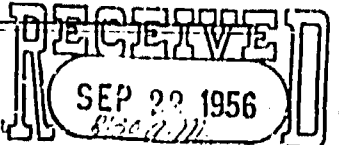


1. Considered Nov 13, 1905
2. Name of Applicant City of Rapid City #431-2
3. Post Office Address Rapid City, S. Dak.
4. Amount of water claimed 6.17 cfs
5. Source of water supply Meadowbrook Gallery
6. Water to be used for Municipal purposes  
Acres to be irrigated
7. Water to be diverted and used in Pennsylvania County about         
       miles near of Rapid City
8. Proof of Publication      Received Not needed  
                                         Not Received
9. Application      Approved         
                                 Subject to         
                                 Not Approved         
                                 Action deferred
10. Remarks:

Vested Right

No. 431-2Water Division No. 2

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT  
VESTED RIGHTS PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Rapid City  
 Postoffice address Rapid City, County Pennington, State South Dakota

I. If a corporation Municipal

- (a) Name of same City Commissioners—H. Baker, J. Ewing, M. Haugen, C. Hoseth, F. Krieger, M. Rypkema, R. Severson, L. Yeoman, F. Johnson  
 (b) Date and place of incorporation City of Rapid City  
 (c) Amount of capital stock \_\_\_\_\_  
 (d) Amount paid in \_\_\_\_\_  
 (e) Names and addresses of directors \_\_\_\_\_

(NOTE—A certified copy of articles of Incorporation must accompany the application.)

## II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

By Contract

- (b) Cash on hand, \$ \_\_\_\_\_ (c) Treasury stock, \$ \_\_\_\_\_  
 (d) Bonds to be issued, \$ amount to be determined when actual use is contemplated (e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work Meadowbrook Gallery  
 3. Amount of water claimed 6.17 Cubic cubic feet per second \_\_\_\_\_  
 4. Source of water supply Ground Water Gallery  
 5. Location of point of diversion 2032 feet S 31° 41' W of NE corner of Section 9, Township 1 N, Range 7 E, B1E1 on \_\_\_\_\_ tank \_\_\_\_\_ County.  
 6. Annual period or periods during which water is to be used year around  
 7. To be used for:

- I. Irrigation or domestic use; Gravity, overhead sprinkling or combination system?
- Municipal purposes

- (a) Number of acres to be irrigated \_\_\_\_\_ acres.

- (b) Legal subdivisions to be irrigated \_\_\_\_\_

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)
- Domestic use for the City of Rapid City.

## II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use
- Fire protection, public recreation and purposes incidental to municipal use of water.
- 
- Name any of the above uses claimed

- (b) Amount of power to be generated \_\_\_\_\_ horse power.

Amount claimed for engine cooling \_\_\_\_\_

- (c) Location of plant \_\_\_\_\_

- (d) Method of developing power \_\_\_\_\_

- (e) Point where water will be returned to stream \_\_\_\_\_

## 8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$15,000.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures Gallery-----\$55,000.00

Total, \$15,000.00

## 9. Description of diversion works:

## I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Gallery-Underground Collection

## II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark:-----acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|-----------------------|
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |

(c)\* Head gate: Width-----feet; height-----feet;  
Material-----

(d) Canal: Total length-----miles.

| LOCATION BELOW<br>HEADGATE | DEPTH     | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|-----------|-----------------|------------------------|-------------------|
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |
| At-----Mile                | -----feet | -----feet       | -----feet              | -----feet         |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed, April, 1952

11. Time required for complete application of water to the proposed beneficial use Completed April, 1952

12. Choice of newspaper for publication of notice of intention to appropriate  
Rapid City Daily Journal

STATE OF SOUTH DAKOTA

County of

PENNINGTON

ss.

Official representative

I, H.S. Thorgriksen, City Manager, City of Rapid City, S.Dak., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

H.S. Thorgriksen

Subscribed and sworn to before me this

20th

day of

September

1956

Notary Public (or other qualified officer.)

T-2-N, R-7-E

29 28  
32 33

SURVEYOR'S CERTIFICATE

I, VINAL C. FRANCIS A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR No. 625 IN AND FOR THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP SHOWS THE LOCATION OF WELLS, SPRINGS AND WATER GALLERIES AS USED BY OR PROPOSED TO BE USED BY THE CITY OF RAPID CITY, SOUTH DAKOTA, SAID MAP BEING MADE FROM PLATS AND RECORDS ON FILE IN THE REGISTER OF DEEDS OFFICE, PENNINGTON COUNTY, SOUTH DAKOTA. I FURTHER CERTIFY THAT THIS MAP IS A TRUE AND CORRECT REPRESENTATION OF THE WELLS, SPRINGS AND GALLERIES.

WITNESS MY HAND AND SEAL THIS 10th DAY OF August 1956

Vinal C. Francis  
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR No. 625

ACKNOWLEDGEMENT

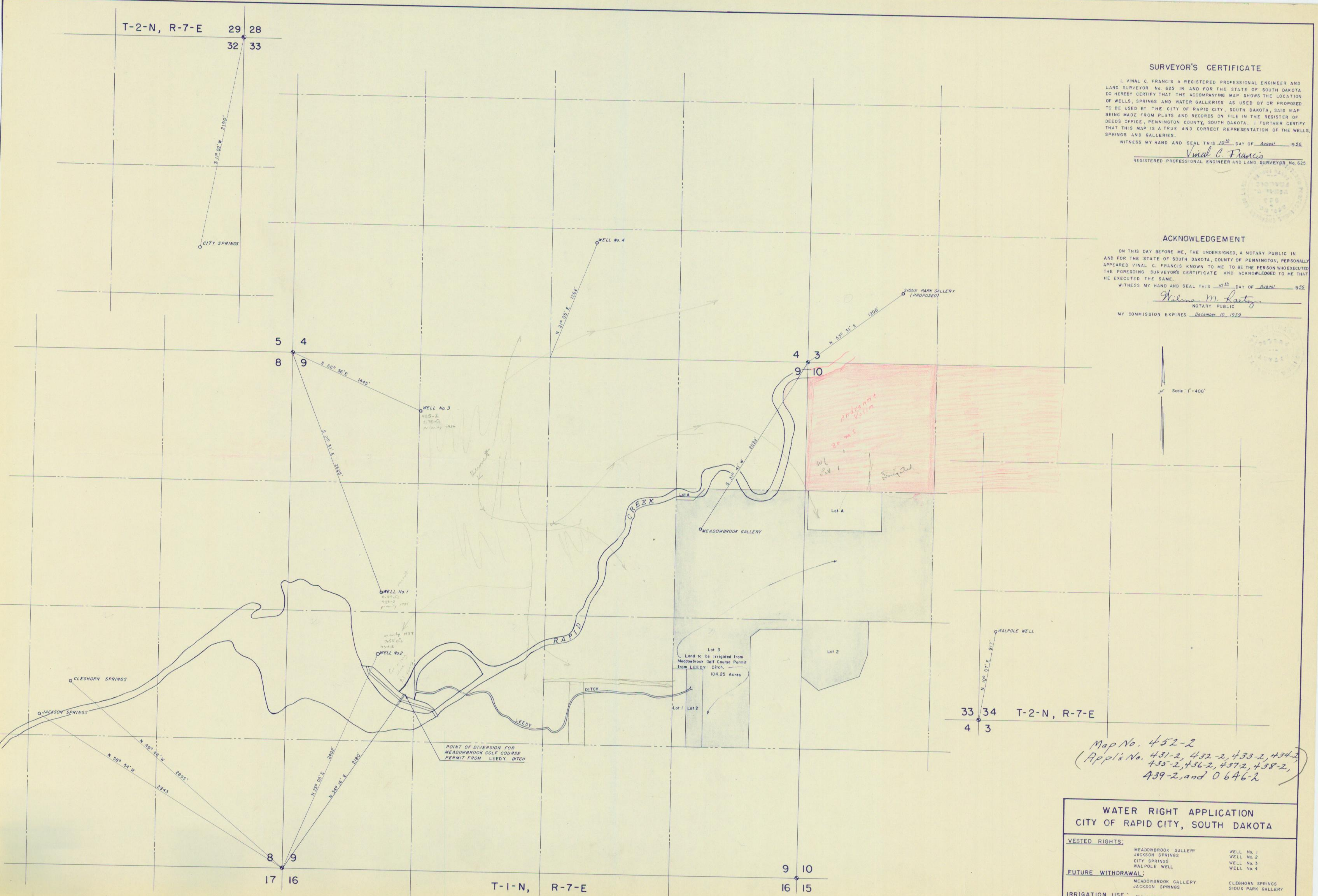
ON THIS DAY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON, PERSONALLY APPEARED VINAL C. FRANCIS KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 10th DAY OF August 1956

Helma M. Rietz  
NOTARY PUBLIC

MY COMMISSION EXPIRES December 10, 1959

Scale: 1" = 400'



Map No. 452-2  
(Appl's No. 431-2, 432-2, 433-2, 434-2,  
435-2, 436-2, 437-2, 438-2,  
439-2, and 0646-2)

WATER RIGHT APPLICATION  
CITY OF RAPID CITY, SOUTH DAKOTA

|                                                  |                    |
|--------------------------------------------------|--------------------|
| VESTED RIGHTS:                                   |                    |
| MEADOWBROOK GALLERY                              | WELL No. 1         |
| JACKSON SPRINGS                                  | WELL No. 2         |
| CITY SPRINGS                                     | WELL No. 3         |
| WALPOLE WELL                                     | WELL No. 4         |
| FUTURE WITHDRAWAL:                               |                    |
| MEADOWBROOK GALLERY                              | CLEGHORN SPRINGS   |
| JACKSON SPRINGS                                  | SIoux PARK GALLERY |
| IRRIGATION USE:                                  |                    |
| (TRANSFER OF EXISTING WATER RIGHT)               |                    |
| MEADOWBROOK GOLF COURSE PERMIT FROM LEEDY DITCH. |                    |

*Supplementary statement recognizing and limiting water use under this Permit is hereby made a part of this Permit of*

STATE OF SOUTH DAKOTA  
County of *Hughes* } ss.

Pierre, South Dakota, *September 29*, 19*56*

This is to certify that the foregoing application was received by the Commission at *5:30* o'clock  
*A.* m. upon the *22* day of *September*, 19*56*

State Water Resources Commission

By: *John R. Miller*  
Chief Engineer, Executive Officer

*Water Right*  
Number of permit *431-2*

Date of first receipt of application *September 22*, 19*56*

Date of return to applicant for correction, amendments or changes required as follows: *September 29*, 19*56*

Date of receipt of corrected application *December 14*, 19*56*

Date from which applicant may claim right: *3.08 cfs dating from December 14, 1956*  
*3.09 cfs dating from May 1956*

Approved *May 15*, 19*57*, Recorded in Book *4* Page *110*

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

*Completed*, 19

2nd. The whole of said work is to be completed on or before *Completed*, 19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

*Completed*, 19

4th. The water appropriated shall be used for the purpose of *Municipal water*

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed *6.17* cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually *and beneficially applied for irrigation* on or before *Completed*, 19; said water to be used during the following described annual period:

*the non-irrigation season of each year. Diversions of water during the irrigation season shall not be made except under the conditions and limitations contained in the attached statement.*

Witness my hand this *24* day of *June*, 19*57*

State Water Resources Commission

By: *John R. Miller*  
Chief Engineer, Executive Officer

Certificate of Construction Issued *June 24*, 19*57*

Water License Issued *June 24*, 19*57*

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation \_\_\_\_\_, Depth \_\_\_\_\_  
Type of casing \_\_\_\_\_ (wood, concrete, steel, etc.)  
Size of casing \_\_\_\_\_, Thickness of casing \_\_\_\_\_  
Length of casing \_\_\_\_\_ If collection gallery, length, size and depth of gallery Length-800 feet, size-30 inch perforated CMP, depth-20 feet

(b) Screens

Type of perforated screen Perforated CMP  
Size of perforated screen 30 inches 800 feet  
(diameter) (length)  
Thickness of gravel pack \_\_\_\_\_, length of gravel pack \_\_\_\_\_

(c) Water Bearing Materials

Distance to water 6 feet Character of water bearing materials  
No. 3 graded gravel

Thickness of water bearing material 30 feet

(d) Pump and Motor

Type of pump turbine (centrifugal, propeller, mixed flow, etc.)  
Name of pump (2) Worthingtons, size 10 inch  
Kind of motor Electric plus gasoline and butane standby (gasoline, electric, diesel, etc.)  
Horsepower 100, Name of Motor U.S.

(e) Complete well

Capacity 2800 GPM at drawdown of 9 feet Estimated cost \$70,000.00

(f) Owner of land upon which well is located City of Rapid City  
Name  
Rapid City, South Dakota  
Address

(g) Distance to nearest existing wells

On same owner's property \_\_\_\_\_ rods. On property owned by others \_\_\_\_\_ rods

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 431-2

WHEREAS, On the 22nd day of September A. D. 1956  
the City of Rapid City

of Rapid City County of Pennington Vested Right and State of  
South Dakota duly made application (No. 431-2) to us for a permit to use 6.17  
cubic feet per second of the waters of ground water (Meadow Brook Gallery)  
County of Pennington, State of South Dakota, for municipal  
purposes; and

WHEREAS, On the 24th day of June A. D. 1957  
Vested Right Permit No. 431-2 was issued to said applicant recognizing  
for the diversion of said water, and providing for the for 3.08 cfs in 1950 and for  
completion of the works of diversion therein described 3.09 cfs additional in May 1955  
~~XXXXXX~~ and for the application to beneficial use of said

water ~~XXXXXX~~ and, ~~XXXXXX~~

WHEREAS, On the 14th day of December A. D. 1956  
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.17  
cubic feet per second of said waters, as evidenced by our Certificate No. 431-2  
dated June 24, 1957 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of intended use 6.17 cubic feet per second of water, with date of  
1950 for 3.08 cfs and May 1955 for 3.09 cfs priority of XX and,

WHEREAS, On the 14th day of December A. D. 1956  
proof was duly made of the application to beneficial use of 6.17 cubic feet per second of said water;  
in the distribution system of the City of Rapid City

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confirm to the City of Rapid City

of Rapid City, South Dakota the holder, Vested Right and owner of said permit No. 431-2  
1950 to the use of 3.08 cubic feet per second and from  
a water right, dating from May 1955 to the use of 3.09

cubic feet per second of the waters of ground water (Meadowbrook Gallery)

in the County of Pennington and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at 2032 feet, S 31° 1' W,

of the NE Cor., Sec. 9, T 1 N, R 7 E

and conducted to ~~and~~ the residents of the City of Rapid City through the  
City's municipal distribution system

for the purpose of providing municipal water

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the  
State, and subject, also to the local or community customs, rules and regulations which have been or may be  
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from  
which such water may be taken, when such rules and regulations have for their object the economical use of such  
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 24th day of June A. D. Nineteen  
Hundred and Fifty-Seven.

State Water Resources Commission

By:

**J. W. GRIMES** Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Ac't \_\_\_\_\_ c. f. s. \_\_\_\_\_

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 431-2Water Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The City of Rapid City

of Rapid City, County of Pennington, and State of South Dakota, the holder of vested right Permit No. 431-2, Issued upon Application No. 431-2, bearing date of priority of 3.08 cfs from 1950 3.09 cfs from May 1955, authorizing the diversion of 6.17 cu. ft. per second of the waters of ground water (Meadowbrook Gallery)

County of Pennington, State of South Dakota, at 2032 feet, S 31°41'W of the NE Cor., Sec. 9, T 1 N, R 7 E

for municipal purposes purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as in satisfactory condition for diverting and conveying to the place of intended use 6.17 cu. ft. per second of water; and that the ~~land~~ proposed ~~to be taken~~ use of said water ~~is~~ is described as follows, to-wit: to furnish municipal water for the distribution system of the

City of Rapid City.

Witness my hand this 24th day of June A. D. 1957

State Water Resources Commission

By:

**J. W. GRIMES**, Chief Engineer, Executive Officer

RAPID VALLEY WATER CONSERVANCY DISTRICT  
Rapid City, South Dakota  
November 9, 1956

Mr. J. W. Grimes, Chief Engineer  
Executive Secretary of State Water Resource Commission  
Pierre, South Dakota

Dear Mr. Grimes and Members:

This letter notice, in behalf of the Water Users of Rapid Valley, concerns notices of application for water rights recently filed by the city of Rapid City for certain water rights in the Rapid Creek water shed. Rapid City is asking:

1. For the transfer to the City of the water right covering the Leedy-Sickler Ditch;
2. For the water right covering a portion of the water stored in Deerfield and Pactola Reservoirs, which water right we understand is now held by the Bureau of Reclamation in behalf of the United States;
3. For 7.7 s.f. from the Sioux Park Gallery. This represents a withdrawal for future use;
4. For 1.54 s.f. from Cleghorn Springs. We assume that this represents a figure over and above that presently used and required by the State Fish Hatchery, which probably amounts to about four million gallons per day;
5. For any and all flows above four million gallons per day from the Jackson Springs. We believe this may be confused with the amount of water used presently by the Fish Hatchery from the Cleghorn Springs;
6. For 9.3 s.f. additional water from Meadowbrook Gallery. This represents an amount above that which they are now using.

In addition to the fore-going request for certain water rights, Rapid City claims to have vested rights at the present time from other sources as follows:

Meadowbrook Gallery--6.17 s.f.  
Jackson Springs--7.75 s.f.  
Well #1--.84 s.f.  
Well #2--.55 s.f.  
Well #3--1.78 s.f.  
Well #4--1.55 s.f.  
City Springs--.78 s.f. Since 1926  
Walpole Well--.22 s.f. Drilled in 1940

We recognize that the deep wells are not tributary to Rapid Creek. We understand that the applications for withdrawals for future use will bear the date of 9/22/56.

In representing the water users of Rapid Valley, we wish to present herewith a forthright statement of our position with respect to the City's application for water rights covering the so called unappropriated waters of Rapid Creek:

- A. The only unappropriated water is the flood waters for which no storage has been provided;
- B. We believe that the only unappropriated water which could possibly be recognized, would be the run-off flow from November 1, to April 1.

In brief, from a historical viewpoint in support of our contention, we first call attention to the fact that recorded filing on Rapid Creek was by the Leedy-Sickler Ditch on April 21, 1877. Subsequently, there have been many filings by ditching companies and individuals, of which the earliest recognized priority below Rapid City, is that by the Rapid Valley Water Company (otherwise known as Murphy Ditch), which filing is as of April 6, 1878. Further, through litigation priorities have been established among the ditching companies with various amounts of water decreed by court decisions. It has long been recognized by various interests that the appropriations of water from Rapid Creek far exceed the natural flow of the creek.

In view of the fore-going facts, the city of Rapid City and the Rapid Valley Water Conservancy District entered into a contract with the Federal Bureau of Reclamation, representing the United States, on July 27, 1943, covering the water stored in the Deerfield Reservoir which is located on Castle Creek, a tributary of Rapid Creek. By the terms of that contract, the city of Rapid City has a priority to the first 7 thousand acre feet stored in the Deerfield Reservoir. The water users are entitled to the balance of the storage capacity, approximating 8 thousand acre feet or any portion thereof, that may be available during the irrigation season.

Prior to the decision made to proceed with the building of a dam at Deerfield, in lieu of one at Pactola, an agreement was reached between the Rapid Valley Water Users Association and representatives of the Federal Bureau of Reclamation, at a meeting held in Rapid City on March 10, 1941; whereby, the Deerfield dam should be the first of a series of dams to be built in the Rapid Creek water shed for supplemental water for irrigation and municipal use with the Rapid Creek water shed.

This agreement was arrived at because of the then existing problems involved at the proposed Pactola dam site, and in consideration of the limited capacity (15000 acre feet) of the proposed Deerfield dam.

Following the completion of the Deerfield Dam and storage of water therein, further discussions were held from time to time, through meetings called by the Rapid City Chamber of Commerce, with respect to the possibility of ways and means of securing a dam at Pactola. There developed a growing need on the part of the Ellsworth Airbase to find a source of water to meet their requirements, in view of the limited flow of water provided by deep wells which the Airbase had sunk for that purpose.

At a special meeting called by the Rapid City Chamber of Commerce on Wednesday afternoon, October 31, 1951, with representatives of the Rapid Valley Water Conservancy District, Rapid City Commission, Chamber of Commerce and the Airbase, attended by Senator Francis Case, the needs of the Airbase were reviewed along with ways and means by which all interested parties might work together to provide additional water storage in the Rapid Creek water shed. Quoting from a report of that meeting:

"Col. Ellsworth stated that 3 questions must be worked out if they are to participate on a cost basis in the construction of Pactola, wherein, the Airbase must have a supplemental or additional water supply. These three questions are:

1. What will be the cost to the Airbase during the interim period of water sold by Rapid City?
2. Can the City furnish at least 1.6 million gallons of water daily?
3. Will the water users in Rapid Valley waive indemnity against the City with respect to any litigation or damages for water sold to the Airbase during the interim period? "

Subsequent meetings were held early in November 1951, with representatives of the Water Improvement Committee of the Rapid City Chamber of Commerce and the Rapid Valley Water Conservancy District, for the purpose of discussing the ways and means of getting together with an agreement. Finally, a special meeting of the Rapid Valley Water Conservancy District was held on November 9, 1951, with representatives of the City Commission, Ike Chase--a City Commissioner--representing Mayor Gus Haines; and Harold Hanley, City Attorney, present. A review of the over-all subject was discussed. Quoting from the minutes of that meeting:

"As reported on previous occasions, Ike Chase reiterated that 'we have to replace every drop of water taken out of Meadowbrook. The water must be replaced out of stored water from the Deerfield Reservoir.' Harold Hanley, City Attorney, reported, 'We have not replaced all the water used in Rapid City, except insofar as the water is charged to the city supply in Deerfield.' Walter Miser, Attorney for the Water Conservancy District stated, 'Irrespective of percolating or non-percolating water, no matter the source, it is to be charged against the city's supply at Deerfield'. Ike Chase reported, 'Meadowbrook water is charged against the 7,000 acre feet of city storage in Deerfield Reservoir'. Mr. Hanley stated that with respect to the interpretation of the contract between the City, the Water Conservancy District and the Government, there is an area of dispute; however, it appears that the water taken from Meadowbrook comes from the Deerfield Reservoir. To be more specific, Mr. Hanley stated, 'Meadowbrook is a part of Rapid Creek.'

Further questions concerning the contract were clarified by Attorney Hanley as he read certain provisions of the contract.

It was moved by Lawrence Jones, seconded by Maurice Keliher that the water users present authorize the Directors of the Water Conservancy District to enter into an agreement with Rapid City concerning the proposed sale of water to the Airbase by the City, and that the Directors meet in executive session for that purpose; that the usual requirement of written notice for such a meeting be waived. Motion carried. On roll call, the vote was unanimous in favor of said motion."

At this special meeting of the Water Conservancy District held on November 9, 1951, the President and Secretary of the Rapid Valley Water Conservancy District were authorized to write a letter to the Mayor of the city of Rapid City. See copy attached (Exhibit A).

In a letter to the Contracting Office of the Rapid City Airbase, dated November 13, 1951, signed by Harold H. Babcock (then City Manager); and approval by the city of Rapid City, signed by A. L. Haines, (then Mayor); attested to by R. R. Lang (City Auditor); approved by Dunmire & Ernst, Consulting Engineers; approval and acceptance was given to the letter by Raymond Johnson and Raymond Lund by their signatures, in behalf of the Rapid Valley Water Conservancy District. This letter listed various sources of water whether from Meadowbrook or whether from Springs, or any other water, as part of Rapid Creek water. A copy of the City's letter to the Contracting Office of the Airbase, together with a copy of the resolution of the acceptance of the Rapid Valley Water Conservancy District; letter is attached. (Exhibit B).

In a letter dated June 23, 1952, addressed to Mr. H. H. Babcock, then City Manager, signed by E. H. Dunmire, Consulting Engineer for Rapid City, further reference is made to all waters, whatever the source, as part of Rapid Creek water, except for wells tapping the artesian aquifer. Find Exhibit C attached.

Attached hereto is a copy of a letter dated June 27, 1952, to E. H. Dunmire, City Engineer for Rapid City, signed by Raymond Johnson and Raymond Lund, representing Rapid Valley Water Conservancy District, wherein, the Conservancy District advises that they will not request the City to replace water pumped from the present and future development of any artesian aquifer. (Exhibit D attached.)

In view of the fore-going recognition of the fact that any source of water other than from the artesian aquifer, is a part of Rapid Creek and is Rapid Creek water; we the undersigned, representing the water users of Rapid Valley, wish to go on record through the filing of this notice with the State Water Resource Commission, that any water right that may be claimed by the city of Rapid City, should be subject to existing water rights now held by the various interests in Rapid Valley.

Signed:

R. P. Johnson  
R. P. Johnson

Arthur C. Ham  
Arthur C. Ham

Walter Jones  
Walter Jones

Maurice Keliher  
Maurice Keliher

Rolla A. Marsh  
Rolla A. Marsh

Eugene Dunn  
Eugene Dunn

(Deceased)

D. F. Farnham  
D. F. Farnham

Walter C. Taylor  
Walter C. Taylor

Jens Kielstrup

Directors of the Rapid Valley Water Conservancy District

Raymond F. Lund  
Raymond F. Lund, Secretary

Dated this tenth day of  
November, 1956

We, the undersigned, representatives of the various  
ditches, operating in Rapid Valley, subscribe to  
the fore-going notice of filing with the State Water  
Resource Commission.

Ed. Morris  
Rapid Valley Water Co., Inc.

Frederick A. Binstad  
Little Giant Ditch Co.

Eugene H. Dunn See Trans  
South Side Ditch & Water Co., Inc.

Walter C. Taylor  
Cyclone Ditch Co., Inc.

Eugene H. Dunn  
Long Tree Ditch Co., Inc.

J. Carl Ham  
St. Germain Irrigation Co., Inc.

Boella G. Marsh  
Hawthorne Ditch Co., Inc.

M. J. Schuber - Pres.  
Iowa Irrigation Ditch Co., Inc.

W. R. Shepherd  
Brennan-Lockhart Ditch

Dated this tenth day of  
November, 1956

COPY

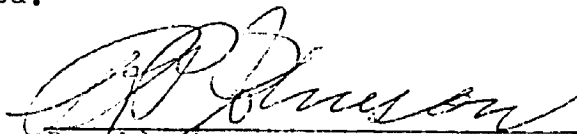
COPY

EXHIBIT A - November 9, 1951

At a meeting of the directors of the Rapid Valley Water Conservancy District, waiver of notice is hereto annexed. The meeting was called to order by Raymond P. Johnson on November 9, 1951. It was moved by Walter Taylor and seconded by Eugene Dunn that the President and Secretary of the Rapid Valley Water Conservancy District be authorized to write to the Mayor of the city of Rapid City as follows:

"That the Rapid Valley Water Conservancy District agrees that it will not seek to enjoin the sale by the City of Rapid City to the Airbase of 1,600,000 gallons of water per day during the irrigation season as that season is defined in the contract of July 27, 1943, between the United States of America, City of Rapid City, and the Rapid Valley Water Conservancy District, and the sale of 3,000,000 gallons per day during the balance of the year for the period of five years from the date hereof, nor seek damages against the city of Rapid City for such sale or sales; provided the Pactola Dam will be under construction within one year from this date and completed within four years from the date of the beginning of construction; provided that all water furnished by the City of Rapid City to the Airbase during the said irrigation season will be charged against the seven thousand acre feet of water to which the city has priority under said contract; provided further that all water used and sold by the city, whether from springs, wells, Meadowbrook, Deerfield Dam water shall be considered to be included in the seven thousand acre feet to which the city has priority."

No other business coming before the meeting and on motion of Rolla Marsh, the meeting was adjourned.

  
\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

COPY

EXHIBIT B

November 13, 1951

COPY

Contracting Office  
Rapid City Air Base

Att: L. C. Minge, WOJG, USAF  
Contracting Officer

Subject: Proposed Purchase of Water Service by Airbase  
from City of Rapid City, South Dakota

Reference: Yr letter to City Mgr. of 3 August 1951  
Our letter to you of 10 August 1951  
Yr letter to City Mgr. of 22 October 1951

Enclosure: (A) Print of Dunmire's 60 Day Pumping Test of Meadowbrook  
Well. (B) Signed stipulation by Rapid Valley Conservancy  
District.

This letter is in reply to your last referenced letter and is supplemental  
to and amendatory of our letter to you of 10 August 1951.

1. There is no basis for any suit or litigation over the "Nelson Well"  
as the end of the 60 Day Pumping Test of the Completed Meadowbrook Well  
at a continuous pumping at a rate of 2 million gallons per day lowered  
the water in the Nelson Well only 2 inches and there is approximately  
20 feet of water bearing Sand-Gravel-Boulders at that point into which  
the well could be easily lowered, if need be, at a very small expense,  
further the City since that time has extended the City Water Pressure  
Mains to that property in question.

The U.S.G.S. advised the City that they had determined the City could  
develop easily a supply of 2 million gallons per day from the Meadowbrook  
Area. Afterward the City put down numerous Test Wells under the direction  
of Mr. Dunmire and he ran a Preliminary Pumping Test on this area and  
advised the City that they could count on at least 2 million gallons  
per day from it. The meadowbrook Well was then completed and Mr. Dunmire  
ran a 60 Day Pumping Test of the Completed Well, the Record of which  
test is shown by the Enclosure A. At the conclusion of this 60 Day  
Pumping Test at an uninterrupted rate of 2 million gallons per day, it  
was found that the water in the well itself was lowered only 7.8 feet  
and that there was still 7.4 feet of water remaining in the well.  
Mr. Dunmire advises the City that the Draw-Down Curve as shown at the  
finish of this Pumping Test proves that the City could increase this  
pumping to 3 million gallons per day if the need arose. Mr. Dunmire  
states that his advice to the City regarding this well is based on his  
experience of some 40 years in developing similar shallow well supplies  
in the Midwest.

Your suggestion of a possible injunction by the irrigators in Rapid  
Creek Valley is answered by Enclosure B signed by the President and  
Secretary of the Conservancy District and approved by the City of  
Rapid City, South Dakota, in which the Conservancy District agree  
not to bring any suit or interfere with the City selling the Water  
to the Airbase, which is outside the Rapid Creek Valley, for a period  
of 5 years, providing (1) the Pactola Reservoir is started with in 1  
year and completed within the 5 years and (2) the amount of water sold  
to the Airbase is deducted from the 7,000 Ac. Ft., annually allotted  
to the City from the Deerfield Reservoir, to all of which stipulations  
The City of Rapid City hereby agrees.

COPY

-2-

COPY

3. The City proposes to guarantee the delivery of a minimum of 1,6000,000 gallons of water per day during the summer season, 15 June 15 September. The City can provide the Airbase with a water supply of 3 to 5 million gallons per day during the other 9 months of the year.

On this basis the City proposes to meter the water at the City limits and to charge the Air Base on the Monthly Schedule of Rates as set out in Mr. Dunmire's Report, which Schedule of Rates on MONTHLY READINGS AND BILLINGS ARE, as follows:

|          |                                         |
|----------|-----------------------------------------|
| First    | 1,400 Cu. Ft. @ 25¢ per 100 Cu. Ft.     |
| Second   | 1,400 Cu. Ft. @ 18¢ per 100 Cu. Ft.     |
| Third    | 1,400 Cu. Ft. @ 16¢ per 100 Cu. Ft.     |
| Fourth   | 1,400 Cu. Ft. @ 14¢ per 100 Cu. Ft.     |
| Fifth    | 1,400 Cu. Ft. @ 12¢ per 100 Cu. Ft.     |
| Next     | 7,000 Cu. Ft. @ 10¢ per 100 Cu. Ft.     |
| Next     | 2,000,000 Cu. Ft. @ 9¢ per 100 Cu. Ft.  |
| All Over | 2,014,000 Cu. Ft. @ 8½¢ per 100 Cu. Ft. |

The use of 1½ million gallons per day amounts to approximately 6,016,000 Cu. Ft. per month, which on the above Schedule of Rates, figures 8.68¢ per 100 Cu. Ft. or 11.60¢ per 1,000 gallons as compared to the rate in our letter of 10 August which figured 13.37¢ per 1,000 gallons.

This is a tentative outline of a Proposal for the City supplying the water requirements of the Air Base and is submitted for your consideration.

Respectfully submitted,

(Sgd) Harold H. Babcock  
Harold H. Babcock, City Manager

Approved by CITY OF RAPID CITY

Signed A. L. Haines  
A. L. Haines, Mayor

Approved:  
DUNKIRE & ERNST  
Consulting Engineers  
(Sgd) E. H. Dunmire  
E. H. Dunmire

Attest: R. R. Lang  
R. R. Lang  
City Auditor

COPY

COPY

RESOLUTION

RESOLVED: That letter contract of Nov. 9, 1951 of Rapid Valley Water Conservancy District offering forbearance and covenant not to sue under Tri-Party contract of July 27, 1943, between said Conservancy District, City of Rapid City and U. S. of America, be, and hereby is, accepted and approved.

(Sgd.) A. L. Haines  
A. L. Haines, Mayor

Attest:

(Sgd) R. R. Lang  
R. R. Lang  
City Auditor

(Seal)

COPY

EXHIBIT C

COPY

23 June 1952

Mr. Harold H. Babcock  
City Manager  
Rapid City, S. Dak.

Subject: Rapid City, S. Dak.  
Deerfield Contract with U. S. Government & Conservancy District  
RETURN WATER FROM DEEP WELL

Dear Mr. Babcock:

The only reference to the Return Waters made by the city in the Deerfield Contract is on Page 21, Paragraph 19, (a) and (b).

Paragraph 19 (b) pertains to the water returned through the Sewage Treatment plant.

Paragraph 19 (a) refers to the return to the Rapid Creek Flow of the Waters pumped into the City Water Mains, and reads as follows:

SUBSTITUTE WATER: ABANDONMENT OF RETURN FLOW

"10. (a) If the Municipality, after the date announced by the Secretary as the date that water will be ready for release to it from the joint works, diverts or takes any water from Rapid Creek or its tributaries, including natural springs, to the use of which there are prior vested rights for agricultural purposes, the Municipality shall during such diversion or taking, as nearly as practicable, an equal quantity of water from the supply available to it under this contract.

(b) The Municipality hereby abandons all claims, present and prospective, of whatsoever nature, to any and all water, of every kind and description, after its municipal use thereof and when the same is returning, whether visibly or invisibly, to Rapid Creek or its tributaries, including natural springs.

You will note that it says "diverts or takes any water from Rapid Creek or its tributaries, including natural springs, to the use of which there are prior vested rights for agriculture purposes, the Municipality shall during such diversion or taking, substitute and deliver, without charge, for the benefit of the owners of such rights to the point or points of such diversion or taking, as nearly as practicable, an equal quantity of water the supply available to it under this Contract.

You will note that this says - "to the use of which there are prior vested rights for agriculture purposes."

The State Department of Irrigation issues all Irrigators their rights to any water for "agriculture purposes." The State Department of Irrigation has never exercised any control over the Waters from Deep Wells and therefore, could not have issued any such rights to waters from Deep Wells to any one for "Agriculture purposes."

Therefore, it is my opinion that any Waters that the City elects to develop from the Minnelusa Sands, or any Deep Well does not come under this Contract

COPY

-2-

COPY

and the amount of such Waters as from Deep Wells would not have to be returned to the Flow of Rapid Creek, under this Contract.

Respectfully submitted,

E. H. Dunmire

EHD

cc Mr. Haines, Mayor

COPY

EXHIBIT D

COPY

RAPID VALLEY WATER CONSERVANCY DISTRICT  
Rapid City, South Dakota  
June 27 1952

E. H. Dunmire  
Director of Engineering  
City Hall  
Rapid City, South Dakota

Dear Mr. Dunmire:

This is to advise the City of Rapid City that Rapid Valley Water Conservancy District will not request the City to replace water pumped from the present and future development of any artesian aquifer.

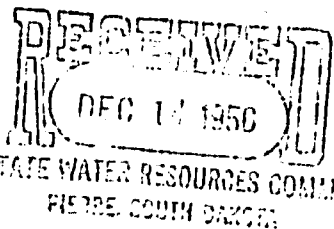
Sincerely yours,

---

Raymond P. Johnson  
President

---

Raymond F. Lund  
Secretary

Location No. 1-3-2Water Division No. 2Water District 1

## Proof of Application of Water to Beneficial Use

### PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H. S. Thorgrimsen, City Manager

City of Rapid City, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. City of Rapid City, South Dakota

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. \_\_\_\_\_

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Underground water gallery-2032 feet South 31° 41' West of the NE Corner  
of Sec. 9-T1N, R7E.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Water is pumped from underground collection gallery to the city distribution  
system.

Ques. 6. State for what purpose water is used and describe place of use. (if for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Public water supply.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. \_\_\_\_\_

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 6.17 CFS

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. 3.00 CFS has been used at peak load times since the first 350 of gallery was built in 1950. An additional 3.09 CFS has been used at peak times since the gallery was extended in 1955.

(Sign)

*A. B. Morgan*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before

me, at my office in Rapid City, County of Pennington  
State of South Dakota, on this 12<sup>th</sup> day of December A. D. 1956

Witnesses.

*Wilma M. Lacey*

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. \_\_\_\_\_

PROOF OF APPLICATION OF  
WATER TO BENEFICIAL USE

During a Telephone  
conversation on 6/24/57,  
Vinal Francis, City Engr.,  
City of Rapid City,  
stated that the contract  
for the improvements was  
let in May of 1955 but  
it would take a lot of  
looking to determine the  
date of the 1950 construction.  
FVW

Received and filed \_\_\_\_\_

## OVERPECK &amp; HAMBLIN

ATTORNEYS AT LAW

BELLE FOURCHE, S. D.

January 8, 1957

Mr. J. W. Grimes  
Chief Engineer  
Executive Secretary of State Water Resource Commission  
Pierre, South Dakota

Dear Mr. Grimes, and Members of the State Water Resource Commission:

The following is supplemental to the showing made in letter of November 9, 1956, from the Rapid Valley Water Conservancy District which also represented Rapid Valley Water Co., Inc., Little Giant Ditch Co., South Side Ditch & Water Co., Inc., Cyclone Ditch Co., Inc., Lone Tree Ditch Co., Inc., St. Germain Irrigation Co., Inc., Hawthorne Ditch Co., Inc., Iowa Irrigation Co., Inc., and Brennan-Lockhart Ditch, and the following are additional objections to certain application for water rights filed by the City of Rapid City, South Dakota, which applications sought water rights in Rapid Creek Water Shed.

To make this showing as brief as possible and yet comprehensive, no objection is made to Applications No. 433-2, 434-2, 435-2, 436-2, 437-2, 438-2, 440-2, 441-2 and 4646-2.

## OBJECTION TO 431-2

Objection is made to Application No. 431-2, which is identified as Meadowbrook Gallery. Objection is made to this for the following reasons:

1. This is a part of Rapid Creek, all of which water has been previously appropriated.
2. This water is covered by agreement with the City of Rapid City that any waters taken from Meadowbrook Gallery are to be replaced so that this application is fully covered by written agreement.
3. This is further covered by a contract for purchase of water between the United States of America and the City of Rapid City, South Dakota, which contract is numbered 14-06-W-51 and which contract is known as the Pactola Contract, executed on the 20th day of October, 1952, and a copy of such agreement is attached hereto and marked Exhibit "A", and attention is especially called to Paragraph 4 under the heading of Conservation of Waters of Rapid Creek.
4. This is further covered by the Rapid Valley Project Contract between the United States of America, Rapid City, South Dakota, and the Rapid Valley Water Conservancy District and which is known as the Deerfield Dam Project. Attention is especially called to Paragraph 19 (a) and (b) of this contract, which contract is hereby referred to and attached and made a part of this showing and marked Exhibit "B".

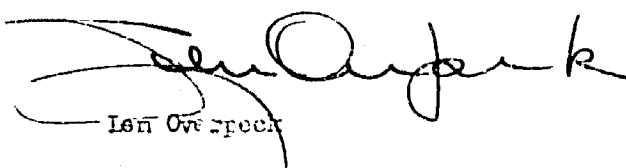
Mr. J. W. Griner  
Chief Engineer  
Pierre, South Dakota  
Page 2.

OBJECTION TO 432-2, 433-2

Objection is further made to Application 432-2 being Jackson Springs Gallery applying for vested right; 433-2 being an application for Meadowbrook Gallery for withdrawal for future use, and an undesignated application for Jackson Springs for withdrawal for future use, an undesignated application for Cleghorn Springs for withdrawal for future use, and an undesignated application for Sioux Park Gallery for withdrawal for future use. Objection is made to these applications for all of the reasons urged in the objections to application No. 431-2.

Respectfully submitted,

OVERPECK & HAMBLIN



Len Overpeck

LO  
ems

Rapid City, S. Dak  
30 September 1958

Mr. L. Steiling  
City Water Superintendent  
Rapid City, S. Dakota

Dear Mr. Steiling:

Pursuant to our discussion today I am including a summary (on a form letter used to order water from the Bureau) of the releases that the District has requested the City to make during the 1959 season.

Note that the total days that the City is obligated (for sure) to the District for replacement would be 152 days. The days for which releases were actually made totaled 111 days.

The total acre-foot for which the city is obligated to replace I don't know but should include water which went into pumps at

1. Jackson Springs
2. Meadow Brook
3. Sprinkler system out of Rapid Creek for Sioux Park
4. Sprinkler system out of Lagoon fed by Iowa ditch for Roosevelt Park
5. Water to Arrowhead out of Leedy ditch

The total water replaced from the City to the District was 3148 acre-feet.

After August all orders from City replacement were figured from Pactola (instead of Deerfield) assuming roughly a 10% loss from Pactola to City:  
i.e. if City was pumping 10 cfs the releases from Pactola would be

10 plus 0.10x10 or 11cfs

For the record I think it should be pointed out to the Mayor and the water committee that the irrigators have been concerned about conserving water (their own and the City's) as I have tried to illustrate above and which can be more vividly illustrated by a study of prior water year's records. There are several dams in the valley that could be diminished if not eliminated by more careful irrigation practices but not all of these could be completely eliminated any more than individual users in the city can always eliminate runoff from their lawns into the streets. The difference is in quantity - if an irrigator working with a 1 cfs should let this amount of water get away for 10 minutes this would be the equivalent of about 1000 gallons. State Engineer Orin has criticized the District for being too conservative at times with the City releases. (This will then be to the detriment of the lower valley as Bob Long will testify)

I only mention these things briefly here because as watermaster one of my jobs should be, I believe, to keep both sides informed. I see both sides of the problem and from what I see & know the irrigators are cooperative and respectful of the City's cooperation. I also know that very few people understand or appreciate the significance of the irrigator's VESTED RIGHT.

If I can be of any help with the problem I would be happy to oblige.

Very truly,  
Yours,

RAPID VALLEY  
Water Conservancy District  
Rapid City  
South Dakota

Date: \*

Bureau of Reclamation  
Box 186  
Kearney House  
Rapid City, South Dakota

Attention:

Gentlemen:

This letter is to confirm the request which has been made for the release of water as indicated below.

| No. | Charged to | Amount A.F. | Rate of Release |      | Date of Release** |         | Release from |
|-----|------------|-------------|-----------------|------|-------------------|---------|--------------|
|     |            |             | cfs             | days | ON                | OFF     |              |
| C-1 | City       | 126         | 8.5             | 8    | 15 May            | 23 May  | Deerfield    |
| C-2 | City       | 380         | 10              | 29   | 23 May            | 21 June | Deerfield    |
| C-3 | City       | 640         | 16              | 20   | 30 June           | 30 July | Deerfield    |
| C-4 | City       | 330         | 12              | 11   | 7 Aug             | 18 Aug  | Pactola      |
| C-5 | City       | 1452        | 17              | 43   | 18 Aug            | 31 Oct  | Pactola      |

Total 3163 111

\*This is the date of the time the request was submitted by means of telephone conversation

\*\*The hour of release (on and off) is understood by the District to be 12:00 O'clock noon unless otherwise arranged for and stated herein.

Very truly

Watermaster

FILE:  
RAPID CITY  
WATER RIGHTS

RECEIVED

MAY 10 1977

DEPT. OF NATURAL  
RESOURCE DEVELOPMENT

RAPID CITY WATER DEPARTMENT  
Water Produced during the month of April, 1977

|                     |                    |
|---------------------|--------------------|
| JACKSON SPRINGS     | 82,252,000         |
| MEADOWBROOK GALLERY | 72,597,100         |
| GIRL SCOUT GALLERY  | 34,787,000         |
| PUMP # 4            | 17,863,800         |
| Total               | <u>207,499,900</u> |
| PEAK DAY            | 10,244,000         |
| AVERAGE PER DAY     | 6,916,663          |
| AIR BASE USAGE      | 41,384,250         |

April Water Billing

|                  |                 |
|------------------|-----------------|
| City Billing     | 390,298.05      |
| Air Base Billing | <u>5,928.98</u> |
| Total Billing    | 396,227.03      |

Don Wessel, Superintendent  
Water Superintendent

| DATE | JACKSON SPRINGS | MEADOWBROOK GALLERY | GIRL SCOUT GALLERY | PUMP # 4 - | GRAND TOTAL<br>PRODUCED |
|------|-----------------|---------------------|--------------------|------------|-------------------------|
| 1    | 2,590,000       | 2,163,700           | 190,000            | 586,600    | 5,530,300               |
| 2    | 2,735,000       | 2,347,400           |                    | 619,500    | 5,701,900               |
| 3    | 3,231,000       | 2,871,500           | 1,010,000          | 583,700    | 7,701,200               |
| 4    | 2,690,000       | 783,100             | 783,000            | 613,300    | 4,869,400               |
| 5    | 2,655,000       | 2,959,100           | 15,000             | 606,500    | 6,235,600               |
| 6    | 2,757,000       | 34,500              | 2,151,000          | 614,300    | 5,556,800               |
| 7    | 2,697,000       | 1,719,500           | 1,718,000          | 599,700    | 6,734,200               |
| 8    | 2,700,000       | 2,025,200           | 766,000            | 601,300    | 6,092,500               |
| 9    | 2,705,000       | 2,268,700           | 872,000            | 600,100    | 6,445,800               |
| 10   | 2,724,000       | 2,912,900           | 463,000            | 601,200    | 6,701,700               |
| 11   | 2,664,000       | 491,200             | 1,875,000          | 590,000    | 5,620,200               |
| 12   | 2,696,000       | 2,214,700           | 900,000            | 598,500    | 6,429,200               |
| 13   | 2,729,000       | 1,236,600           | 926,000            | 606,300    | 5,497,900               |
| 14   | 2,616,000       | 1,715,200           | 478,000            | 677,600    | 5,486,800               |
| 15   | 2,620,000       | 2,520,500           | 41,000             | 502,900    | 5,684,400               |
| 16   | 2,645,000       | 1,399,300           | 988,000            | 592,100    | 5,624,400               |
| 17   | 2,633,000       | 1,592,800           | 1,699,000          | 594,300    | 6,519,100               |
| 18   | 2,651,000       | 2,412,900           | 32,000             | 600,000    | 5,695,900               |
| 19   | 2,673,000       | 3,161,200           | 14,000             | 601,500    | 6,449,700               |
| 20   | 2,665,000       | 1,568,600           | 1,318,000          | 601,500    | 6,153,100               |
| 21   | 2,626,000       | 859,100             | 1,960,000          | 595,600    | 6,040,700               |
| 22   | 2,648,000       | 2,104,800           | 962,000            | 584,400    | 6,299,200               |
| 23   | 2,678,000       | 2,578,900           | 1,711,000          | 592,400    | 7,560,300               |
| 24   | 2,585,000       | 3,750,100           | 1,997,000          | 571,800    | 8,903,900               |
| 25   | 2,624,000       | 3,119,800           | 2,060,000          | 579,000    | 8,382,800               |
| 26   | 3,499,000       | 3,608,000           | 2,069,000          | 579,600    | 9,755,600               |
| 27   | 3,477,000       | 4,267,800           | 1,914,000          | 585,200    | 10,244,000              |
| 28   | 2,729,000       | 4,523,600           | 1,954,000          | 603,600    | 9,810,200               |
| 29   | 2,628,000       | 4,386,000           | 1,955,000          | 582,700    | 9,551,700               |
| 30   | 2,682,000       | 5,000,400           | 1,966,000          | 593,000    | 10,241,400              |
|      | 82,252,000      | 72,597,100          | 34,787,000         | 17,863,800 | 207,499,000             |

Water Rights Division - DWR  
Conversation or File Documentation

File No VR 431-2  
WR 439-2A

NAME OF PERSON OR FILE: CITY of RAPID CITY

ADDRESS: 300 6<sup>th</sup> ST RAPID CITY, SD COUNTY PENNINGTON

DATE: 7/14/92 TELEPHONE \_\_\_\_\_

RE: INSPECTION OF VESTED WATER RIGHT NO 431-2 & WATER LICENSE NO. 439-2A

COMMENTS:

I INSPECTED VR 431-2 & WATER LICENSE 439-2A. FOR  
MEADOWBROOK GALLERY. I FOUND THAT THE CAPACITY OF THE  
SYSTEM IS 6.00 CFS, THE VESTED RIGHT & THE WATER RIGHT  
HAVE A COMBINED CAPACITY OF 7.72 CFS. WATER RIGHT NO. 439-2A  
SHOULD BE REDUCED BY 1.72 CFS.

1.55

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

4/82

NAME: Mark R. Kell

431-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 431-2

Date of Receipt of Claim September 22, 1956.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 431-2 for the City of Rapid City, 300 6th Street, Rapid City, South Dakota 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 431-2 appropriates 6.17 cubic feet per second of water from Meadowbrook Gallery located in the SE1/4 NE1/4 Section 9, T1N, R7E.

2. The appropriated water is used for supplying water for the City of Rapid City and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:  
January 1 - December 31

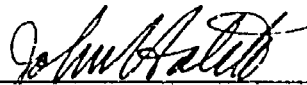
3. The priority dates of the Vested Water Right are:

January 1, 1950 - 3.08 cfs  
May 1, 1955 - 3.09 cfs

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:   
Chief Engineer

MAR 16 1993

date

Division of Water Rights  
Dept. of Environment and Natural Resources

4/31-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

MAR 16 1993

Dan Bjerke, Public Works Director  
City of Rapid City  
300 6th St  
Rapid City SD 57701

Dear Mr. Bjerke:

The Water Management Board has validated the enclosed Vested Water Right Nos. 431-2, 432-2, 433-2, 435-2, 436-2 and 437-2. These validations give legal status to the claim and are the final document for the vested rights.

As long as the water is used beneficially, as stated in the validations, State Water Laws provide a continuing right to use the water.

Very truly yours,

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

enclosures

Vested Water Right Claim No. 431-2 and  
Water Right No. 439-2A  
Upper Cheyenne River - Water District

**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by the City of Rapid City of 300 6th St, Rapid City, SD holder of Vested Water Right Claim No. 431-2, bearing the priority of January 1, 1950 authorizing the diversion of 3.08 cu. ft. per second and May 1, 1955 authorizing the diversion of 3.09 cu. ft. per second and Water Right No. 439-2A, bearing the priority of September 22, 1956 authorizing the diversion of 1.55 cu. ft. per second of the waters of surface water for municipal use purposes, in Pennington County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:  
Three Worthington pumps diverting water from a gallery type collection system.
- B. Works used to transport water to place of use:  
Water is pumped into the municipal distribution system by three Worthington pumps.

The system is in the following condition good. The point of diversion is located SE1/4 NE1/4 Section 9 T1N-R7E. The works are capable of diverting and conveying to the place of use 7.72 cu. ft. per second of water which is to be used for municipal use. The license should be reissued for 7.72 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 7/14/1992

Comments: ~~The vested right and water right should be incorporated into one water right.~~

  
Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Division

431-2

**REPORT ON INSPECTION OF VESTED WATER RIGHT CLAIM NO. 431-2 AND  
WATER RIGHT NO. 439-2A**

**DATE: 7/14/1992**

**DIVERSION POINT LEGAL LOCATION: SE1/4NE1/4Section 9 T1N-R7E**

**The diversion is from Rapid Creek utilizing a gallery type collection system.**

**SYSTEM COLLECTION PUMPS**

**Pump:**

- 1) Make Worthington
- 2) Model VTP 232
- 3) Size ?
- 4) Capacity 1525 GPM

**Motor:**

- 1) Make US Motor
- 2) Model No. 2743715
- 3) Horsepower rating 15 hp

**Pump:**

- 1) Make Worthington
- 2) Model VTP 233
- 3) Size ?
- 4) Capacity 1475 GPM

**Motor:**

- 1) Make US Motor
- 2) Model No. 2745675
- 3) Horsepower rating 15 hp

**Pump:**

- 1) Make Worthington
- 2) Model VTP 231
- 3) Size ?
- 4) Capacity 1525 GPM

**Motor:**

- 1) Make US Motor
- 2) Model No. 2744261
- 3) Horsepower rating 15 hp

## Vested Rights - Rapid City

|       |             |                 |
|-------|-------------|-----------------|
| 431-2 | 6.17 c.f.s. | Meadowbrook     |
| 432-2 | 7.75 c.f.s. | Jackson Springs |
| 437-2 | .78 c.f.s.  | City Springs    |

Provisions of a contract between Rapid City, the Rapid Valley Water Conservancy District, and the United States (Bureau of Reclamation) provide that Rapid City's share of storage in Deerfield Reservoir shall be released to replace water diverted by the City from certain sources of water downstream in an amount equal to the City's diversion rate during the irrigation season.

Since completion of Deerfield dam, the City has replaced water in Rapid Creek in the amount of the City's diversion during the irrigation season by means of works described in Applications 431-2, 432-2 and 437-2 and have thus satisfied priority irrigation water rights downstream. The water used by Rapid City for irrigation water replacement is covered by Water Rights established by the United States Bureau of Reclamation (U.S. No. 509-2). Under existing contractual arrangements the City may use the diversion points described in Applications 431-2, 432-2 and 437-2 during the irrigation season of each year but only so long as the City's share of the Deerfield Reservoir storage water right is valid and water is released from such storage in the amount of the City's current diversion rate in satisfaction of the vested priority irrigation water rights downstream from the City's diversion points.

The above limitation does not apply to diversions of water for use by the City during the non-irrigation season since the irrigation water rights are not applicable during such non-irrigation season. The City's Vested Rights to use of water during such non-irrigation season from the sources tapped by the City's works as described in Applications 431-2, 432-2 and 437-2 are hereby recognized.

It shall be clearly understood that rights to the use of the water flows of Rapid Creek during irrigation seasons are vested in prior water rights downstream and that Permits Nos. 431-2, 432-2 and 437-2 are valid only to the extent that arrangements to replace water in satisfaction of prior vested water rights downstream continue.

**DISTRIBUTION LINES OR CANALS:**

- 1) Type Municipal water distribution system

**SYSTEM DISTRIBUTION PUMPS**

**Pump:**

- 1) Make Worthington
- 2) Model
- 3) Size 12"
- 4) Capacity 1400 GPM

**Pump:**

- 1) Make Worthington
- 2) Model
- 3) Size 10"
- 4) Capacity 700 GPM

**Pump:**

- 1) Make Worthington
- 2) Model
- 3) Size 12"
- 4) Capacity 1400 GPM

**Motor:**

- 1) Make US Motor
- 2) Model No. 1041479
- 3) Horsepower rating 100 hp

**Motor:**

- 1) Make US Motor
- 2) Model No. 893466
- 3) Horsepower rating 50 hp

**Motor:**

- 1) Make US Motor
- 2) Model No. 914986
- 3) Horsepower rating 100 hp

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

431-2

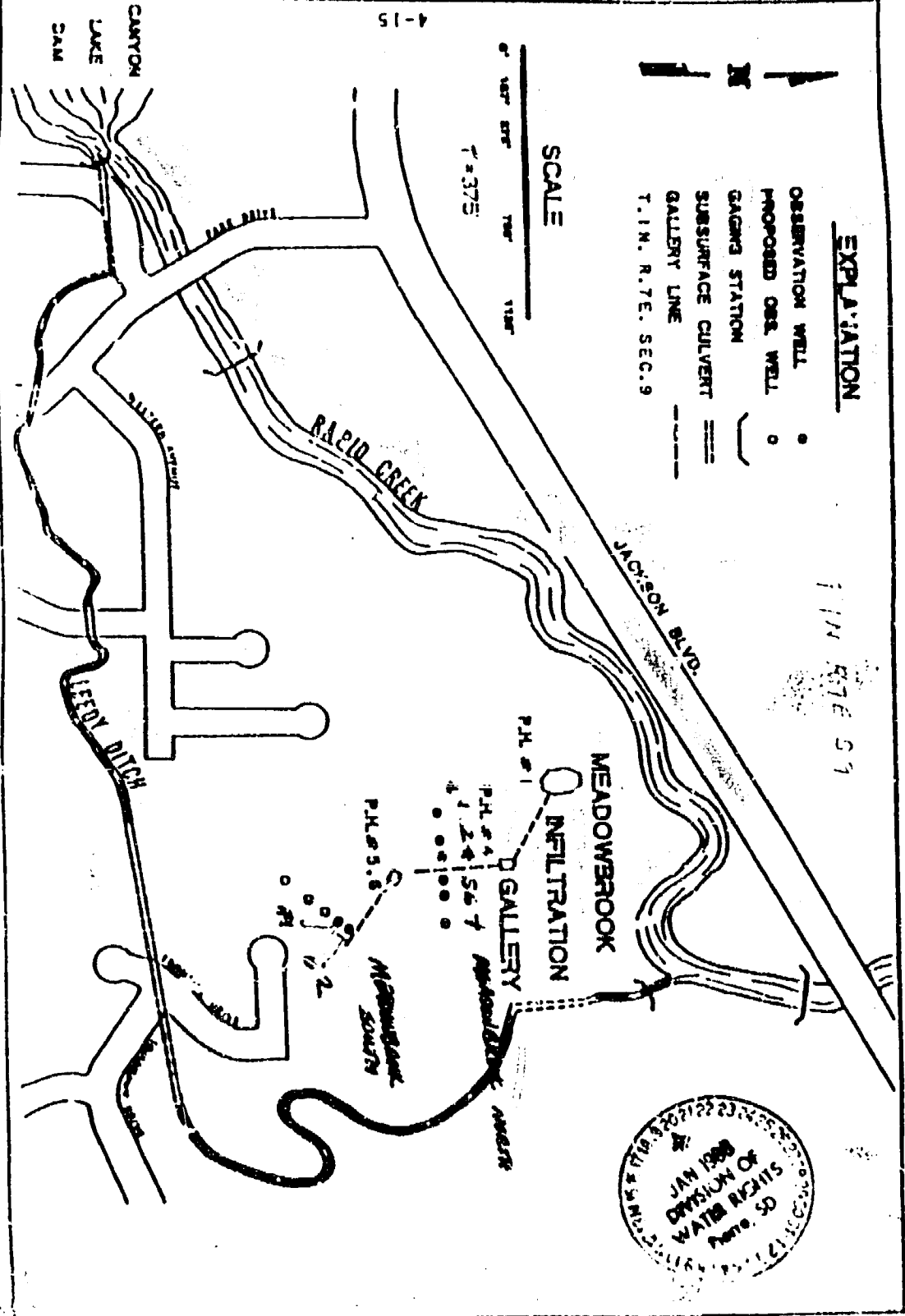


Figure 5.--Meadowbrook Infiltration Gallery Study Site.



431-2



431-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

SEP 06 2016

431-2  
439-2A  
439B-2

Tim Weber, Interim Water Supt  
City of Rapid City  
300 6<sup>th</sup> St  
Rapid City SD 57701

Dear Mr. Weber:

Enclosed is Water License No. 439B-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

Note: Upon licensing, the applicable portions of Water right Nos. 431-2 and 439-2A were incorporated into Water License No. 439B-2. The originating priority dates were retained.