

WATER PERMIT NO. 2387A-2

Name of Applicant: Open Bible Christian Center

Address: 2225 E St. Patrick St, Rapid City SD 57703

Phone: 605 342-4496

Amount of Water Claimed: 0.24 cfs

Total Acres: 17 acres (no additional)

Source of Water Supply: Rapid Creek

Water to be used for: irrigation

County: Pennington

Type of Waste Disposal System:

Location: east of Rapid City

PRIORITY

Date Received: 5-15-17

Application/License Fee: \$ 700.00 (fee transferred from 2759-2 Sylvia Conrad)

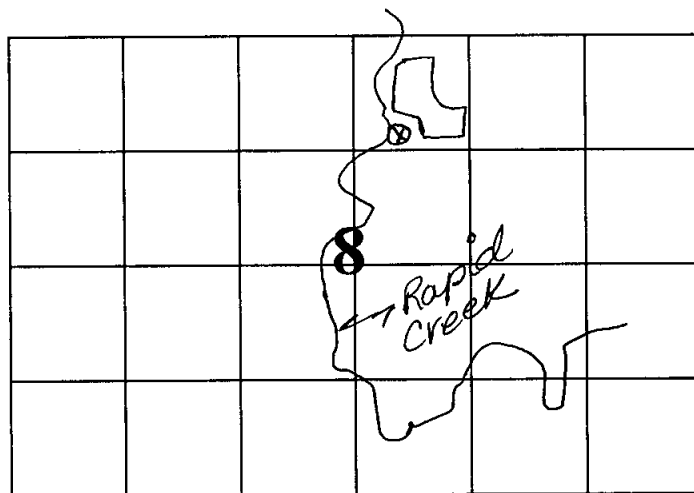
Corrected Application Received:

Period of Annual Use: April 15 – October 31

Remarks: decreasing the amount of water claimed on Water Right No. 2387-2

Diversion Point: NW 1/4 NE 1/4 Sec 8-T1N-R8E

Land to be Irrigated: NW 1/4 NE 1/4 Sec 8-T1N-R8E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Donald Stroup

Reviewed and the Number Assigned on: 5-15-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2487A-2</u>	(office use only) Hydrologic Unit <u>10120110</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Rapid City Journal</u>	

RECEIVED
MAY 15 2017
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2487-2
 (Use predates Mar 2, 1955)

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

Reduction in diversion rate from 0.78 cfs to 0.24 cfs and remove daily time constraint on pumping

1. Name to Appear on Irrigation Permit Open Bible Christian Center

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 2225 East St. Patrick St. Rapid City ☒ SD ☒ 57703
 (Address) (City) (State) (Zip Code)

Phone 605-342-4496 Mobile _____ Email _____

2. Amount of water claimed 0.24 *CFS or 193 **GPM ***AF Total Acreage no change
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Rapid Creek

4. Location of point of diversion NW 1/4 NE1/4 Sec 8-T1N-R8E

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Pennington ☒

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used April 15 though October 31

7. 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			
NW 1/4 NE1/4 SEC 8-T1N-R8E	17		

8. Give a description of the project. (Attach sheet if more space is needed)

Reduction in diversion rate from 0.78 cfs to 0.24 cfs and to remove daily time constraint on pumping

I, B. J. [Signature] Executive Pastor/President, the applicant, certify under
 Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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

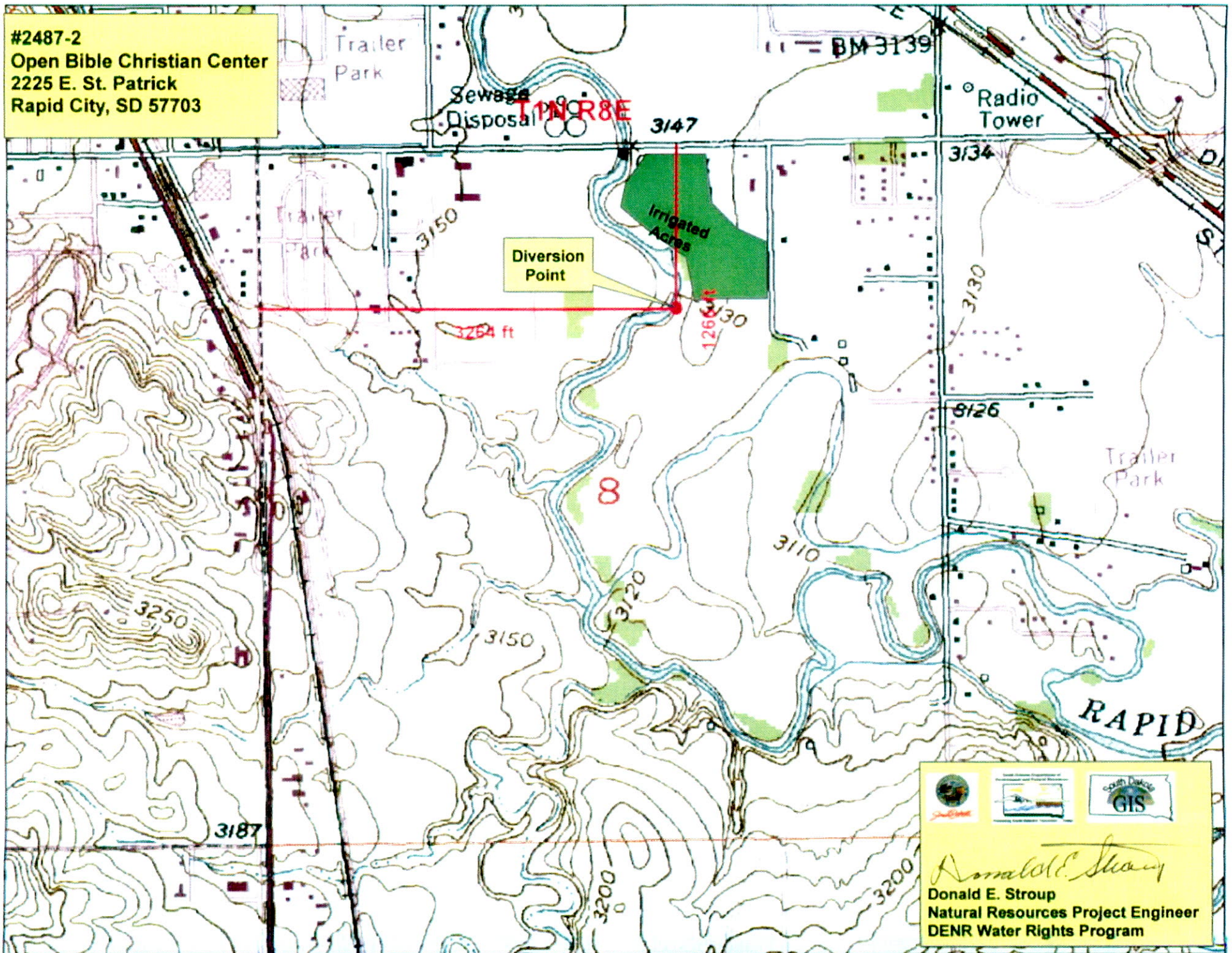
Department of Environment and Natural Resources

AUG 02 2017

date



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



Donald E. Stroup
Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, May 15, 2017 9:48 AM
To: Rath, Mark
Cc: Schlaak, Karen
Subject: Amendment to No. 2487-2, Open Bible Christian Center

We received the application from Open Bible to amend No. 2487-2 by reducing the diversion rate from Rapid Creek and removal of the time constraint on pumping.

I emailed Karl Paepke regarding getting Sylvia Conrad to withdraw her application((2759-2). We will then apply the application filing fee that Valley Green Farms filed on Ms. Conrad's application to Open Bible's application.

May 16, 2017

RECEIVED

MAY 19 2017

WATER RIGHTS
PROGRAM

Mr. Eric Gronlund
DENR - water rights

Dear Mr. Gronlund,

I signed an application for an amendment to my water right No. 1576-2 early in 2016.

I am requesting that the application for an amendment be withdrawn, and the water right as originally issued be re-instated.

Thank you.

Respectfully submitted,

Sylvia Conrad

605-348-7600

Email: conrad@rushmore.com

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/3, 20 17

RECEIVED OF Valley Green Farms LLC 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. <u>2759-2</u> to Appropriate Water, to construct and to put water to beneficial use	500	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. <u>2759-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	700 00

No. **08176**

By

Jenny Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2487A-2, Open Bible Christian Center**

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. 2487A-2, Open Bible Christian Center, c/o Brian McDaniel, Executive Pastor, 2225 E St. Patrick Street, Rapid City SD 57703.

The Chief Engineer is recommending APPROVAL of Application No. 2487A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following 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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 29, 2017

NOTE: This permit, if approved, will no longer be subject to irrigation being limited to 6 hours per 24 hour day.

REPORT ON WATER PERMIT APPLICATION NO. 2487A-2
Open Bible Christian Center
June 22, 2017

Application No. 2487A-2, Open Bible Christian Center, proposes to amend 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 cubic feet of water per second (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 application proposes to reduce the diversion rate from 0.78 cfs back to 0.24 cfs from Rapid Creek. By reducing the amount of water claimed, the applicant is requesting deletion of the 6 hours per 24 hour day limitation on irrigation. The proposed project is located in east Rapid City in Pennington County.

Review of the Proposed Project

In 2002 the applicant was granted Water Permit No. 2487-2 amending Water Right No. 1576B-2 for the irrigation of 17 acres at a diversion rate of 0.78 cfs with a 6 hour per 24 hour day pumping limit qualification. This was due to the method of irrigation used to irrigate sod. The applicant intends to change the method of irrigation and requests an amendment to reduce the diversion rate by 0.54 cfs to 0.24 cfs and be allowed to irrigate 24 hours per day. This would set the diversion rate back at the statutory 1 cfs per 70 irrigated acre limit matching what the original Water Right No. 1576B-2 was issued for.

Review of Existing Water Rights

Appropriations of water from Rapid Creek exceed water availability except during extremely wet conditions. There are a total of 97 existing water rights/permits appropriating 263.34 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 the land irrigated under 2487-2 is within current boundaries of the Rapid Valley Water Conservancy District so is eligible to order stored water releases for irrigation use under the District's contract with U.S. Bureau of Reclamation.

Conclusions

1. This application proposes to amend Water Right No. 2487-2 to decrease the authorized diversion rate. Water Right No. 2487-2 authorizes 0.78 cubic feet of water per second (cfs) from Rapid Creek for irrigation purposes, with pumping limited to 6 hours per 24 hour day.

2. This application would decrease the authorized diversion rate by 0.54 cfs to 0.24 cfs which matches the statutory limit of one cfs per 70 irrigated acres.
3. The effect of reducing the diversion rate is to delete the qualification on Water Right No. 2487-2 limiting irrigation to 6 hours per 24 hour day.
4. Appropriations of water from Rapid Creek exceed water availability except during extremely wet conditions. 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.
5. The land irrigated under 2487-2 is within current boundaries of the Rapid Valley Water Conservancy District so is eligible to order stored water releases for irrigation use under the District's contract with U.S. Bureau of Reclamation.



Mark D. Rath
Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 30, 2017

Kevin Ham
Rapid Valley Water Master
3724 Freedom Court
Rapid City SD 57701-7639

Dear Mr. Ham:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2487A-2 filed by Open Bible Christian Center. The application proposes to amend the permit by reducing the diversion rate back to the original rate of 0.24 cubic feet of water per second and delete the six hour per 24 hour day limitation on pumping. The public notice is scheduled to be published July 7, 2017, in the Rapid City Journal.

This information is being sent because of your continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 394-2229.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 30, 2017

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

Dear Mr. Ham:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2487A-2 filed by Open Bible Christian Center. The application proposes to amend the permit by reducing the diversion rate back to the original rate of 0.24 cubic feet of water per second and delete the six hour per 24 hour day limitation on pumping. The public notice is scheduled to be published July 7, 2017, in the Rapid City Journal.

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Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 30, 2017

Jerry Hammerquist
Rapid Valley Conservancy District
PO Box 26
Caputa SD 57725

Dear Mr. Hammerquist:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2487A-2 filed by Open Bible Christian Center. The application proposes to amend the permit by reducing the diversion rate back to the original rate of 0.24 cubic feet of water per second and delete the six hour per 24 hour day limitation on pumping. The public notice is scheduled to be published July 7, 2017, in the Rapid City Journal.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 30, 2017

Leslie Murphy
Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Dear Leslie:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2487A-2 filed by Open Bible Christian Center. The application proposes to amend the permit by reducing the diversion rate back to the original rate of 0.24 cubic feet of water per second and delete the six hour per 24 hour day limitation on pumping. The public notice is scheduled to be published July 7, 2017, in the Rapid City Journal.

This information is being sent because of Game, Fish and Parks continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 394-2229.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 30, 2017

Steve Schelske
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Dear Ms. Schelske:

Enclosed is the report, recommendation and public notice for Water Permit Application No. 2487A-2 filed by Open Bible Christian Center. The application proposes to amend the permit by reducing the diversion rate back to the original rate of 0.24 cubic feet of water per second and delete the six hour per 24 hour day limitation on pumping. The public notice is scheduled to be published July 7, 2017, in the Rapid City Journal.

This information is being sent because of the Bureau of Reclamation's continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 394-2229.

Sincerely,

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

enclosures

Affidavit of Publication

RECEIVED

JUL 24 2017

WATER RIGHTS
PROGRAM

July 7 L21049577

NOTICE OF APPLICATION NO.

2487A-2 to Amend

Water Right No. 2487-2

Notice is given that Open Bible Christian Center, c/o Brian McDaniel, Executive Pastor, 2225 E St. Patrick St, Rapid City SD 57703 has filed an application to amend 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 application proposes to reduce the diversion rate from 0.78 cfs back to 0.24 cfs from Rapid Creek. By reducing the amount of water claimed, the applicant is requesting deletion of the 6 hours per 24 hour day limitation on irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2487A-2 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must 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 July 17, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

/s/ Steven M. Pirner, Secretary
Department of Environment and
Natural Resources

(Published once at the total approximate cost of \$65.12)

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Carina Tyler being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week for 1 successive week, the first publication there of being on the 7th day of July that the fees charged for the publication there of are 1.5 dollars and 12 cents.

Subscribed and sworn to before me this 18th day of July, 2017.

Notary public

DUSTIN RICE



My commission expires 7/1/20

Affidavit of Publication

RECEIVED

JUL 24 2017

WATER RIGHTS
PROGRAM

July 7 L21049577
NOTICE OF APPLICATION NO.

2487A-2 to Amend
Water Right No. 2487-2

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2487A-2 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must 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 July 17, 2017.

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/s/ Steven M. Pirner, Secretary
Department of Environment and
Natural Resources

(Published once at the total approximate
cost of \$65.12)

STATE OF SOUTH DAKOTA

County of Pennington

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day for 1 successive
day the first publication there of being on the
7 day of July 2017 that the fees charged for
the publication there of are 65 dollars
and 12 cents

Subscribed and sworn to before me this 12
day of July, 2017.

Notary public

DUSTIN RICE



7/1/20
My commission expires



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

June 29, 2017

Open Bible Christian Center
c/o Brian McDaniel, Executive Pastor
2225 E St Patrick St
Rapid City SD 57703

Dear Mr. McDaniel:

Water Permit Application No. 2487A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal (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 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 29, 2017 12:54 PM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 2487A-2, Open Bible Christian Center
Attachments: 2487A-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 7, 2017.

Open Bible Christian Center, c/o Brian McDaniel, Executive Pastor, 2225 E St. Patrick St, Rapid City SD 57703 (605 342-4496) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



NOTICE OF APPLICATION NO. 2487A-2 to Amend Water Right No. 2487-2

Notice is given that Open Bible Christian Center, c/o Brian McDaniel, Executive Pastor, 2225 E St. Patrick St, Rapid City SD 57703 has filed an application to amend 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 application proposes to reduce the diversion rate from 0.78 cfs back to 0.24 cfs from Rapid Creek. By reducing the amount of water claimed, the applicant is requesting deletion of the 6 hours per 24 hour day limitation on irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2487A-2 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must 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 July 17, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 02 2017

Open Bible Christian Center
c/o Brian McDaniel, Executive Pastor
2225 E St Patrick St
Rapid City SD 57703

Dear Mr. McDaniel:

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

A 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 information 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2487A-2

I have this day, Aug 1, 2018 made a thorough examination of the water use system constructed by Open Bible Christian Center, 2225 E. St. Patrick St., Rapid City, So. Dak. 57703 of Permit No. 2487A-2, bearing the priority of 3/22/1977 authorizing diversion of 0.24 cu. ft. per second of water from Rapid Creek for irrigation purposes in Pennington County.

Inspection contact & relationship to permit holder, if applicable:

Karl Paepke, tenant
Valley Green Sod Farm
605-515-4501 (cell)

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model B2ZPLS
- 3) Size 2" x 2 1/2"
- 4) Capacity 193 GPM @ 208 Ft.

Power:

- 1) Source Elec.
- 2) Horsepower rating 15 hp

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

- 1) Type PVC pipeline
- 2) Size -- inches
- 3) Length -- feet

Comments:

C. Works used to apply water to beneficial use:

The system uses a center pivot irrigation system and solid set sprinkler lines operating in multiple zones for irrigation of 15.2 acres of sod for Valley Green Farms and a 1.8 acre pop-up underground sprinkler system for the Open Bible Christian ball field.

Center pivot:

- 1) Make Greenfield
- 2) Machine length 660 feet
- 3) Number of towers 6
- 4) End gun Yes (approx. 20' wetted radius)
- 5) Capacity 193 GPM
- 6) Acres 19.5 (total acreage for pivot, includes 6.5 acres for Permit No. 2487A-2 and 13 acres for Water Right No. 1576A-2)

Solid Set Sprinkler Lines: 8.7 acres

Pop-up underground sprinklers: 1.8 acres

D. Chemigation Equipment: does not chemigate**E. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Yes

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:

2,047' W and 1,252' S of the NE corner Section 8 T 1N R 8E (44.063985, -103.179365)

2. The works are capable of diverting and conveying to the place of use 0.24 cu. ft. per second (108 gpm) of water which is to be used for sprinkler irrigation for Permit No. 2487A-2 and 0.19 cfs for Water Right No. 1576A-2. Water has been put to beneficial use to the maximum extent as follows:

Section 8 T1N R8E

NW ¼ NE ¼ 17.0 acres

comprising a total of 17.0 acres of land and the license should be issued for 0.24 cfs for Permit No. 2487A-2.

All structures, wells and lands on map Yes

G. Comments or other permit(s) associated with the project:

Water Permit No. 2487A-2 amends Water Right No. 2487-2. Water Right 2487-2 amended Water Right No. 1576B-2 to increase the diversion rate from 0.24 cfs to 0.78 cfs from Rapid Creek for irrigation of 17 acres located in the NW ¼ NE ¼ Section 8 T1N R8E and limiting irrigation to 6 hrs. per 24 hour day. This permit reduces the diversion rate from 0.78 cfs back to 0.24 cfs. By reducing the amount of water claimed, the permit holder is no longer restricted to 6 hours per day limitation on irrigation. Water Permit No. 2487A-2 shares the diversion point with Water Right No. 1576A-2.

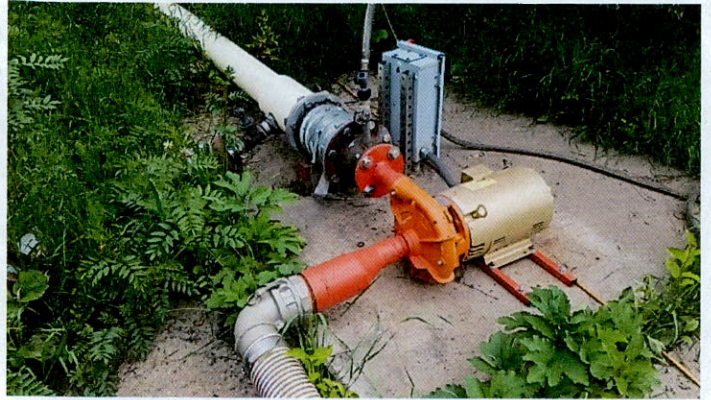


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/2/2018



Rapid Creek diversion



Pump station



Established sod with pivot in background

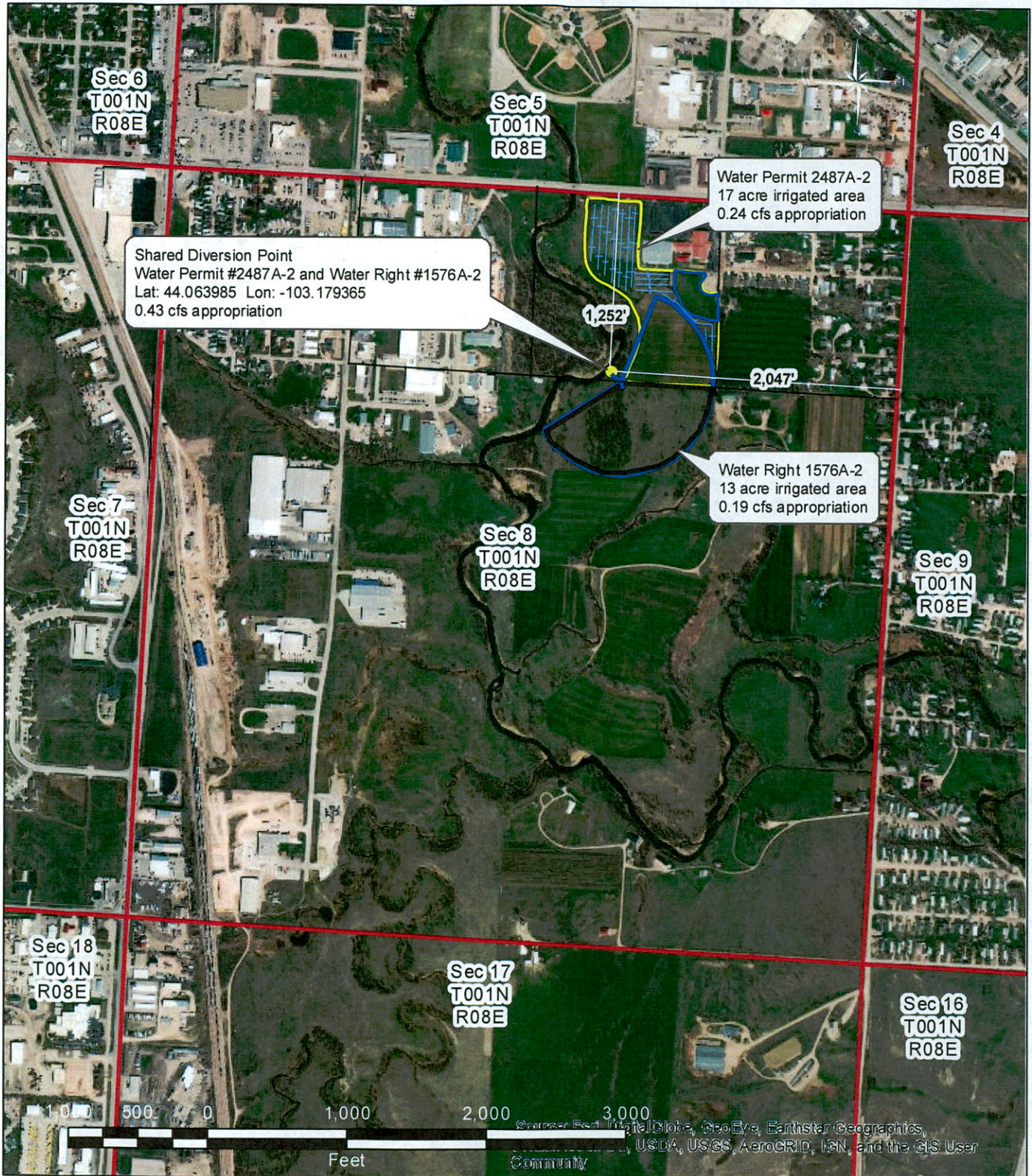


Mini pivot



Solid set line

Water Right #2487A-2
Open Bible Christian Center
8/1/2018



Steven Quissell

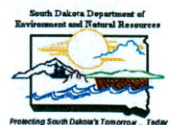
Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Water Right #2487A-2
Open Bible Christian Center
8/1/2018



Steven Quissell
Water Rights Inspector
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

SEP 26 2018

2487A-2

Open Bible Christian Center
2225 E St Patrick Street
Rapid City SD 57703

Dear Sirs:

Enclosed is Water License No. 2487A-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

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

(1) Open Bible Christian Center, 2225 E St Patrick St., Rapid City SD 57703 made Application No. 2487A-2, May 14, 2017 for a water permit to amend Water Right No. 2487-2 by reducing the amount of water claimed from 0.78 cubic feet of water per second (cfs) to 0.24 cfs from Rapid Creek, Pennington County, South Dakota for irrigation purposes.

Water Right No. 2487-2, with priority dates of March 22, 1977 (0.24 cfs) and August 14, 2002 (0.54 cfs) amended Water Right No. 1567B-2 by increasing the diversion rate however the increase limited irrigation to 6 hours per 24 hour day. No. 2487A-2 was obtained to remove the daily time constraint on pumping by reducing the diversion rate from the creek back to 0.24 cfs.

Approval of Water Permit No. 2487A-2 incorporated the applicable portions of Water Right No. 2487-2. During the permitting process, issuance of 2487A-2 contained an error in the acre feet annually allowed for irrigation of 17 acres. The correct annual appropriation is 3 acre feet per acre.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.24 cubic feet of water per second for beneficial use. The location of the diversion point is located:

- 2,047'W and 1,252'S of the NE corner of Section 8, T1N, R8E (NW ¼ NE ¼)
Latitude 44.063985, Longitude -103.179365

The above diversion point is a shared diversion point with Water Right No. 1576A-2

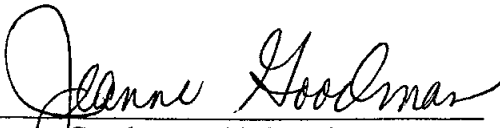
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T1N, R8E Section 8, NW ¼ NE ¼ 17 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Open Bible Christian Center, 2225 E St Patrick St., Rapid City SD 57703 the holder and/or owner of Water Right No. 2487A-2 is issued a license to appropriate water, the right to use 0.24 cubic feet of water per second from Rapid Creek with a priority date of March 22, 1977 from the location specified in (2) of this license for irrigation purposes.

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

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 2487A-2 incorporates Water Right No. 2487-2.


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

SEP 26 2018

date



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

NAME: Karl Paepke

DATE: March 27, 2026

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

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

ADDRESS:

PHONE:

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

COMMENTS:

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

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



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program