective immediately your request is granted allowing you to divert Rapid Creek water for irrigation as authorized by Permit No. 2487-2. This variance is only in effect for the current calendar year.

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

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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Nos. 1727-2 and ~~2487-2~~

March 16, 2012

David Snyder
2100 Sedivy Lane
Rapid City SD 57703

Steve Murphy
Rapid Valley Water Company
5666 E Hwy 44
Rapid City SD 57703

Dear Mr. Snyder and Mr. Murphy:

This letter is in regards to Mr. Snyder's telephone request on March 16, 2012 for a variance allowing diversion from Rapid Creek to irrigate land covered by Vested Right No. 1727-2 and Water Right No. 2487-2 prior to April 15th as listed on the water rights.

Effectively immediately this request is granted allowing you to divert Rapid Creek water for irrigation as requested. This variance is only in effect for the current calendar year.

If you have any questions, please contact Mark Rath or me at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

**SOUTH DAKOTA
WATER PERMIT NO. 2487A-2**

Date of first receipt of application May 15, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2487A-2 to Open Bible Christian Center, 2225 E St Patrick St, Rapid City SD 57703 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. 2487A-2 amends Water Right No. 2487-2. Water Right No. 2487-2 amended Water Right No. 1576B-2 to increase the diversion rate from 0.24 cubic feet of water per second (cfs) to 0.78 cfs from Rapid Creek located in the NW 1/4 NE 1/4 Section 8 for irrigation of 17 acres located in the NW 1/4 NE 1/4 Section 8; all in T1N-R8E. However, irrigation is limited to 6 hours per 24 hour day. This permit reduces the diversion rate from 0.78 cfs back to 0.24 cfs from Rapid Creek. By reducing the amount of water claimed, the permit holder is no longer restricted to the 6 hours per 24 hour day limitation on irrigation.
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 15 – October 31.
3. The date from which applicant may claim right is March 22, 1977 (0.24 cfs).
4. The date of approval of Permit No. 2487A-2 is July 17, 2017.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Unappropriated water is available in Rapid Creek to reasonably satisfy this permit only through contract between the Rapid Valley Conservancy District and the Bureau of Reclamation covering releases from Deerfield Reservoir. This Permit authorizes diversion of natural flow water, if available on a priority basis.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 2487A-2 incorporates Water Right No. 2487-2.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

AUG 02 2017

date

