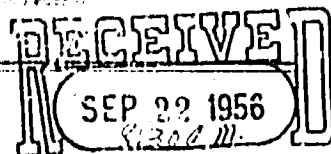


1. Considered Nov 13, 1956
2. Name of Applicant City of Rapid City # 432-2
3. Post Office Address Rapid City S. Dak.
4. Amount of water claimed 7.75 cfs
5. Source of water supply Johnson Springs Gallery
6. Water to be used for Municipal Purposes
Acres to be irrigated _____
7. Water to be diverted and used in Pennington County about
_____ miles _____ of _____
8. Proof of Publication Received Not Received Not needed
9. Application Approved
Subject to _____
Not Approved
Action deferred _____

10. Remarks:

Vested Right
already had a contract

No. 432-2Water Division No. 2 Rapid City
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION 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
City Commissioners—H. Baker, J. Eving, M. Haugen, C. H. Heth,
(a) Name of same F. Johnston, F. Krieger, M. Rypkema, R. Severson, L. Yeoman

(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, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Jackson Springs Gallery3. Amount of water claimed 7.75 cubic feet per second _____4. Source of water supply Ground Water-Gallery5. Location of point of diversion 2943 feet of N 58° 54' W of SE Corner of Section 8, Township1 N. Range 7 E. BIE on _____ bank _____ 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 _____

Map No. 432-2

8. Estimated cost of work:

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

(b) Pumping plant, \$15,000.00

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures Gallery \$10,000.00

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 OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

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

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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.)

Completed June, 1944

10. Time required for completion of work.....years.

Completed June, 1944

11. Time required for complete application of water to the proposed beneficial use.....years.

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 of

I, H. S. Thorngren, City Manager, City of Rapid City, S. Dak., being first duly sworn on 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. Thorngren

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.

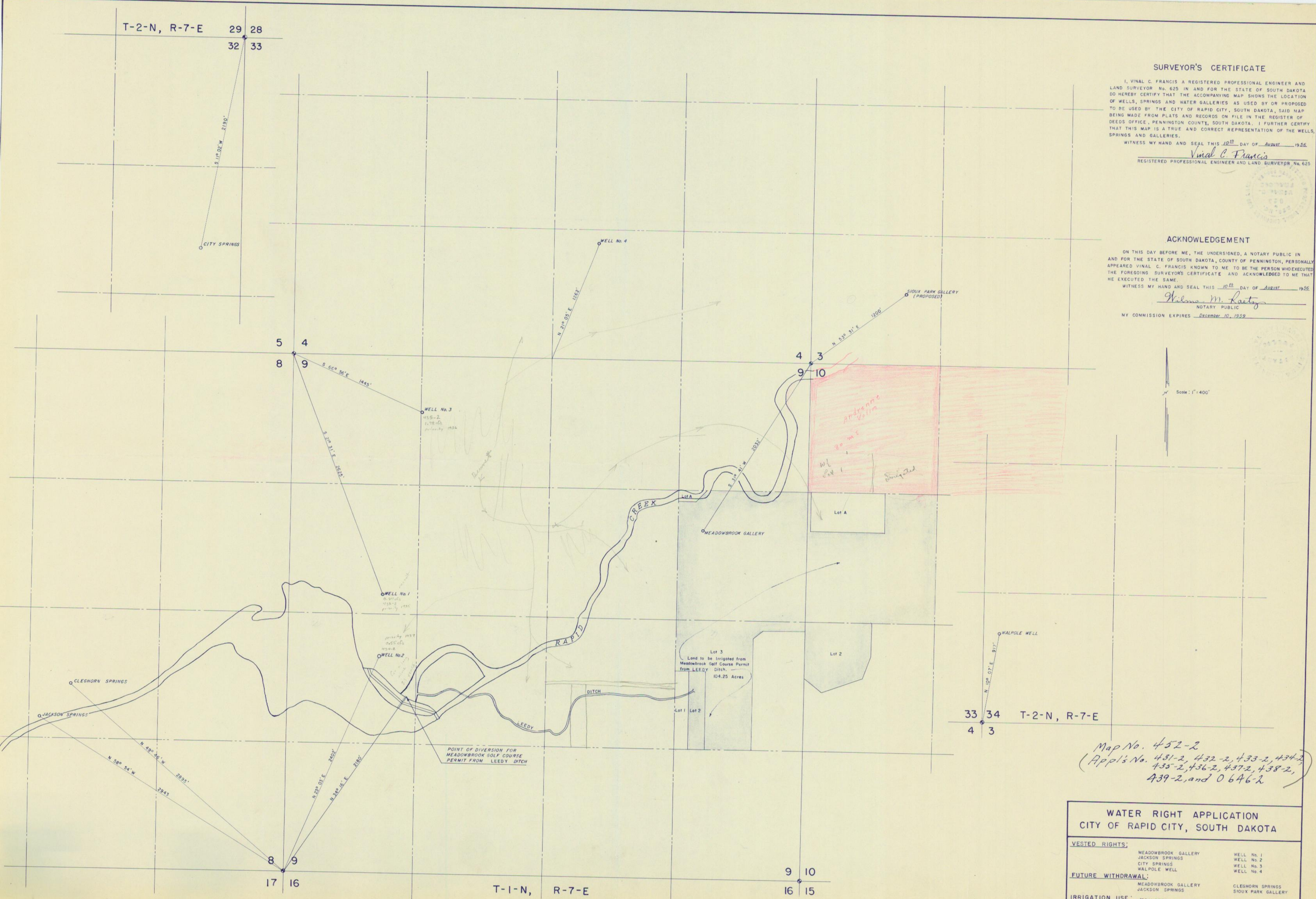
WITNESS MY HAND AND SEAL THIS 10th DAY OF August 1956.
Vinal C. Francis
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR No. 625

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

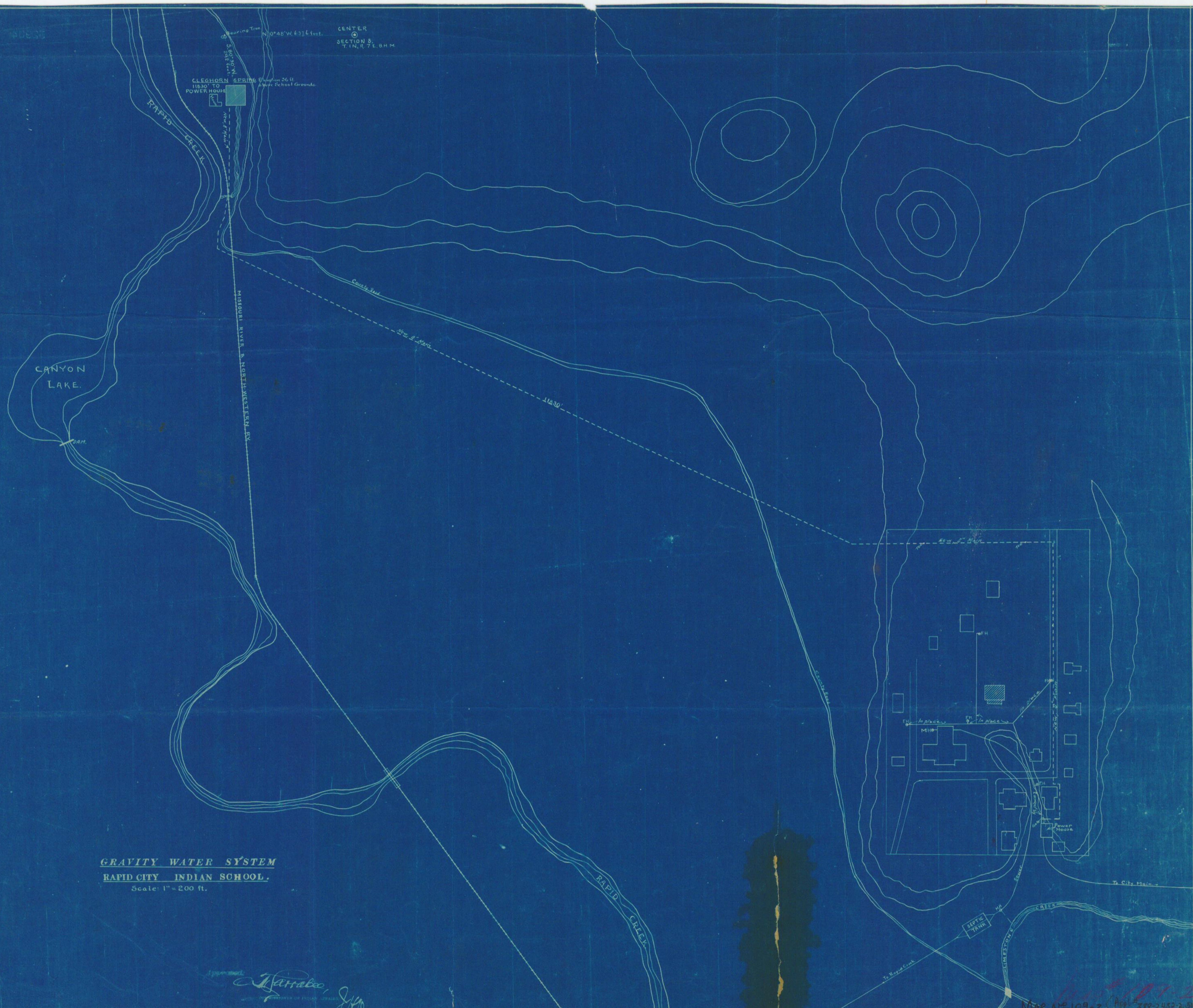
Scale: 1" = 400'



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.	



GRAVITY WATER SYSTEM
RAPID CITY INDIAN SCHOOL.
Scale: 1" = 200 ft.

Harrabee
ENGINEER OF PUBLIC WORKS

MAP NO. 109-2 (APP. 383-2,432-2,514-2)

Remarks by State Water Resources Commission:

The attached supplementary statement recognizing and limiting water use under this permit is hereby made a part of the permit.

STATE OF SOUTH DAKOTA

County of Blaine

Pierre, South Dakota,

September 29, 1926

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

9 am, upon the 22 day of September, 1926

State Water Resources Commission

By:

John H. Rimes

Chief Engineer, Executive Officer

Number of permit 4322

Date of first receipt of application September 22, 1926

Date of return to applicant for correction, amendments or changes required as follows September 29, 1926

Date of receipt of corrected application December 14, 1926

Date from which applicant may claim right 1924

Approved May 15, 1927 Recorded in Book 4 Page 111

This is to certify that we have examined the foregoing application for a permit to appropriate water for 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, 1927

2nd. The whole of said work is to be completed on or before Completed, 1927

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

Completed, 1927

4th. The water appropriated shall be used for the purpose of municipal use

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 7.75 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, 1927; said water to be used during the following described annual period:

The non-irrigation season. 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, 1927

State Water Resources Commission

By:

John H. Rimes

Chief Engineer, Executive Officer

Certificate of Construction Issued June 24, 1927

Water License Issued June 24, 1927

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-200 feet, size-30 inch open-joint concrete pipe, depth-20 feet.

(b) Screens

Type of perforated screen
 Size of perforated screen
 (diameter) (length)
 Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 5 feet Character of water bearing materials
 Well graded gravel

Thickness of water bearing material 40 feet (estimated)

(d) Pump and Motor

Type of pump turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump (2) Fairbanks Morse 10 inch
 (1) Worthington 12 inch
 Kind of motor electric
 40 & 125--Fairbanks Morse (gasoline, electric, diesel, etc.)
 Horsepower 200 Worthington Name of Motor GE(Fairbanks Morse), U.S.(Worthington)

(e) Complete well

Capacity 3500 GPM at drawdown of 21 feet Estimated cost \$25,000.00

(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

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.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 432-2....

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

of Rapid City County of Pennington and State of
South Dakota duly made application (No. 432-2) to us for a Vested Right permit to use 7.75
cubic feet per second of the waters of ground water (Jackson Springs 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. 432-2 was issued to said applicant for the diversion of said water, and recognizing
the completion of the works of diversion therein described ~~in our Certificate No. 432-2~~ in 1944
in 1944 and ~~the~~ application to beneficial use of said
water ~~in 1944~~ in 1944 and,
and,

WHEREAS, On the 14th day of December A. D. 1956
the holder of said permit duly made proof of the completion of adequate works for the diversion of 7.75
cubic feet per second of said waters, as evidenced by our Certificate No. 432-2
dated June 24, 1957 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 7.75 cubic feet per second of water, with date of
priority of 1944 and,

WHEREAS, On the 14th day of December A. D. 1956
proof was duly made of the application to beneficial use of 7.75 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 and owner of said Vested Right Permit No. 432-2
a water right, dating from 1944 to the use of 7.75
cubic feet per second of the waters of ground water (Jackson Springs Gallery)
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at 2943 feet. N 58° 54' W. of the
SE Cor., Sec. 8, T. 1 N., R. 7 E.
and conducted to ~~xxxxx~~ the residents of the City of Rapid City through the
municipal distribution system.

for the purpose of municipal use

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 _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 432-2Water 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 Permit No. 432-2, issued upon Application No. 432-2, bearing date of priority of 1944, authorizing the diversion of 7.75 cu. ft. per second of the waters of Ground water (Jackson Springs Gallery) County of Pennington, State of South Dakota, at 2943 feet, N 53° 54' W of the SE Cor., Sec., 8, T 1 N, R 7 E, for municipal purposes purposes, has ^S 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 ~~xxxxxx~~ ^{vested right} ~~xxxxxx~~ ^{recognized as} in satisfactory condition for diverting and conveying to the place of intended use 7.75 cu. ft. per second of water; and that the ~~lands~~ ^{is} proposed to be irrigated by the use of said water ~~xxx~~ described as follows, to-wit: to provide 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 notice 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 Leady-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 flow above four million gallons per day from the Jackson Springs. No doubt 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 foregoing 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--1.76 s.f.
Well #4--1.55 s.f.
City Springs--.78 s.f. Since 1886.
Walpole Well--.22 s.f. Drilled in 1946.

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.

of, from a historical viewpoint in support of our contention, we first attention to fact that recorded filing on Rapid Creek was by the Jedy-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 7,000 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 within 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 (15,000 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. Milworth stated that 3 questions must be worked out if they are to participate on a cost basis in the construction of Pactola, wherein, the (1) plane 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 Oba 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 Mauritz 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, 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 purchase 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. F. Johnson

Arthur C. Ham

Walter Jones

Mauro Kallher

Kolla A. Marsh

Eugene Dunn

(Decoaned)

D. Birnbaum

Walter C. Taylor

Jane Kielstrup

Directors of the Rapid Valley Water Conservancy District

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.

Rapid Valley Water Co., Inc.

Little Giant Ditch Co.

South Side Ditch & Water Co., Inc.

Cyclone Ditch Co., Inc.

Long Tree Ditch Co., Inc.

St. Germain Irrigation Co., Inc.

Hawthorne Ditch Co., Inc.

Loya Irrigation Ditch Co., Inc.

Brennan-Lockhart Ditch

Dated this tenth day of
November, 1956

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, Daerfield 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

EXHIBIT B

November 13, 1951

Contracting Office
Rapid City Air Base

Att: L. C. Mingo, WO70, 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 7.2 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.

3. The City proposes to guarantee the delivery of a minimum of 1,600,000 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.	8 1/2¢ per 100 Cu. Ft.

The use of 1 1/2 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:
DUNMIRE & ERNST
Consulting Engineers
(Sgd) E. H. Dunmire
E. H. Dunmire

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

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.

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

Attest:

(Sgd) R. S. Long
R. S. Long
City Auditor

(Seal)

EXHIBIT C

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 Canals, or any Deep Well does not come under this Contract

-2-
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. Dumbire

LHD

cc Mr. Haines, Mayor

COPY

DATE MICROFILMED

EXHIBIT D

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

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

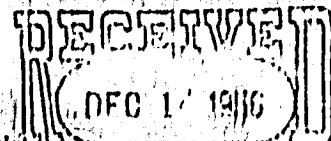
Dear Mr. Dunmire:

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 F. Johnson
President

Raymond F. Lund
Secretary

Location No. 432.2Water Division No. 2Water District 1STATE WATER RESOURCES COM. S.D.
SOUTH DAKOTA**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 ManagerRapid 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. Spring-2943 feet North 50° 54' W of SE Corner of Section 8, Township 1 N, 1Range 7 E., BHM.

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 through 24" pipe to the
City.

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. 7.75 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. Maximum amount used has been 0 CFS which amount was pumped during peak water demand periods from 1944 through 1956.

(Sign)

W. B. Hargrave

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 12th day of December, A. D. 1956.

Witnesses.

Wilma M. Rutz

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

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

January 8, 1957

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

Dear Hr. Orin, and Members of the State Water Resource Commission:

The following is supplemental to the showing made in letter of January 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., Cynlony Ditch Co., Inc., Long Tree Ditch Co., Inc., St. Germain Irrigation Co., Inc., Hawthorne Ditch Co., Inc., Iowa Irrigation Co., Inc., and Brennan-Loekhart 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 00746-2.

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 14-06-4-51 and which contract is known as the Pactola Contract, executed on the 29th 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. Orin
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 Oleghorn 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 & HANSLIN

Ion Overpeck

LO
G13

9-2-58
Rapid City, S. Dak
30 September 1958

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

Dear Mr. Stelling:

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 1958 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-foot.

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 release from Pactola would be

10 plus 0.10×10 or 11 cfs

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 wetter year's records. There are several flows in the valley that could be diminished if not eliminated by more careful irrigation practices but not all of these could be completely eliminated anymore than individual users in the city can always eliminate runoff from their lawns into the streets. The difference is in quantities - 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 Grimes 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 I know the irrigators are appreciative 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 - Don

RAPID VALLEY
Water Conservancy District
Rapid City
South Dakota

Date: "

Bureau of Reclamation
Box 156
Kawatoa Route
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		Released from
			cfs	days	ON	OFF	
C-1	City	136	8.5	8	15 May	23 May	Deerfield
C-2	City	680	10	29	23 May	21 June	Deerfield
C-3	City	660	16	20	30 June	20 July	Deerfield
C-4	City	330	18	11	7 Aug	18 Aug	Pactola
C-5	City	1432	17	43	18 Aug	31 0000	Pactola

Total 3148 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

Water Rights Division - DWMR

File No. VR 432-2

Conversation or File Documentation

NAME OF PERSON OR FILE: CITY of RAPID CITYADDRESS: 300 6th ST RAPID CITY SD 57001 COUNTY PENNINGTONDATE: 7/14/92 TELEPHONE _____RE: INSPECTION of VESTED WATER RIGHT No 432-2

COMMENTS:

I INSPECTED VESTED WATER RIGHT CLAIM No. 432-2. I FOUND
THAT THE SYSTEM CAPACITY IS 10.46 CFS. THE VESTED
RIGHT CLAIMS ONLY 7.75 CFS. THE CITY OF RAPID CITY
WILL HAVE TO MAKE AN APPLICATION FOR THE ADDITIONAL WATER.

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

NAME: [Signature]

432-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 432-2

Date of Receipt of Claim September 22, 1956.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 432-2 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. 432-2 appropriates 7.75 cubic feet per second of water from Jackson Springs Gallery located in the NW1/4 SE1/4 Section 8, 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 date of the Vested Water Right is: January 1, 1944
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

432-2



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

432-2

Vested Water Right Claim No. 432-2
Upper Cheyenne River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by the City of Rapid City of 200 6th St, Rapid City SD holder of Vested Water Right Claim No. 432-2, bearing the priority of January 1, 1944 authorizing the diversion of 7.75 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 Vertiline pumps that divert water from a collection gallery.

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

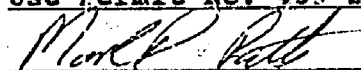
Municipal water distribution system.

The system is in the following condition good. The point of diversion is located NW1/4 SE1/4 of Section 8 T1N-R7E. The works are capable of diverting and conveying to the place of use 10.46 cu. ft. per second of water which is to be used for municipal use. The license should be issued for 7.75 cfs.

Applicable permit qualifications have been complied with: Yes No X

Exceptions to compliance are: The system is capable of diverting 2.71 cfs greater than what is claimed. Date: 7/14/1992

Comments: A new permit to increase the diversion rate by 2.71 cfs should be applied for, with the water to come out of future use authorized by Future Use Permit No. 432-2.


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

432-2

REPORT ON INSPECTION OF VESTED WATER RIGHT CLAIM NO. 432-2

DATE: 7/14/1992

DIVERSION POINT LEGAL LOCATION: NW1/4 SE1/4 Section 8 T1N-R7E

Diversion is from a gallery type collection system along Rapid Creek.

Pump:

- 1) Make Vertiline
- 2) Model 12RH
- 3) Size 12"
- 4) Capacity 1390 GPM

Pump:

- 1) Make Vertiline
- 2) Model 14RM
- 3) Size 14"
- 4) Capacity 2085 GPM

Pump:

- 1) Make Vertiline
- 2) Model 14RM
- 3) Size 14"
- 4) Capacity 2085 GPM

Motor:

- 1) Make GE
- 2) Model No. 5K6258XH1A
- 3) Horsepower rating 75 hp

Motor:

- 1) Make GE
- 2) Model No. 5X6268XH1A
- 3) Horsepower rating 125 hp

Motor:

- 1) Make GE
- 2) Model No. 5X6268XH1A
- 3) Horsepower rating 125 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Municipal water distribution system.

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

February 26, 1999

MEMO TO: John Cooper, Secretary
Department of Game, Fish and Parks

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



SUBJECT: Cleghorn Springs Fish Hatchery Vested Water Right No. 388-2

The purpose of this memorandum is to suggest correction of a piping problem at the Cleghorn Springs Fish Hatchery. GF&P holds Vested Water Right No. 388-2 for Cleghorn Springs Fish Hatchery with a priority date of February 28, 1877. No. 388-2 is senior to Rapid City's Jackson Springs Gallery Vested Water Right No. 432-2 with a priority of January 1, 1944.

During past dry periods, there have been times when pumping by the City from Jackson Springs Gallery was believed to be causing water supply problems for the fish hatchery. GF&P has then requested the City to cut back on usage of Jackson Springs Gallery until flows from the springs have improved. As I understand this issue, the fish hatchery's water supply problems during drought periods may have more to do with how the water piping system was installed than from reduced water levels at the springs.

A few years ago the hatchery manager told Mark Rath and Del Brosz of my staff that a pipeline running from the collection gallery to the hatchery was installed with a "hump" over a large rock. This "hump" has an estimated vertical rise of about four feet above the centerline of the rest of the pipe. To avoid crisis conflicts during drought periods, I am suggesting that the vertical rise be removed.

In the past the City has cooperated and reduced pumping from Jackson Springs. However, with the "hump" in place the delivery system is not efficient, and interferes with delivery of water to the hatchery. Therefore, I do not believe GF&P can exercise the 1877 priority date and require the City to reduce Jackson Springs pumping. Once the "hump" is removed, then Rapid City's Jackson Spring's water right would be subject to the 1877 priority date.

Possibly prison labor could be used to correct the piping problem. Now is the time to get this problem fixed rather than during a drought and a water supply crisis for the hatchery. Please let me know if I can answer any questions.

Cy: Nettie Myers, Secretary DENR
Doug Hansen, GF&P