

WATER PERMIT NO. 2557-2

Name of Applicant: Rapid Valley Sanitary District

Address: 4611 Teak Drive, Rapid City SD 57703

Phone: 605 393-1050

Amount of Water Claimed: 3.1 cfs (1.37 add'l cfs)

Total Acres: NA

Source of Water Supply: Rapid Creek

Water to be used for: suburban housing development

County: Pennington

Type of Waste Disposal System:

Location: Rapid Valley

PRIORITY

Date Received: 4-7-05

Application/License Fee: \$

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: change location of diversion pt authorized by Water Right No. 1101-2 and increases the diversion rate

Diversion Point: NE ¼ NW ¼ Sec 15-T1N-R8E

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

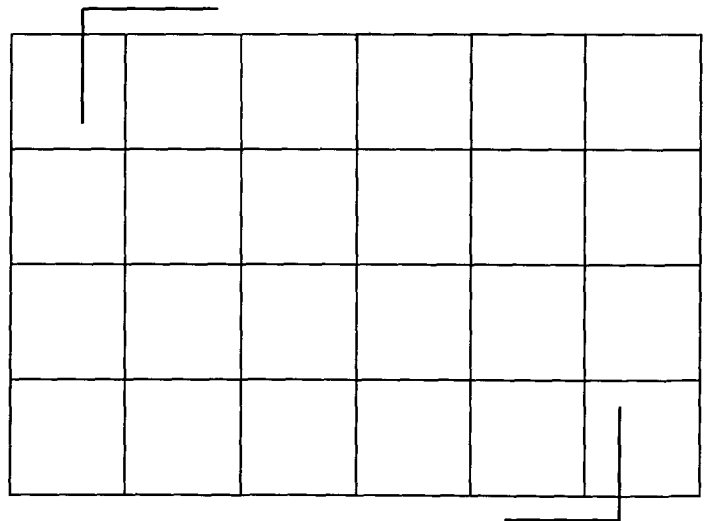
Type of Map: plat

Prepared by:

Reviewed and the Number Assigned on: 4-7-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2557-2</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
APR - 7 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☒ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>1101-2</u>		

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

Refer to attachment.

- Name of Applicant Rapid Valley Sanitary Districe-Water Service Phone 605-393-1050
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 4611 Teak Drive, Rapid City State SD 57703
(1.37 cfs add'l) (Street, RR, or Box and City) 992 add'l (Zip Code)
2226 ***AF assuming continuous use
- Amount of water claimed 3.1 *CFS or 1,400 **GPM
(*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) County Pennington
See attached figures. Raw water diversion point located in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T1N, R8E, BHM, Pennington County.
- County or counties where water will be used Pennington
- Annual period during which water is to be used January¹ to December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Refer to attachment.

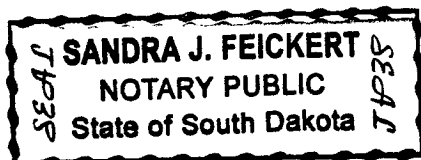
STATE OF SOUTH DAKOTA)
County of Pennington SS

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, Jim Fester, 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 [Signature]

Subscribed and sworn to before me this 6th day of April 20 05



[Signature]
Notary Public signature

My Commission Expires 12-08-2009

**SOUTH DAKOTA
WATER PERMIT NO. 2557-2**

Date of first receipt of application April 7, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2557-2 to Rapid Valley Sanitary District-Water Service, 4611 Teak Drive, 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. 2557-2 appropriates 1.37 cubic feet of water per second (cfs) from Rapid Creek and changes the diversion point from the creek. The District currently holds Water Right No. 1101-2 which appropriates 1.73 cfs from the creek at a point located in the NE ¼ SE ¼ Section 8, T1N, R8E. The District proposes to construct a new water treatment facility. The new location of the diversion point from Rapid Creek will be the NE ¼ NW ¼ Section 15, T1N, R8E. The District also intends to increase the diversion rate by 1.37 cfs. The total diversion authority will be 3.1 cfs. Water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy prior irrigation rights below the District's intake.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2557-2 is June 13, 2005.
5. The date from which applicant may claim right is April 7, 2005.
6. One-fifth of the construction is to be completed on or before December 13, 2007.
7. All construction is to be completed on or before June 13, 2010.
8. Water is to be put to beneficial use on or before June 13, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. There are prior downstream Water Rights on Rapid Creek (domestic use including livestock watering and irrigation use). Natural flows of Rapid Creek as needed for these prior downstream water rights must be by-passed. During the irrigation season when natural flows are not available, stored water from Pactola Reservoir will need to be purchased under the Bureau of Reclamation contract. This Permit authorizes diversion of natural flow water, if available on a priority basis.
2. Rapid Valley Sanitary District shall report to the Chief Engineer annually the amount of water withdrawn from Rapid Creek.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 20 2005

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 13, 20 05

RECEIVED OF CETEC Engineering Services Inc., PO Box 9014, Rapid City SD 57709

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

Fee for Application for Permit No. <u>2557-2-</u> to Appropriate Water, to construct and to put water to beneficial use	400	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>2557.2</u>	50	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	450.00

No.

001813

By

Darlene Ebel

Chief Engineer

gm

Rapid Valley Sanitary District

Drinking Water Facility and Water Rights Summary

A. Drinking Water Facilities

The Rapid Valley Sanitary District – Water Service (RVSD) is located on the eastern edge of Rapid City in central Pennington County. RVSD was formed in the early 1960's to serve a growing population east of Rapid City in the plains area known as Rapid Valley and is the oldest organized rural water system in South Dakota. Refer to the Figure 1 vicinity map on the following page.

The area has seen steady growth and has grown from approximately 1,800 customers in 1988 to 3,100 customers in 2004. The late 1990's housing boom in Rapid Valley increased customers at a rate of 140 per year and has since slowed to an estimated 100 new customers per year. The area has been a popular location for new residential construction, and additional residential growth is expected in the undeveloped district area. The current customer base of 10,000 people is composed mainly of residential customers with commercial properties in the highway service areas.

The current RVSD boundary includes approximately 3,850 acres with a 2004 service area of 1,700 acres or 44% of the possible system area. The recent development has been constructed at higher development densities, 3.0-3.5 dwelling units per acre, and typically uses more water during peak periods than development from the 1960's to the 1980's. The continued growth has caused growing pains for the RVSD water system and storage facilities. The District has had difficulty providing adequate supply and water storage during July and August peak water usage periods and continued growth and drought conditions will further strain the water system and cause water shortages.

RVSD constructed the original water treatment facility located on South Valley Drive in the early 1960's and is identified on Figure 1. RVSD proposes to abandon the existing water treatment facility and move the Rapid Creek raw water diversion point to a new intake on the tank site shown on Figure 7. RVSD also proposes to increase the diversion authority for the new intake site as described in the following section.

B. Water Rights

Rapid Valley Sanitary District owns surface diversion rights from Rapid Creek under Water License No. 1101-2 issued by the State Water Management Board. A permit was issued in 1972 and a water license issued in 1993. The Sanitary District is licensed to divert 1.73 cfs (1,118,000 gpd) from Rapid Creek for domestic water supply uses on a year-around basis.

The initial permit issued in 1972 was based upon a transfer of an existing irrigation right from The Little Giant Ditch for the irrigation season only. The permit was later modified to allow the 1.73 cfs transfer for the non-irrigation season also. The diversion point for the existing surface water right is the existing water treatment plant site on South Valley Drive. The priority date for the irrigation season diversion is June 14, 1878, making it a relatively senior right.

The license has a volumetric diversion limit of 417 ac-ft. per year for the irrigation season (April 15 through November 1). The Sanitary District may divert at the maximum 1.73 cfs rate on a continuous basis throughout the year. The allowable diversion is subject to availability of natural flows in Rapid Creek. Purchase of water from reservoir storage is needed when natural flows are not adequate to meet irrigation demands for earlier priority water rights.

The Rapid Valley Sanitary District has a renewable contract with the Bureau of Reclamation for purchase of stored water from the Pactola Reservoir system. The current terms of this agreement are as follows:

Bureau of Reclamation Purchased Water Contract

<u>Quantity</u>	<u>Cost</u>
0	\$2,600 minimum
100 ac-ft.	\$16 /ac-ft.
next 500 ac-ft.	\$2 /ac-ft.
over 600 ac-ft.	\$15.00 /ac-ft.

The Pactola contract allows purchase of water from reservoir storage to assure that the 1.73 cfs diversion rate can be supplied from the creek flows. The Bureau contract does not allow diversion from Rapid Creek at a rate more than 1.73 cfs, however.

The proposed design capacity for the new treatment plant being considered by Rapid Valley Sanitary District is 2 mgd. For continuous operation under peak conditions, the required raw water supply to the plant will be 3.1 cfs. To supply the proposed treatment plant using existing diversion rights and purchased water, the following actions will be required.

Changes to Water Rights Needed

- Transfer the diversion point for the existing 1.73 cfs water right from the existing treatment plant to the proposed intake location at Redwing Drive.

- Apply for a water right to an additional 1.37 cfs diversion rate for the non-irrigation season based upon available non-allocated natural flow in the creek.
- Apply for a water right to divert an additional 1.37 cfs for the irrigation season based upon utilizing purchased water from Pactola under the Bureau of Reclamation contract, such purchase being required only when natural flows are less than needed for irrigation rights below the intake location.

The State Water Management Board is the regulating entity for water rights, and application to the Board and Board approval is needed for the above scenario.

The annual cost to Rapid Valley Sanitary District for raw water will vary depending upon natural flows available and purchase water requirements. Under the above scenario, there is no cost for diversions during the non-irrigation period (November 1, through April 15). The maximum cost for irrigation period diversions, assuming purchase of all diverted water under the Bureau contract terms for 3.1 cfs, is as follows:

Cost of Purchased Water

Days of Diversion:	168 days
Daily Diversion Volume @ 3.1 cfs:	6.1 ac-ft./day
Annual Diversion Volume:	1,025 ac-ft.
Annual Cost:	
Minimum Charge:	\$ 2,600
100 ac-ft. @ \$16/ac-ft:	\$ 1,600
500 ac-ft. @ \$2/ac-ft.:	\$ 1,000
425 ac-ft. @ \$15.00/ac-ft.:	<u>\$ 6,375</u>
Annual Cost	\$11,575

The above calculation assumes purchase is required to augment natural flows to meet the existing 1.73 cfs diversion right during the irrigation season. Under average-year flow conditions, purchases will not necessarily be required.

It should be noted that the Bureau contract terms are subject to change and that a new contract between the City of Rapid City and the Bureau is pending federal approvals. The new agreement will make the City of Rapid City the contracting entity for purchased water from Pactola. Purchase rates are not established, but are expected to be higher than current rates.

Rapid Valley Sanitary District has considered purchase of other existing senior irrigation rights and transfer to domestic purposes. Irrigated lands in Rapid Valley continue to be acquired for development, and irrigation rights are available for transfer to domestic uses from time to time. Rapid Valley Sanitary District will consider senior irrigation rights purchases to secure current and future diversion needs and to limit reliance on purchases from reservoir storage.



1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709
Phone (605) 341-7800
Fax (605) 341-7864
cetec@rushmore.com

Letter of Transmittal

DATE: 04-05-2005	JOB NO: 03135.00
ATTENTION: Mark Rath	
RE: Rapid Valley Sanitary District	
Water Rights	

TO: S.D. Dept. of Environment & Natural Resources
Water Rights
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3182

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change Order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1	04-05-2005		Water Rights Application.
1	04-05-2005		Permit fee of \$688.75.
1	04-05-2005		Water Rights and Drinking Water Facility Description.

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Reviewed ☐ Revise and resubmit
☐ For your use ☐ Rejected ☐ Resubmit _____ copies for approval
☐ As requested ☐ Make corrections noted ☐ Return _____ corrected prints
☐ For review and comment ☐ Other _____

REMARKS:

Mark, please review the attached application and contact Greg Wierenga or Ted Schultz with any questions.

RECEIVED
APR - 7 2005
WATER RIGHTS
PROGRAM

COPY TO: Gayleen Lowe

SIGNED: _____

Ted Schultz, P.E.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2005

Greg Wierenga
Cetec Engineering Services, Inc.
PO Box 9014
Rapid City SD 57709-9014

Dear Mr. Wierenga:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Rapid Valley Sanitary District. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- The application/license filing fee will be \$450. We are returning your check for \$688.75

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



1830 West Fulton Street
P.O. Box 9014
Rapid City, SD 57709
Phone (605) 341-7800
Fax (605) 341-7864
cetec@rushmore.com

Letter of Transmittal

DATE: 04-11-2005	JOB NO: 03135.00
ATTENTION: Mark Rath	
RE: Rapid Valley Sanitary District	
Water Rights	

TO: S.D. Dept. of Environment & Natural Resources
Water Rights
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3182

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change Order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1	04-11-2005		Permit Fee of \$450.00.
1			Stamped Drawings.

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Reviewed ☐ Revise and resubmit
☐ For your use ☐ Rejected ☐ Resubmit _____ copies for approval
☒ As requested ☐ Make corrections noted ☐ Return _____ corrected prints
☐ For review and comment ☐ Other _____

REMARKS:

Mark, enclosed are a check for \$450 and the stamped drawings. Please return the check we sent for \$688.75 as soon as possible.

Thank you.

RECEIVED

APR 13 2005

WATER RIGHTS
PROGRAM

COPY TO: _____

SIGNED: _____

Ted Schultz
Ted Schultz, P.E.

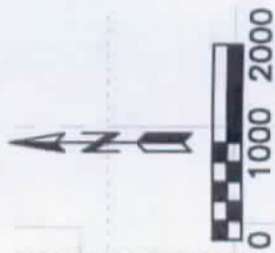
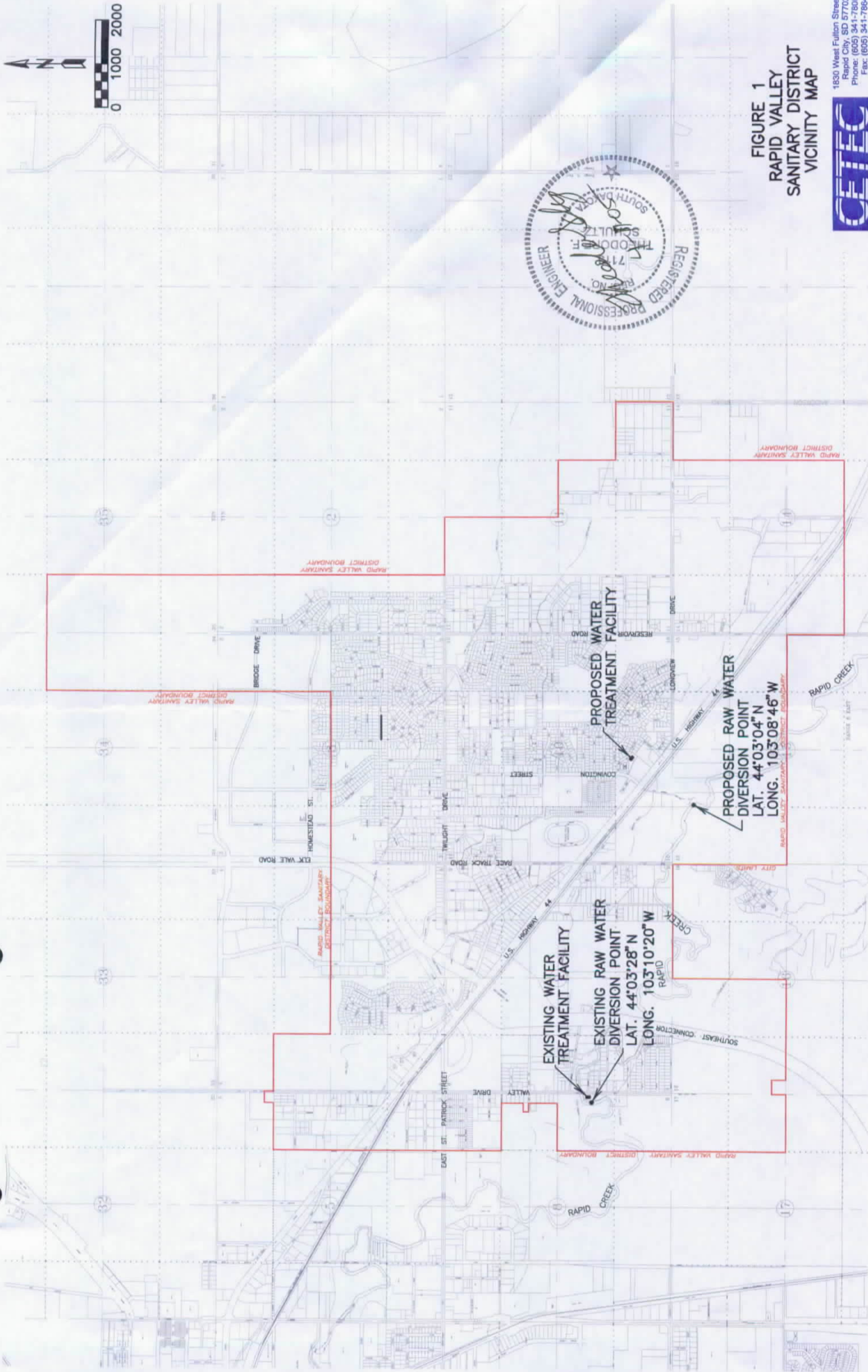


FIGURE 1
RAPID VALLEY
SANITARY DISTRICT
VICINITY MAP



1830 West Fulton Street
Rapid City, SD 57702
Phone: (605) 341-7800
Fax: (605) 341-7864
cetes@rushmore.com



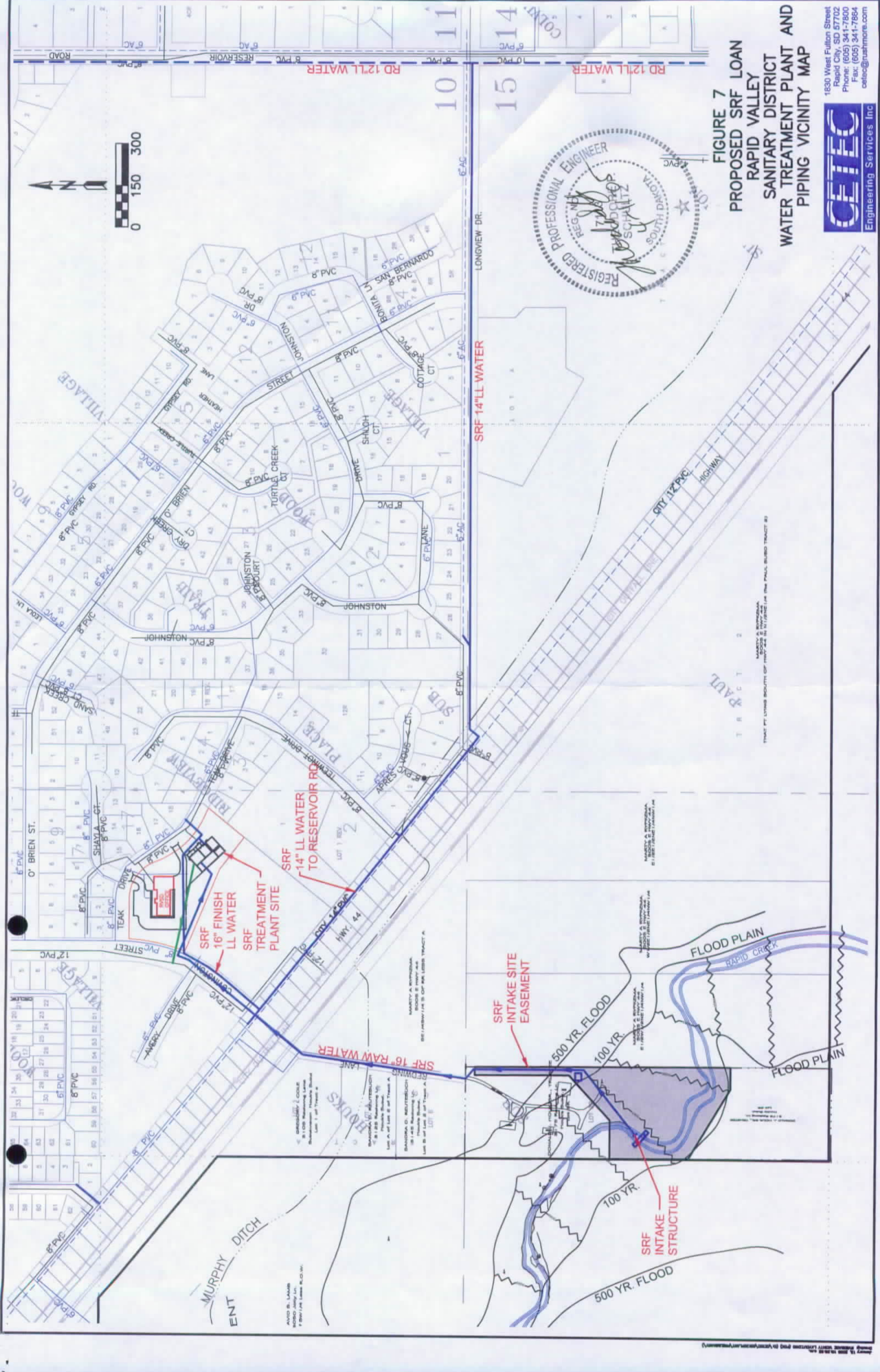


FIGURE 7
PROPOSED SRF LOAN
RAPID VALLEY
SANTARY DISTRICT
WATER TREATMENT PLANT AND
PIPING VICINITY MAP



CETEC
Engineering Services Inc

1830 West Fulton Street
Rapid City, SD 57702
Phone: (605) 341-7800
Fax: (605) 341-7864
cetic@rushmore.com



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 2005

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

Dear Mr. Hammerquist:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to keep you informed of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures



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

May 17, 2005

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

Dear Mr. Ham:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to keep you informed of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

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

May 17, 2005

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

Dear Mr. Ham:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to keep you informed of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

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

May 17, 2005

David Lamb
4555 Reservoir Road
Rapid City SD 57701

Dear Mr. Lamb:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to keep you informed of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

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and NATURAL RESOURCES**

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

May 17, 2005

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

Dear Mr. Wagner:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to the city to keep you aware of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 2005

Curt Anderson
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Dear Curt:

Enclosed is a copy of the report, recommendation and public notice for a Water Permit Application No. 2557-2 file by Rapid Valley Sanitary District. The notice is scheduled to be public noticed in the Rapid City Journal on May 25th and June 1st.

This is being sent to the Bureau to keep you aware of water right permitting issues involving Rapid Creek. If you have any questions, please call Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures

To: *Sec. P. R. R.*
T. M. T.
Conrad E.



May 24, 2005

Mr. James Feeney
 Department of Environment and Natural Resources
 Water Resources Assistance Program
 Joe Foss Building
 523 East Capitol Avenue
 Pierre, SD 57501

Re: Rapid Valley Sanitary District (RVSD)
 Drinking Water Facilities Plan Submittal
 For New Water Treatment Plant & Piping Project

Dear Mr. Feeney:

Thank you for the opportunity to discuss the Rapid Valley Sanitary District loan application with you on 5-19-05. The Addendum No. 1 to the Facility Plan for the Drinking Water State Revolving Fund (SRF) loan application for New Water Treatment Facility, Water Storage and Piping Project was sent on 5-17-05 for your use. The Pennington County Planning Commission also approved the Conditional Use Permit for the proposed raw water pump station on 5-23-05. We believe these items complete the requirements requested by SDDENR concerning the RVSD loan application.

We were unaware of your concerns regarding available water rights and the Bureau of Reclamation contract until our meeting last week. RVSD applied for the new diversion point and increase in appropriation as discussed with SDDENR Water Rights staff to satisfy the water right needs for the new treatment plant. The proposed RVSD Water Right Application No. 2557-2 is recommended for approval by the SDDENR Chief Engineer and will be presented at the July 2005 Water Management Board. The application increases the RVSD appropriation by 1.37 cfs for a total of 3.1 cfs (2 MGD) and also changes the diversion point location to the new intake site. We feel this proposed appropriation satisfies the water rights needs for the proposed project.

CETEC was in contact with the Bureau of Reclamation and SDDENR Water Rights Program during preparation of the Facility Plan concerning additional water right appropriation. RVSD proposed to utilize their existing water right of 1.73 cfs and to supplement that with an additional 1.37 cfs from the US Bureau of Reclamation contract when natural flows are not sufficient to

Rapid Valley is applying for a surface water right in Rapid Cr. Problem is that BOR will be transferring oversight of all Pactola allocations to Rapid City, via a Congressional action. ~~DE NR~~ until that happens, DE NR will not approve the SRF for BWRK action. We need assurance that Rapid Valley will have water to sell to pay their SRF loan.

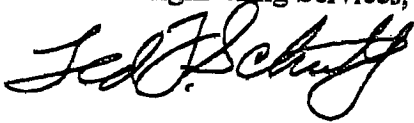
D. T.

satisfy downstream senior water rights. This supplement will not be necessary under average-year flow conditions in Rapid Creek. The Chief Engineer report also states that no adverse impacts to existing water rights and downstream domestic use would be expected since the applicant has the ability to purchase stored water releases from Pactola Reservoir. The proposed Pactola water purchase was not seen as an obstacle to the new treatment plant during those discussions.

The denial of the loan application seems to be based on the pending Bureau of Reclamation contract with the City of Rapid City. This contract has been in progress for many years and it appears that these issues were fully known and were identified in the January 2005 Facility Plan. The approval of this contract is in the hands of the United States Congress and no timeline is set for approval.

The denial of the SRF application places the RVSD water system in jeopardy and will significantly impact the water customers of the District in the coming years. The City of Rapid City water connection to RVSD does not satisfy summer demands and may cause water outages in the District. The water treatment plant is also a major component within a larger project to construct distribution improvements and additional water storage facilities. The denial of the water treatment project may affect funding and the feasibility of other improvements within the system. We hope to discuss these issues with you further and request that you reconsider your denial of the loan application and present it to the Board of Water & Natural Resources Board in June 2005. Thank you for your consideration of these issues.

Sincerely,
CETEC Engineering Services, Inc.



Ted F. Schultz, P.E.
Project Manager

cc: RVSD General Manager, Jim Jester
Midwest Assistance Program, Jay Larson
Midwest Assistance Program, RJ Inskeep



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 24, 2005

Jim Jester, Manager
Rapid Valley Sanitary District
4611 Teak Drive
Rapid City, SD 57703

Dear Mr. Jester:

This letter is in follow up to our May 19th meeting on Rapid Valley Sanitary District's (RVSD) pending Drinking Water State Revolving Fund loan application. As we discussed, the loan application will not be presented to the Board of Water and Natural Resources for funding consideration until the water supply issue is fully addressed.

The department cannot recommend approval of the loan until RVSD has legal authority to appropriate an additional 1.37 cubic feet per second for the 20 year term of the loan. This authority can be provided either through acquisition of a senior water right for Rapid Creek flows or an agreement for Pactola Reservoir contract water or a combination of these sources. Again, the length of the agreement for contract water must fully cover the 20 year repayment term of the loan.

Please contact me if you have questions regarding this matter.

Sincerely,

James Feeney
Natural Resources Administrator

Cc: Ted Schultz, CETEC Engineering, Rapid City



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, South Dakota 57701



DK-700R
WTR-4.10

JUN - 6 2005

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

RECEIVED

JUN - 8 2005

**WATER RIGHTS
PROGRAM**

Subject: Water Permit Application No. 2557-2 Filed by the Rapid Valley Sanitary District

Dear Mr. Erbele:

We appreciate the opportunity to comment concerning water permit application number 2557-2 filed by the Rapid Valley Sanitary District (District) located in north central Pennington County, just east of Rapid City. We concur with the chief engineer's recommendation for approval of application number 2557-2 and therefore we do not request a hearing before the Water Management Board. We do however want to provide the following comments:

1. The Bureau of Reclamation's (Reclamation) U.S. Water Withdrawal Water License No. 581-2 filed with the State of South Dakota on April 25, 1952, to allow storage of water in Pactola Reservoir will not be affected by water right application 2557-2 since it will be junior.
2. The contract in place between Reclamation and the District allows for the purchase of up to 600 acre-feet of water from Pactola Reservoir. This computes to around 0.8 cfs if a constant release is made all year long. We agree with your analysis that in most years the 600 acre-feet in Pactola, if used just during the irrigation season, should provide enough water to replace shortages caused by the lack of natural flows in Rapid Creek.
3. The water released from Pactola is measured at the USGS gaging station directly below Pactola. Transmission losses in Rapid Creek, to the diversion point of the District, are absorbed by the District.

We thank you for the opportunity to comment on these proceedings. If you have any questions, please contact Curt Anderson or me at 605-394-9757.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. Nettleton", with a stylized flourish at the end.

Jeffrey L. Nettleton
Rapid City Field Office Manager

cc: Mr. Mark Rath
DENR Water Rights
523 E. Capitol - Foss Bldg.
Pierre SD 57501

Mr. Eric Gronlund
DENR Water Rights
523 E. Capitol - Foss Bldg.
Pierre SD 57501

Mr. Jim Jester
Rapid Valley Sanitary District/Water Service
3201 School Drive
Rapid City, SD 57701-4792

REPORT ON WATER PERMIT APPLICATION NO. 2557-2
Rapid Valley Sanitary District, c/o Jim Jester
May 10, 2005

Application No. 2557-2, Rapid Valley Sanitary District, c/o Jim Jester, proposes to appropriate 1.37 cubic feet of water per second (cfs) from Rapid Creek and change the diversion point from the creek for their water treatment plant. The District currently holds Water Right No. 1101-2 which appropriates 1.73 cfs from the creek at a point located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T1N, R8E. The District proposes to construct a new water treatment facility. This new location requires the diversion point from Rapid Creek be changed to the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T1N, R8E. The District also intends to increase the diversion rate by 1.37 cfs. If approved, the total diversion authority will be 3.1 cfs. Water will be purchased from Pactola Reservoir under a US Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy prior irrigation rights below District's intake. The water will be used for rural water system purposes. The proposed project is located just east of the City of Rapid City in Pennington County.

Review of the Proposed Project

The Rapid Valley Sanitary District a rural water system provides treated water for use in north central Pennington County just east of Rapid City. The District's current raw water treatment facility was constructed in the 1960's is inadequate to meet the ever-growing demand for water as a large level of development has occurred in the service area. Particularly, the District has difficulty providing an adequate water supply during July and August peak water usage periods. In order to address this problem the District proposes to construct a new treatment facility, change the diversion point and request authorization to increase the diversion rate above the 1.73 cfs authorized by their existing water right.

Water Right No. 1101-2 authorizes the diversion of 1.73 cfs from a point located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8 T1N-R8E. This application requests an increase of 1.37 cfs for a combined total of 3.10 cfs to be taken at a diversion point located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15 T1N-R8E about 2.5 to 3 miles downstream from the existing plant. The existing plant will continue to function until the new treatment plant gets constructed and comes on line at which point the existing treatment plant will be abandoned.

Review of Existing Water Rights

The existing treatment plant will continue to function at the current diversion point until the new treatment plant comes on line. At that time, the point of diversion will change from the existing plant downstream to the location of the new plant and diversion rate will increase to 3.10 cfs.

There are 90 existing water rights/permits appropriating 270.84 cfs from Rapid Creek on the reach located between Pactola Reservoir and the confluence with the Cheyenne River. From the location of this proposed project downstream to the Cheyenne River there are 29 existing water rights/permits appropriating 100.09 cfs.

If the District's request to relocate the diversion point downstream a few miles is approved, there is only one existing water right, No. 1461A-2, with a diversion point located between the existing treatment plant intake and the proposed intake.

Rapid Creek is considered an over-appropriated creek, meaning there is more natural flow water appropriated than what is reasonably available except during extremely wet conditions. The US Bureau of Reclamation (Reclamation) addressed this issue several decades ago by constructing Deerfield and Pactola Reservoirs upstream in the Rapid Creek watershed. These large reservoirs capture water and release it for use through contractual agreements with the City of Rapid City, the Rapid Valley Water Conservancy District (RVWCD), CJ Sanders, and Rapid Valley Sanitary District.

The current water right, No. 1101-2 for 1.73 cfs and bearing a priority date of June 14, 1878 during the irrigation season, is relatively senior for Rapid creek water rights. If this application is approved the District will have to utilize their ability to purchase water from through the Reclamation contract for Pactola stored water releases when natural flows are not available.

Adverse impacts to existing water rights and downstream domestic use would not be expected since the District has the ability to purchase stored water releases from Pactola Reservoir.

Conclusions

1. The applicant proposes to appropriate an additional 1.37 cfs from Rapid Creek and change the diversion point from the creek for their water treatment plant for diversions covered under Water Right No. 1101-2 for rural water system purposes.
2. If approved, the total diversion authority will be 3.1 cfs. Water will be purchased from Pactola Reservoir under a Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy downstream senior water rights.
3. The current treatment plant will continue to function and divert water at the existing diversion point until the new treatment plant comes on line. At that time, the point of diversion will change from the existing plant downstream to the location of the new plant and diversion rate will increase to 3.10 cfs.
4. Adverse impacts to existing water rights and downstream domestic use would not be expected since the applicant has the ability to purchase stored water releases from Pactola Reservoir.



Mark D. Rath
Natural Resources Engineering Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2557-2. Rapid Valley Sanitary District**

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. 2557-2, Rapid Valley Sanitary District, c/o Jim Jester, 4611 Teak Drive, Rapid City SD 57703.

The Chief Engineer is recommending APPROVAL of Application No. 2557-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use during the non-irrigation season and that water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy downstream senior water rights, 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. There are prior downstream Water Rights on Rapid Creek (domestic use including livestock watering and irrigation use). Natural flows of Rapid Creek as needed for these prior downstream water rights must be by-passed. During the irrigation season when natural flows are not available, stored water from Pactola Reservoir will need to be purchased under the Bureau of Reclamation contract. This Permit authorizes diversion of natural flow water, if available on a priority basis.
2. Rapid Valley Sanitary District shall report to the Chief Engineer annually the amount of water withdrawn from Rapid Creek.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 16, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
 taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 25, 2005

June 1, 2005

Cost of Printing One hundred twenty-two

and four cents (\$122.04)

Patricia K. Van Patten
 (Signature)

Legal Advertising Rep.
 (Title)

6/1/05
 (Date Signed)

NOTICE OF APPLICATION NO. 2557-2 TO APPROPRIATE WATER

Notice is given that Rapid Valley Sanitary District, c/o Jim Jester, 4611 Teak Drive, Rapid City, SD 57703, has filed an application for a water permit to appropriate 1.37 cubic feet of water per second (cfs) from Rapid Creek and change the diversion point from the creek. The District currently holds Water Right No. 1101-2 which appropriates 1.73 cfs from the creek at a point located in the NE¼ SE¼ Section 8, T1N, R8E. The District proposes to construct a new water treatment facility. This new location requires the diversion point from Rapid Creek be changed to the NE¼ NW¼ Section 15, T1N, R8E. The District also intends to increase the diversion rate by 1.37 cfs. If approved, the total diversion authority will be 3.1 cfs. Water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy prior irrigation rights below the District's intake.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2557-2 with qualifications because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use during the non-irrigation season and that water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy downstream senior water rights, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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 June 13, 2005.

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. Contact Eric Granlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

RECEIVED
 JUN - 7 2005
 WATER RIGHTS
 PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 2005

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2557-2 to Appropriate Water to be published twice. Please publish the first notice on May 25, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Rapid Valley Sanitary District, % Jim Jester, 4611 Teak Drive, Rapid City SD (Ph # 605-393-1050).

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. 2557-2

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

Date _____

We are in receipt of your letter of May 17, 2005 enclosing Notice to Appropriate Water by Application No. 2557-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 25, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2557-2 to Appropriate Water

Notice is given that Rapid Valley Sanitary District, c/o Jim Jester, 4611 Teak Drive, Rapid City SD 57703 has filed an application for a water permit to appropriate 1.37 cubic feet of water per second (cfs) from Rapid Creek and change the diversion point from the creek. The District currently holds Water Right No. 1101-2 which appropriates 1.73 cfs from the creek at a point located in the NE ¼ SE ¼ Section 8, T1N, R8E. The District proposes to construct a new water treatment facility. This new location requires the diversion point from Rapid Creek be changed to the NE ¼ NW ¼ Section 15, T1N, R8E. The District also intends to increase the diversion rate by 1.37 cfs. If approved, the total diversion authority will be 3.1 cfs. Water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy prior irrigation rights below the District's intake.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2557-2 with qualifications because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use during the non-irrigation season and that water will be purchased from Pactola Reservoir under a Bureau of Reclamation contract during the irrigation season when natural flows are not sufficient to satisfy downstream senior water rights, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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 June 13, 2005.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

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

May 17, 2005

Rapid Valley Sanitary District
% Jim Jester
4611 Teak Drive
Rapid City SD 57703

Dear Mr. Jester:

Water Permit Application No. 2557-2 for suburban housing development use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice 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 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. 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

c: Greg Wierenga, CETEC Engineering, PO Box 9014, Rapid City SD 57709-9014

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
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www.state.sd.us/denr

JUN 20 2005

Rapid Valley Sanitary District-Water Service
% Jim Jester
4611 Teak Drive
Rapid City SD 57703

Dear Mr. Jester:

Enclosed is Water Permit No. 2557-2 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

Permit No. 2557-2
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have on this day, 6/6/2012, conducted a thorough examination of the water use system constructed by **Rapid Valley Sanitary District, 4611 Teak Drive, Rapid City, SD 57703**, holder of Permit No. 2557-2, bearing the priority date of April 7, 2005. Permit No. 2557-2 is authorized to appropriate a total of 1.37 cfs of surface water from Rapid Creek for rural water system and municipal purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Rusty Schmidt,
District Manager

A. Works used to divert the water:

Infiltration gallery consisting of 2 intakes and 3 submersible pumps.

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

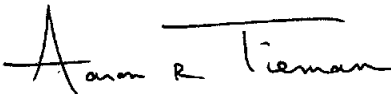
Municipal distribution lines.

The system is in the following condition **good**. The point of diversion (well) is located specifically at **Lat/Lon – N44.050785/W-103.146189 which is the approximately 735 feet south and 1375 feet east of the NW corner of Section 15, T1N-R8E.** The works are capable of diverting 1.37 cfs which is to be used for rural water system & municipal purposes. The license should be issued for 1.37 cfs.

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**.

Comments: **Changes the diversion point location and increases the diversion rate authorized by Water Right No. 1101-2 by 1.37 cfs for a total combined diversion rate of 3.1 cfs. Upon licensing, applicable portions of Water Right No. 1101-2 should be incorporated into Water Right No. 2557-2.**



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **June 26, 2015**

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2557-2

DATE OF INVESTIGATION:	June 6, 2012
NAME & ADDRESS OF PERMIT HOLDER	Rapid Valley Sanitary District 4611 Teak Drive Rapid City, SD 57703
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Rusty Schmidt (District Manager)
DIVERSION POINT LEGAL LOCATION	NE¼ NW¼ Section 15, T1N-R8E
WATER SUPPLY SOURCE	Surface water, Rapid Creek

Other permit(s) associated with the project: Water Right No. 1101-2 (See comments below).

Water Supply Source: Rapid Creek

Water Treatment Plant:

Pump:

- 1) Make: Goulds
- 2) Model: VLT-CAFM
- 3) Capacity: 700 GPM

Motor:

- 1) Make: US Motors
- 2) Model: 20069462-100
- 3) Horsepower rating: 25 hp

Pump:

- 4) Make: Goulds
- 5) Model: VLT-CAFM
- 6) Capacity: 700 GPM

Motor:

- 4) Make: US Motors
- 5) Model: 20096462-100
- 6) Horsepower rating: 25 hp

Pump:

- 7) Make: Goulds
- 8) Model:
- 9) Capacity: 1100 GPM

Motor:

- 7) Make: US Motors
- 8) Model: DT93
- 9) Horsepower rating: 40 hp

DISTRIBUTION LINES OR CANALS:

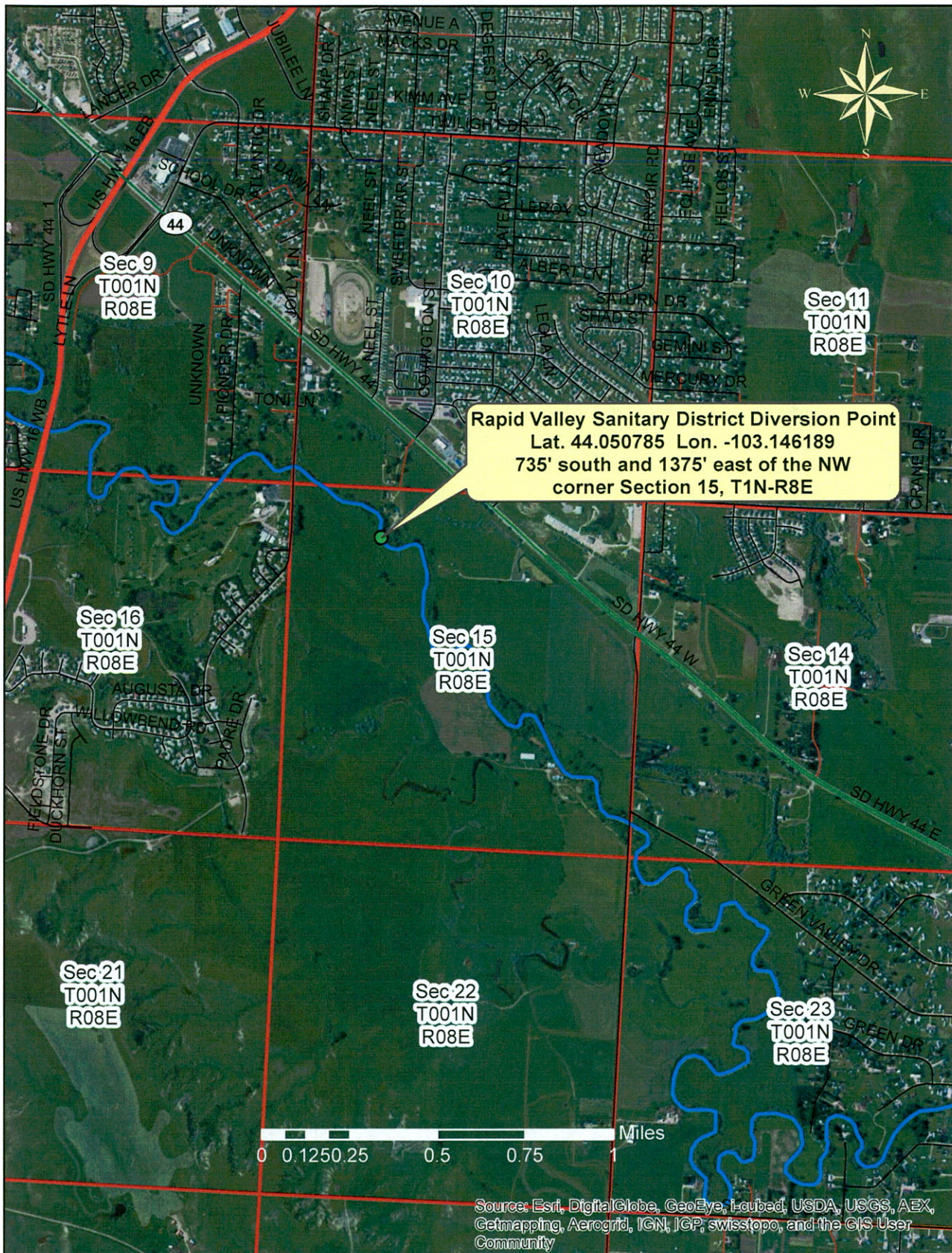
- 1) Type: Municipal distribution lines.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes

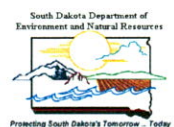
COMMENTS: Changes the location of diversion point and increases the diversion rate authorized by Water Right No. 1101-2 by 1.37 cfs for a total combined diversion rate of 3.1 cfs.

Water Right 2557-2
Rapid Valley Sanitary District
June 6, 2012



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2557-2**

(1) Rapid Valley Sanitary District, 4611 Teak Drive, Rapid City SD 57703 made Application No. 2557-2, April 7, 2005 for a water permit to divert 1.37 cubic feet of water per second (cfs) from Rapid Creek, Pennington County, South Dakota for rural water system purposes. Permit No. 2557-2, with a priority date of April 7, 2005 was approved June 13, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 13, 2010 and for the application to beneficial use of said water on or before June 13, 2014.

Partial Vested Water Right No. 1101-2 authorizes 1.73 cfs from Rapid Creek at a point located in the NE ¼ SE ¼ Section 8, T1N, R8E. No. 2557-2 authorizes an additional 1.37 cfs from the creek and changed the diversion point location to the NE ¼ NW ¼ Section 15, T1N, R8E. The total diversion authority authorized is 3.1 cfs.

The applicable portions of Partial Vested Water Right No. 1101-2 have been incorporated into this Water License. The water authorized under No. 1101-2 was originally for irrigation purposes under the Little Giant Ditch from April 15th through October 1st. The water was then transferred for use as a water supply for suburban housing throughout the remainder of the year. The following priority dates are retained:

- 1.73 cfs June 14, 1878 during irrigation season
 February 22, 1972 during non-irrigation season
- 1.37 cfs April 7, 2005, year round use

(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 application of water to beneficial use and is entitled to divert 3.1 cubic feet of water per second for beneficial use. The location of the diversion point is 735 feet south and 1,375 feet east of the NW corner of Section 15, T1N, R8E (NE ¼ NW ¼).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Rapid Valley Sanitary District, 4611 Teak Drive, Rapid City SD 57703 the holder and/or owner of Water Right No. 2557-2 is issued a license to appropriate water, the right to use 3.1 cubic feet of water per second from Rapid Creek with priority dates of June 14, 1878 and February 22, 1972 (1.73 cfs) and April 7, 2005 (1.37 cfs) from the location specified in (2) of this license for rural water system use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2557-2 and subject to the following qualifications:

- There are prior downstream Water Rights on Rapid Creek (domestic use including livestock watering and irrigation use). Natural flows of Rapid Creek as needed for these prior downstream water rights must be bypassed. During the irrigation season when natural flows are not available, stored water from Pactola Reservoir will need to be purchased under the Bureau of Reclamation contract. This permit authorizes diversion of natural flow water, if available on a priority basis.
- Rapid Valley Sanitary District shall report to the Chief Engineer annually the amount of water withdrawn from Rapid Creek.



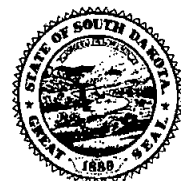
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 22 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 22 2016

1101-2
2557-2

Rusty Schmidt, District Manager
Rapid Valley Sanitary District
4611 Teak Drive
Rapid City SD 57703

Dear Mr. Schmidt:

Enclosed is Water License No 2557-2. This is the final water right document completing the process of obtaining a Water Right. Included with the 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

Note: Upon licensing, the applicable portions of Partial Vested Water Right No. 1101-2 were incorporated into Water License No. 2557-2.