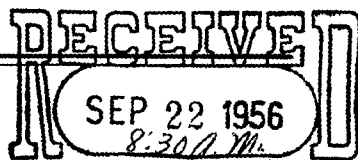


1. Considered Nov 13, 1956
2. Name of Applicant City of Rapid City # 439-2
3. Post Office Address Rapid City, S. Dak.
4. Amount of water claimed See application
5. Source of water supply " " "
6. Water to be used for Municipal purposes
Acres to be irrigated _____
7. Water to be diverted and used in Butte County about
_____ miles West of Rapid City.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred ✓

10. Remarks:

Not approved for public use
One application received

No. 439-2Water Division No. 2 Rapid Creek District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT FUTURE USE 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. Ewing, M. Haugen, C. Hoseth
(a) Name of same F. Johnson, E. Krieger, M. Rypkema, R. Severson, L. Yeoman
(b) Date and place of incorporation _____
(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, \$ See Attached Sheet (e) Other resources, \$ _____

2. Name of diversion work Meadowbrook Gallery (future Addition), Jackson Springs Gallery (future Addition), Cleghorn Springs, Sioux Park Gallery.
3. Amount of water claimed See Attached Sheet cubic feet per second _____
4. Source of water supply Ground water, Spring water.
5. Location of point of diversion See attached sheet
_____ 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. 439-2

8. Estimated cost of work:

(a) Head Gates, \$ _____

(b) Pumping plant, \$ _____ **See attached Sheet**

(c) Fluming, \$ _____

(d) Canal-earth, \$ _____

Rock, \$ _____

(e) Other structures _____

See Attached Sheet Total, \$ _____

9. Description of diversion works:

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

Gallery and pumping plant. When specifically undertaken data will be furnished.

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.)

Future-will be furnished when development is specifically undertaken.

10. Time required for completion of work _____ years.

11. Time required for complete application of water to the proposed beneficial use _____ years. **Will be furnished when specific use is initiated.**

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.Thorgrimsen, 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 on 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.Thorgrimsen

Subscribed and sworn to before me this

20th

day of

September

1956

Dorothy M. Hall

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

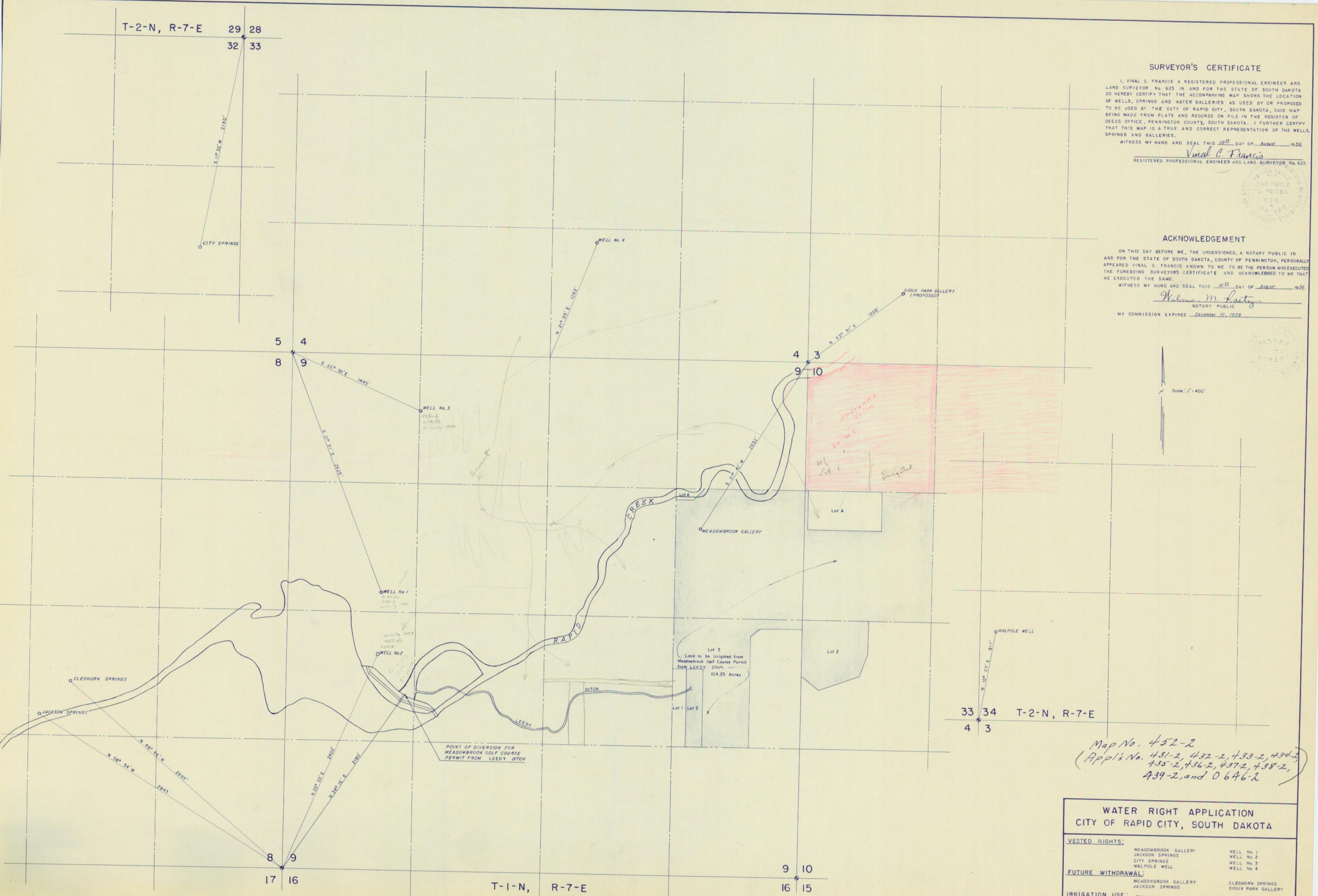
ON THIS DAY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH DAKOTA, COUNTY OF PENNINGTON, PERSONALLY APPEARED VINAL C. FRANCIS KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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.	

Remarks by State Water Resources Commission:

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

SEE ATTACHMENT "A"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 29, 1956

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 a.m. upon the 22 day of September, 1956

State Water Resources Commission

for withdrawal of water for future use By: Joel Hume
Number of permit 439-V Chief Engineer, Executive Officer

Date of first receipt of application September 22, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 22, 1956

Approved May 15, 1957 Recorded in Book 4 Page 113

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 does not apply, 19____ specific applications must be submitted when definite plans are made to appropriate water under this permit.
- 2nd. The whole of said work is to be completed on or before does not apply
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is does not apply, 19____
- 4th. The water appropriated shall be ~~used~~ for the purpose of withdrawing water for future use for municipal purposes
- 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 22.00 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 ~~to be constructed later to provide water for municipal use,~~ and beneficially applied for irrigation on or before does not apply, 19____; said water to be used during the following described annual period:

The main 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, 1957

State Water Resources Commission

By: Joel Hume
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

No.-----

Division No.-----

----- District

PERMIT

to appropriate water from -----

----- County, South Dakota

Name of applicant -----

Name of diversion works -----

Date of first receipt at Office of State
Water Resources Commission

----- 19-----

Returned to applicant for Correction

----- 19-----

Corrected application received

----- 19-----

Date of Water Right

----- 19-----

Recorded in Book----- Page-----

One-fifth of work to be completed

----- 19-----

Whole work to be completed

----- 19-----

Final proof of use of water

----- 19-----

Approved ----- 19-----

State Water Resources Commission

By:

Chief Engineer

3

Future Use - Rapid City

439-2	9.30 c.f.s.	Meadowbrook Gallery
	5.0 c.f.s.	Jackson Springs
	7.70 c.f.s.	Sioux Park Gallery (Baken Park in Pactola Contract)

Provisions of a contract between Rapid City and the United States (Bureau of Reclamation) provide that releases of water from Pactola Reservoir for use by Rapid City includes replacement water in the amount of the City's diversion from the sources specified in Permit 439-2 and similar sources and water which may be diverted by the City directly from the surface flows of Rapid Creek.

Water Rights, covering storage of water in Deerfield and Pactola Reservoirs, were acquired by the United States (U.S.No.509-2 and U.S. No. 581-2 respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation).

Under provisions of existing contracts, Rapid City may use the diversion points described in Application No. 439-2 during the irrigation season, except that diversion point specified as Cleghorn Springs (see below), but only so long as the City's shares of Deerfield and Pactola Reservoirs storage water rights are 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, except the Cleghorn Springs diversion point (see below), since the irrigation water rights are not applicable during such non-irrigation season. The City's request for future use withdrawal of water during the non-irrigation season from the sources specified in Application 439-2, except Cleghorn Springs (see below), are hereby granted.

Also, at no time shall withdrawal of water from the Jackson Springs source be made at a rate that interferes with preference and/or prior water rights to Cleghorn Springs waters, including 6.18 cubic feet per second for fish hatchery use (Permit 378-2) and the water taken by domestic users connected to the pipeline connecting Cleghorn Springs and the Sioux Sanitorium.

439-2	1.54 c.f.s.	Cleghorn Springs
-------	-------------	------------------

The request of Rapid City to withdraw a portion of the flows of Cleghorn Springs from further appropriation for future use by the City is hereby refused. The flows of Cleghorn Springs are fully appropriated and, consequently, unappropriated water from the Cleghorn Springs source is not available to grant the request of Rapid City.

Should Rapid City desire to have their request reconsidered the City shall furnish proof satisfactory to the Commission that;

- (1) The United States (Sioux Sanitorium) relinquished its water rights in Cleghorn Springs to Rapid City through transfer or other approved arrangement.

Future Use - Rapid City con't.

- (2) the domestic water users, now obtaining service through the pipeline between Cleghorn Springs, relinquish their water rights in Cleghorn Springs to Rapid City through transfer or other approved arrangement.
- (3) Diversion of water by Rapid City will not adversely affect the water rights in Cleghorn Springs flows for Fish Hatchery use in the amount of 6.18 cubic feet per second under Permit 388-2, and
- (4) future use of water from Cleghorn Springs will be replaced in the amount of vested irrigation water rights downstream.

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 439-2
FOR CITY OF RAPID CITY

Future Use Permit No. 439-2 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 439-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater, infiltration galleries and Minnelusa, Madison Formation wells.

1.

II.

(d) Bonds to be issued, \$

Meadowbrook	200,000.00
Jackson Springs	200,000.00
Cleghorn Springs	50,000.00
Sioux Park	200,000.00

3. Amount of water claimed:

Meadowbrook Gallery	9.30 cubic feet per second
Jackson Springs	5.0 (all above four million gallons per day for Fish Hatchery use)
Cleghorn Springs	1.54 cubic feet per second
Sioux Park	7.70 cubic feet per second

5. Location of point of diversion:

Meadowbrook Gallery	2032' S 31° 41' W of N.E. corner, Section 9, Township 1 N, Range 7 E, BHM.
Jackson Springs	2943' N 58° 54' W of S.E. corner, Section 8, Township 1 N, Range 7 E, BHM.
Cleghorn Springs	2895' N 49° 46' W. of S.E. corner, Section 8, Township 1 N, Range 7 E, BHM.
Sioux Park Gallery	1200' N 53° 31' E of S.W. corner, Section 3, Township 1 N, Range 7 E, BHM.

8. (b) Pumping plant \$

Meadowbrook Gallery	\$100,000.00
Jackson Springs	100,000.00
Cleghorn Springs	25,000.00
Sioux Park	100,000.00

(e) Other Structures

Meadowbrook Gallery	100,000.00
Jackson Springs	100,000.00
Cleghorn Springs	25,000.00
Sioux Park	100,000.00

Affidavit of Publication

STATE OF SOUTH DAKOTA }
County of Pennington } ss.

E. H. LIGHTER, of Rapid City, in said County, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, the agent of the publisher named, designated and appointed as such for the purposes herein set forth, by resolution and action of its Board of Directors, of The JOURNAL PUBLISHING CO. of Rapid City, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY DAILY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY DAILY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for... four successive weeks , the first publication thereof being on the 10th day of October 19 56 , and the last publication thereof being on the ... 31st day of October , 19. 56 , that the fees charged for the publication thereof are ... Twelve Dollars and ... no cents.

E. H. Lighter

Subscribed and sworn to before me this ... 31st ... day of
..... October 19. 56 ..

.....
Notary Public.

RECEIVED
JUN 19 1957
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

IN THE.....COURT
COUNTY OF PENNINGTON

.....
.....
.....
.....
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.....
.....
.....

**Publisher's and Attorney's
Affidavit**

Filed in the office of.....
..... on
the.....day of.....
19.....

.....
.....

Attorney for.....
.....

First Publication before October 12, 1956

WITHDRAWAL OF WATER FOR FUTURE USE

Notice is hereby given that the City of Rapid City whose postoffice address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to withdraw for future use from ground water, 9.30 cubic feet of water per second of time through the Meadowbrook Gallery, all remaining Jackson Springs supply except present city use, and four million gallons per day for Fish Hatchery use through Jackson Springs; 1.54 cubic feet per second through Cleghorn Springs; and 7.70 cubic feet per second through the Sioux Park Gallery. The points of diversion of which are to be located along Rapid Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, all in T 1N, R 7E, respectively. Said water to be used for the purpose of providing future municipal water supplies for the City.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1956, at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

STATE WATER RESOURCES COMMISSION

By:

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

(cc: Publisher)

City of Rapid City

OFFICE OF THE CITY MANAGER

RAPID CITY, SOUTH DAKOTA

AUGUST 20, 1956

Chief,
Division of Indian Health, Public Health Service
Department of Health
Education and Welfare
Washington 25, D. C.

Dear Sir:

Reference is made to the action that has been taken by the City of Rapid City with regard to the acquisition for municipal water supply purposes of Cleghorn Springs west of the city.

We are taking action now to supply water from the municipal system to the Sioux Sanatorium here. Mr. Kenneth H. Miller, Executive Officer, Indian Health Area Office, Aberdeen, South Dakota, had previously told us that it would be possible for us to acquire the Springs, now relieved of the necessity of providing water to the sanatorium. Our Board of City Commissioners enacted a Resolution requesting that it be allowed to acquire Cleghorn Springs under some arrangement that would be satisfactory to the Federal Public Health Service. I am informed that a copy of that Resolution has been provided to the Division of Indian Health of the Public Health Service in Washington and that all official title of records and information is also in the hands of officials in your office.

We are very much interested, of course, in knowing of the status of our request. Whatever information you could give me would be welcome.

Respectfully yours,

H. S. Thorgensen
City Manager

HST/az
cc: Mr. Kenneth R. Miller
City Commission

City of Rapid City

CITY OF RAPID CITY, SOUTH DAKOTA

October 9, 1956

Chief
Division of Mission Health, Public Health Service
Department of Health
Education and Welfare
Washington 25, D. C.

Dear Sir:

On August 28, 1956, I directed an inquiry to you regarding the status of the request of the City of Rapid City for the acquisition of Cleghorn Springs under some arrangement that would be satisfactory to the Public Health Service. I refer to the fact that the Board of City Commissioners of our City had enacted a resolution making this request, which resolution was upon information by officials of the Public Health Service stationed in South Dakota to the effect that the supply could be available to the City.

Unless our records are woefully inadequate I have not received an answer to that request for information. This may have been because the matter is in suspense in your division or because it is under intensive study.

The problem is of great importance to the City of Rapid City, however, and I would be extremely grateful if you could tell me what you know about the matter.

Respectfully yours,

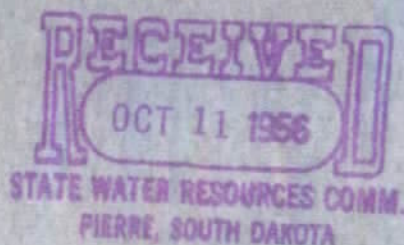
H. S. Thorgrimsen
City Manager

CC: Joe Grimes
Director Water Resources Commission
Pierre, South Dakota

Congressman Berry
Senator Case

*Follow up
on this
matter
they should
want to know
the better
1/5*

*copy of letter to Rep. Harrison C. S. &
Sen. Case on 10/12/56, this date.*



October 9, 1956

Chief
Division of Indian Health, Public Health Service
Department of Health
Education and Welfare
Washington 25, D. C.

Dear Sir:

On August 28, 1956, I directed an inquiry to you regarding the status of the request of the City of Rapid City for the acquisition of Cleghorn Springs under some arrangement that would be satisfactory to the Public Health Service. I referred to the fact that the Board of City Commissioners of our City had enacted a resolution making this request, which resolution was upon information by officials of the Public Health Service stationed in South Dakota to the effect that the supply could be available to the City.

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The problem is of great importance to the City of Rapid City, however, and I would be extremely grateful if you could tell me what you know about the matter.

Respectfully yours,

H. S. Thorgrimsen
City Manager

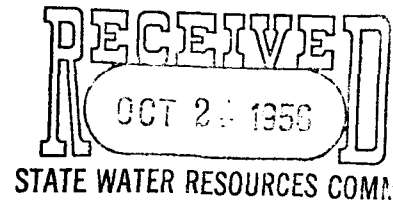
CC: Joe Grimes ✓
Director Water Resources Commission
Pierre, South Dakota

Congressman Berry

Senator Case

Oct. 22, 1956
1717 Freemont St.
Rapid City, S.D.

Mr. J. L. Grimes,
Chief Engineer
State Water Resources Commission



Dear Mr. Grimes:

From queries to the Rapid City Daily Journal regarding an advertisement for withdrawal of water from Cleghorn Springs by the city and subsequent communications, I believe you were misinformed by our city manager.

Apparently Mr. H.S. Thorgrimsen told you homes perviously connected to the government line between Cleghorn Springs and the Sioux Sanatorium are now using city water. For your information, this is not true. There are nearly 80 homes attached to the government line, using water from Cleghorn Springs.

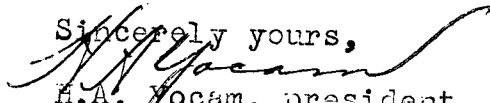
This is a deeded right, explicitly outlined in our abstracts of title. As a matter of fact the deeded rights probably include half of the water from Jackson Springs, now used by the city.

However, intent of this letter is not argument but a request for information. Should we present our case via mail, should we appear at the Nov. 13 hearing in Pierre, or should we do both? Perhaps you can advise us.

Homeowners on the Cleghorn water line have formed an association to assure that their rights are not abrogated. We want nothing that isn't legally ours, but on the other hand we don't want the city to appropriate something that does belong to us.

I hope you can find time to answer our questions.

Sincerely yours,


H.A. Vocam, president
Cleghorn Users Association
1717 Freemont St.
Rapid City, S.D.

Rapid City, S. Dak.

Nov. 8, 1956

To the Hon. Chairman and Members,
Water Resources Commission of the
State of South Dakota.
Pierre, South Dakota.

Gentlemen:

We, the undersigned, freeholders of real property in and/or adjacent to the City of Rapid City, South Dakota, do hereby join in this presentation, for your consideration, of certain facts and circumstances pertinent to the use and disposition of a certain portion of the waters of the State of South Dakota, which disposition and use we believe to be the official concern of the Water Resources Commission, to wit:

1. We are the owners, respectively and collectively, of the right to a portion of the flow of water from, a source commonly known as the "Cleghorn Spring (or Cleghorn Springs) located in Section 8, T. 1N., R. 7E., BHM, this being a right appurtenant to, and a hereditament of, the various real properties owned by us.
2. The U. S. Government also has a right to a portion of the flow from the same source.
3. The State of South Dakota also has a right to a portion of the flow from the same source.

7. We do hereby re-affirm our vested right to, and our past, present and proposed continued ^{domestic} use of, the said portion of the flow from Cleghorn Springs, together with the rights and privileges granted and enjoyed in connection with the above described pipe line.

8. We do hereby petition you, the Water Resources Commission, to hold in abeyance any application for a permit to appropriate water from the above source which may in any way conflict with this, our vested right, until such time as the Federal Government shall have clarified its intention with respect to the disposition of its share of the water from Cleghorn Springs and the facilities constructed incidental thereto.

9. When the intent of the Federal Government with respect to the foregoing has been officially declared, it is the intent of the group of people presently using and enjoying this vested right to take appropriate organizational and administrative action to implement a secure continuation of said right. In order to advise you of the above conditions we, ~~a~~ portion of this group, have affixed our signatures hereto.

Respectfully submitted,

	Name	Address
1	O. F. Albright	Cor. Evergreen & ^{Canyon} Lake Drive
2	Frank Nagel	1919 E Weyman Cir
3	Everett Crawford	1409 38th St
4	Carl W. Holmsten	2006 Monte Vista, Rapid City
5	Florence D. Heater	1015 Columbus St. Rapid City
6	Julius Finch	3913 Sunset ^{Rapid City}
7	A. E. Heliger	4018 Loyal Lane
8	Ed Meyer	1901 - 38th
9	Harman G. Johnson	4006 Lakeview
10	E. C. Dawkins	2009 1/2 Elmhurst Dr.
11	Mr. & Mrs. L. Scheinkoff	1816 Evergreen Dr.
12	Mr. & Mrs. F. W. W. W. W.	2009 1/2 Elmhurst Dr.
13	Alfred Phillips	3510 Cottonwood St
14	W. W. W. W.	1920 Elmhurst Dr
15	Neal W. W. W.	1612 Evergreen Dr.
16	William Staniford	3800 Schamber St.
17	William L. Whitehead	2034 1/2 Elmhurst Drive
18	A. Rae Dendy	1930 Elmhurst Drive -
19	John E. W. W.	1940 Elmhurst Dr., City
20	Carl F. Schaefer	3646 Washington City
21	Gerald A. Snyder	3608 Jefferson City
22	J. W. W. W.	3621 Fieberson City
23	W. T. W. W.	1021 Kans. City St. City
24	Burrill W. W.	1021 Kans. City St. City
25	Gertrude Johnson	4006 Lakeview
26	Herbert A. W. W.	1717 Fremont St.
27	J. L. W. W.	3902 Lakeview Drive, Rapid City
28	Mr. Lincoln E. W. W.	3908 Lakeview Dr.
29	Mrs. Josephine W. W.	3908 Lakeview Dr.
30	Geo. E. W. W.	3947 Lakeview Dr.
31	Mrs. A. W. W. W.	3941 Lakeview Dr.

Name

St. Address

- 32 Geo. R. Konechne, 4029 Lakeview Drive, Rapid City, S.D.
- 33 Marie E. Supal 4130 Lakeview Drive Rapid City, S.D.
- 34 Frank J. Supal 4130 Lakeview Dr. Rapid City
- 35 Francis Sheldon - 3920 Lakeview Dr -
- 36 Joe O. Hamling 4011 Lakeview Drive Rapid City
- 37 Dewayne Carlson 1813 Fremont St. Rapid City,
- 38 Mr & Mrs E. Haden 1717 Fremont St. Rapid City.
- 39 Earl H. Matson 1720 Fremont St. Rapid City
- 40 A. B. Clark 3636 Canyon Lake Drive Rapid City
- 41 Mrs. Mabel L. Clark 3932 Sunset Drive Rapid City
- 42 Ernest C. Moller 1912 Elmhurst Dr. Rapid City
- 43 W. E. Holly 1819 Sun Valley Dr. Rapid City S.D.
- 44 Bernice J. Holly 1813 Sun Valley Dr. Rapid City S.D.
- 45 Mrs. John Schell 1831 Sun Valley Dr. Rapid City S.D.
- 46 Elmer Frank 2000 Sun Valley Dr. Rapid City S.D.
- 47 Fred W. Smith 1830 Sun Valley Dr. Rapid City S.D.
- 48 Mrs. Estella Oatman 1830 Sun Valley Dr. Rapid City S.D.
- 49 Mrs. Emory J. Draper 1837 Sun Valley Dr. Rapid City S.D.
- 50 Lester R. Johnson 1810 Sun Valley Drive Rapid City S.D.
- 51 Jay F. Bahr 1820 Sun Valley Dr. Rapid City S.D.
- 52 Lou Ella B. Larson 1921 Evergreen Dr. Rapid City, S.D.
- 53 R. Paul Larson 2004 1st ave Rapid City, S.D.
- 54 Mrs. Don Shihart 2001 - 7th ave, Rapid City
- 55 Mrs. Laura Yocum 1717 Fremont St. Rapid City S.D.
- 56 Mr & Mrs Raymond J. Bahr. 1707 Fremont St. Rapid City S.D.

NAME

(RAPID CITY) ADDRESS

1. O. F. Allbright	Corner Evergreen & Canyon Lake Dr.
2. Frank Ressler	1919 Evergreen Drive
3. Everett Crawford	1909 38th Street
4. Carl W. Holmgren	2006 Monte Vista
5. Florence D. Keater	1015 Columbus Street
6. Julius Finch	3915 Sunset Drive
7. A. E. Heligas	4018 Lilac Lane
8. Fred Novak	1901 38th Street
9. Norman L. Johnson	4006 Lakeview Drive
10. E. C. Dawkins	2009 $\frac{1}{2}$ Elmhurst Drive
11. Mr. & Mrs. J. L. Schaubert	1816 Evergreen Drive
12. Mr. & Mrs. Fred Hodge	Lakeview Drive
13. Alfred Phillips	3510 Cottonwood Street
14. Harry Wickard	1920 Elmhurst Drive
15. Neal Willard	1612 Evergreen Drive
16. William Mannefin	3800 Schamber Street
17. William L. Whithead	2034 $\frac{1}{2}$ Elmhurst Drive
18. A. Rae Dondy	1930 Elmhurst Drive
19. John Clarkson	1940 Elmhurst Drive
20. Carl F. Schaefer	3646 Washington Street
21. Gerald A. Snyder	3608 Jefferson Street
22. L. W. Melvin	3621 Jefferson Street
23. W. Ray Sanders	1021 Kansas City Street
24. Bernice Sanders	1021 Kansas City Street
25. Gertrude Johnson	4006 Lakeview Drive
26. Herbert A. Yocum	1717 Fremont Street
27. V. L. Rugg	3902 Lakeview Drive
28. Mr. Andrew E. Killian	3908 Lakeview Drive
29. Mrs. Josephene Killian	3908 Lakeview Drive
30. Geo. E. Lamm	3947 Lakeview Drive
31. Mrs. A. W. Larson	3941 Lakeview Drive
32. Geo. R. Konechne	4029 Lakeview Drive
33. Marie E. Pipal	4130 Lakeview Drive
34. Frank J. Pipal	4130 Lakeview Drive
35. Francis Sheldon	3920 Lakeview Drive
36. Joe O. Hamling	4016 Lakeview Drive
37. Dewayne Carlson	1803 Fremont Street
38. Mr. M. E. Hadon	1718 Fremont Street
39. Karl W. Matson	1720 Fremont Street
40. A. B. Clark	3636 Canyon Lake Drive
41. Mrs. Mabel L. Clark	3932 Sunset Drive
42. Ernest C. Mohler	1912 Elmhurst Drive
43. W. E. Holly	1819 Sun Valley Drive
44. Bernice T. Holly	1813 Sun Valley Drive
45. Mrs. John Scholl	1831 Sun Valley Drive
46. Elmer Frank	2000 Sun Valley Drive
47. Fred W. Smith	1830 Sun Valley Drive
48. Mrs. Estella Oatman	1830 Sun Valley Drive
49. Mrs. Emery J. Draper	1837 Sun Valley Drive
50. Lester R. Johnson	1810 Sun Valley Drive

Mrs. Donald Flahart

2001 - 1st

Rapid City, South Dakota
November 8, 1956

TO THE HONORABLE CHAIRMAN AND MEMBERS
Water Resources Commission of the
State of South Dakota
Pierre, South Dakota

Gentlemen:

We, the undersigned, freeholders of real property in and/or adjacent to the City of Rapid City, South Dakota, do hereby join in this presentation, for your consideration, of certain facts and circumstances pertinent to the use and disposition of a certain portion of the waters of the State of South Dakota, which disposition and use we believe to be the official concern of the Water Resources Commission, to wit:

1. We are the owners, respectively and collectively, of the right to a portion of the flow of water from a source commonly known as the "Cleghorn Spring (or Cleghorn Springs)" located in Section 8, Township 1 North, Range 7 East, Black Hills Meridian, this being a right appurtenant to, and a hereditament of, the various real properties owned by us.
2. The U. S. Government also has a right to a portion of the flow from the same source.
3. The State of South Dakota also has a right to a portion of the flow from the same source.
4. The U. S. Government constructed a water pipe line to convey water from the Cleghorn Springs to the Sioux Sanitorium, in the City of Rapid City and, as a consideration of the easement, granted to the U. S. Government to construct this pipe line across privately-owned lands, certain rights and privileges in the said pipe line were granted to the owners of the properties so crossed; which rights have been subsequently conveyed to us as hereditaments of the said properties.
5. A move has been made, or is being made, by others to apply for, claim, or otherwise obtain, right to appropriate the water, or a portion thereof, which we believe to be ours by virtue of a vested right of many years standing; which right has been, and is presently being, exercised for the purpose of domestic use by us.
6. We, individually or collectively, have tried to learn from the U. S. Government their intention as to the disposition of its share of the water from the above source. Correspondence to this end is still in progress in an effort to obtain an official statement of policy, or declaration of intention, from an official authorized to make such, with respect to not only the said water,

but the construction performed to implement the use of that water. This information is being sought as a pre-requisite to the formulation of such plans, and such action, as may be required in order to implement our continued use of the water.

7. We do hereby re-affirm our vested right to, and our past, present and proposed continued domestic use of, the said portion of the flow from Cloghorn Springs, together with the rights and privileges granted and enjoyed in connection with the above described pipe line.
8. We do hereby petition you, the Water Resources Commission, to hold in abeyance any application for a permit to appropriate water from the above source which may in any way conflict with this, our vested right, until such time as the Federal Government shall have clarified its intention with respect to the disposition of its share of the water from Cloghorn Springs and the facilities constructed incidental thereto.
9. When the intent of the Federal Government with respect to the foregoing has been officially declared, it is the intent of the group of people presently using and enjoying this vested right to take appropriate organizational and administrative action to implement a secure continuation of said right. In order to advise you of the above conditions we, a portion of this group, have affixed our signatures hereto.

Respectfully submitted,

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

copy

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 1886
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 within the Rapid Creek water shed.

This agreement was arrived at because of the then existing problems involved at the proposed Pactola damsite, 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. 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, 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. Johanson

Arthur C. Ham
Arthur C. Ham

Walter Jones
Walter Jones

Maurice Kelihier
Maurice Kelihier

Rolla A. Marsh
Rolla A. Marsh

Eugene H. Dunn
Eugene Dunn

(Deceased)

D. Birnbaum

Walter C. Taylor
Walter C. Taylor

Jens 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.

Ed Morris
Rapid Valley Water Co., Inc.

Fred A. Birnbaum
Little Giant Ditch Co.

Eugene H. Dunn, Sec Treas
South Side Ditch & Water Co., Inc.

Walter C. Taylor, Pres
Cyclone Ditch Co., Inc.

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

A. Carl Henn
St. Germain Irrigation Co., Inc.

Rella A. Marsh
Hawthorne Ditch Co., Inc.

M. Ketcher, Pres
Iowa Irrigation Ditch Co., Inc.

W. Shepherd
Brennan-Lockhart Ditch

Dated this tenth day of
November, 1956

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 Bolla Marsh, the meeting was adjourned.

Raymond Johnson B.P.J.
President

Raymond E. Lund B.P.J.
Secretary

EXHIBIT B

Copy
November 13, 1951

Contracting Office
Rapid City Air Base

Att: L. O. 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 Main 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 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 Air Base 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

Attest:	R. R. Lang	Approved:
	R. R. Lang,	DUNMIRE & ERNST
	City Auditor	Consulting Engineers
		(Sgd) E. H. Dunmire
		E. H. Dunmire

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

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)

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

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

Raymond Lund
Secretary

Game, Fish and Parks

388-2

7.0 c.f.s.

Cleghorn Springs

Permit to appropriate water may be established as a vested right with priority as of 1928 for the State Fish Hatchery use of water.

6 Various estimates have been made as to the amount of water actually used by the Fish Hatchery. Application 388-2 and supporting information claims that from 7.0 c.f.s. to 6.68 c.f.s is the capacity of Cleghorn Springs and that the entire flow of the Springs is required by the Fish Hatchery during the irrigation season. However, 6.18 c.f.s (4,000,000 gals/day) was offered tentatively to Rapid City in settlement of protest in 1953. Other estimates indicate that 6.18 c.f.s is the maximum amount of water actually used by the Fish Hatchery.

Elmer Peterson will check into this matter. Action to be recommended to the Water Resources Commission must await results of his inquiry as to whether or not 6.18 c.f.s. is adequate for Fish Hatchery use.

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 0646-2.

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. Grimes
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. 432-2.

Respectfully submitted,

OVERPECK & HANLIN

Ian Overpeck

LO
gms

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permits
No. 439-2 & 1088-2

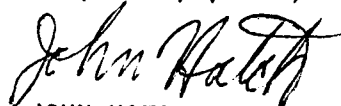
Arthur P LaCroix, Mayor
City of Rapid City
22 Main
Rapid City SD 57701

Dear Mayor LaCroix:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Rapid City's Future Use Permits No. 439-2 and 1088-2. The Board continued Permits No. 439-2 & 1088-2 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 439-3 & 1088-2 will be subject to review after seven years.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Kent Brugger, Finance Officer
Bill Craig

Equal Opportunity Employer

Rapid City, S. Dak
30 September 1958

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

Dear Mr. Steilling:

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 31.48 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 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 in 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 Lang 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 appreciative and respectful of the City's cooperation. I also know that very few people understand or appreciate the significance of the irrigator's WATER 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
Keystone 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**		Release from
			cfs	days	ON	OFF	
C-1	City	136	8.5	8	15 May	23 May	Deerfield
C-2	City	580	10	29	23 May	21 June	Deerfield
C-3	City	640	16	20	30 June	20 July	Deerfield
C-4	City	330	18	11	7 Aug	18 Aug	Pactola
C-5	City	1462	17	43	18 Aug	31 Aug	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

August 8, 1983

NOTICE

To : Arthur P. LaCroix, Mayor, City of Rapid City

From : John Hatch, Chief Engineer, Water Rights Division

Subject : Review of Future Use Water Permit No. 439-2

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 439-2, City of Rapid City will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 439-2, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 439-2 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 439-2 was approved May 15, 1957 with a priority date of September 22, 1956, for 22.0 cubic feet per second (cfs) from the following areas: Sections 3, 8, 9, T1N-R7E with the following qualifications:

At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.

Our records show that permits to place 4.66 cfs of water reserved by Permit No. 439-2 to beneficial use have been approved with 17.34 cfs remaining.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 439-2 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 439-2 with the following qualifications:
 - a) Permit No. 439-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This permit is approved for groundwater, infiltration galleries and Minnekausa, Madison Formation wells.

The permit will again be reviewed and if it is found to be in violation of the usual fee for an application to the Board is effect. The projected 10% fee in seven years for the permitting permit fee will be \$349.00.

There is no necessary proceeding. Any person has the right to be present and to be represented by a lawyer. These and other due process rights will be exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Kent Bruggar, Finance Officer

NOTICE

TO: Arthur P. LaCroix, Mayor, City of Rapid City
FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*
SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 439-2 and 1000-2

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 439-2 and 1000-2 are being changed because of a conflict with the Municipal League Meeting that starts October 3, 1983. The Water Management Board will now review Future Use Permits No. 439-2 and 1000-2 at 1:30 pm, November 30, 1983, Joe Foss Building, Pierre, South Dakota. The hearings will be conducted pursuant to the notice dated August 8, 1983.

cc: Kent Brugger, Finance Officer

The meeting will be in Room 216 of the Joe Foss Building.

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 11, 1984

RE: Future Use Permits
No. 439-2 1088-2

Arthur P LaCroix, Mayor
City of Rapid City
22 Main
Rapid City SD 57701

Dear Mayor LaCroix:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Rapid City's Future Use Permits No. 439-2 and 1088-2. The Board continued Permits No. 439-2 & 1088-2 and amended the Permits to add the qualifications on the enclosed Attachments which should be placed with your Permits. Future Use Permits No. 439-3 & 1088-2 will be subject to review after seven years.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Kent Brugger, Finance Officer
Bill Craig

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 439-2

FOR CITY OF RAPID CITY

Future Use Permit No. 439-2 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 439-2 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.**
- b) This permit is approved for groundwater, infiltration galleries and Minnelusa, Madison Formation wells.**



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 12, 1990

Keith Carlyle, Mayor
300 6th St
Rapid City SD 57701

Dear Mayor Carlyle:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries and Minnelusa, Madison Formation wells and Permit No. 1088-2 from Rapid Creek which is held by Rapid City. Currently, our records show that 12.75 and 27.3 cubic feet of water per second remain in reserve under Future Use Permit No. 439-2 and 1088-2, respectively. However, the City currently has two permit applications pending to construct and place to beneficial use 13.16 cfs from Permit No. 1088-2.

Permit Nos. 439-2 and 1088-2 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on each permit. The fee could be as much as \$210.00 for Permit No. 439-2 and \$427.50 for Permit No. 1088-2 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intention for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Rodger Krueger, Water Superintendent
Dan Bjerke, Water Division Manager



City of Rapid City

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department
300 Sixth Street
605-394-4165

October 10, 1990

Ms. Karen Schlaak
 Natural Resources Analyst
 Water Rights Division
 SD Department of Water & Natural Resources
 Joe Foss Building
 Pierre, SD 57501

Re: Future Use Permits Nos. 439-2 and 1088-2

Dear Ms. Schlaak:

The City of Rapid City is in receipt of your letter dated September 12, 1990 regarding the above referenced future use permits.

The City is requesting the amounts of water remaining in the two future use permits to remain in force. Future Use Permit No. 439-2 relating to diversions from Jackson Springs gallery, Meadowbrook gallery and Sioux Park (Girl Scouts) gallery has 12.75 cfs remaining for future use. The City has began a program of installing automated high efficient irrigation systems for the City's parklands along Rapid Creek. The recently approved Water Permit for irrigating Sioux Park is the first in a series of anticipated use of raw water from Rapid Creek for irrigation of City parklands. It is the City's intent to use the a portion of the remaining 12.75 cfs for this purpose. The remaining portion would be used to increase pumping capacity from the galleries.

The City is projecting a population increase based on present growth trends from the present population of 57,500 to 102,000 in the year 2015. The water utility serves an additional population at Ellsworth Air Force Base and Rapid Valley Water Service Co. In 1988 the total water usage was 14,400 acre-feet of water. The City is projecting a water usage of 19,000 acre-feet in 2015. The increase in water needs in future years requires the City to use prudent planning to ensure adequate future water supplies.



EQUAL HOUSING
 OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

The water utilities peak water demand occurred in July of 1988 at 57 cfs. The future peaking demands for the City's water infrastucture could easily exceed 100 cfs which closely relates to the City's active and future use permit amounts of water.

The City's water treatment plant which presently has a capacity of 32 million gallons day (49.3 cfs) is used during the irrigation season from April through September of each year to meet peaking water demands. The City is presently constructing improvements to the raw water screening portion of the treatment process and increasing the capacity of the plant by 8 million gallons per day (12.38 cfs). Total expandable capacity of the treatment plant is 48 million gallons per day (74 cfs). If the pending water permit for 12.38 cfs is approved, the remaining amount on Future Use Permit 1088-2 would be 14.236 cfs which is approximately the amount of water needed for meeting the total design capacity of the treatment plant. Therefore, the City will in the near future totally utilize all the water assigned under Future Use Permit 1008-2.

As you requested in your letter, I have enclosed past water pumping records for your use in evaluating the City's present and future water needs. If you need any additional information regarding this matter, please contact me at (605) 394-4165 or Rodger Kruger at (605) 394-4162.

Sincerely,



Daniel L. Bjerk, PE/LS
Water/Water Reclamation Division Manager

cc: Mike Strub, Public Works Director
Rodger Kruger, Water Superintendent

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1985	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	0	2,346,400	153,426,000	0	11,891,500	20,665,700	0	0	188,329,600	179,608,500	12,460,600	6.62
FEBRUARY	5,000	1,916,500	137,374,000	0	10,454,800	18,527,800	0	0	168,278,100	175,869,000	9,878,100	5.87
MARCH	0	7,659,500	144,020,000	0	11,761,800	20,809,500	0	0	184,250,800	158,400,000	7,643,800	4.15
APRIL	18,629,000	39,033,600	132,672,000	0	11,192,600	19,977,500	0	0	221,504,700	176,607,000	(104,527,800)	-47.19
MAY	40,168,000	78,834,900	148,881,000	0	11,418,900	20,339,700	110,580,000	40,770,000	450,992,500	326,032,500	61,324,000	13.60
JUNE	38,861,000	75,518,000	143,608,000	0	11,008,600	19,530,500	101,882,000	29,860,000	420,268,100	389,668,500	(95,558,650)	-22.74
JULY	48,734,000	86,103,200	139,000,000	0	11,208,100	19,648,600	279,108,000	66,360,000	650,161,900	515,826,750	237,251,900	36.49
AUGUST	49,156,000	79,385,200	125,065,000	0	11,013,100	20,007,100	46,640,000	1,260,000	332,526,400	412,910,000	4,235,650	1.27
SEPTEMBER	32,603,000	55,545,500	101,381,000	0	11,575,300	19,642,700	14,060,000	0	234,807,500	328,290,750	29,833,250	12.71
OCTOBER	15,722,000	51,641,000	85,102,000	0	12,499,000	20,632,700	0	0	185,596,700	204,974,250	(9,738,550)	-5.25
NOVEMBER	869,000	38,266,000	99,900,000	0	11,879,300	18,707,100	0	0	169,621,400	195,335,250	(7,630,100)	-4.50
DECEMBER	12,301,000	15,292,300	130,955,000	0	12,391,600	18,958,400	0	0	189,898,300	177,251,500	28,367,050	14.94
TOTALS	257,048,000	531,542,100	1,541,384,000	0	138,294,600	237,447,300	552,270,000	138,250,000	3,396,236,000	3,240,774,000	155,462,000	4.58
MONTH 1986	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS
JANUARY	9,990,000	39,585,000	125,504,000	0	12,305,900	19,044,700	0	0	206,429,600	161,531,250	49,304,600	23.88
FEBRUARY	973,000	25,166,700	103,866,000	0	10,995,500	17,504,100	0	0	158,505,300	157,125,000	(11,802,332)	-7.45
MARCH	271,000	33,704,300	119,448,000	0	11,932,200	19,324,200	0	0	184,679,700	170,307,632	10,587,188	5.73
APRIL	27,526,000	5,043,900	126,882,000	0	11,806,500	18,853,900	0	0	190,112,300	174,092,512	(16,055,948)	-8.45
MAY	34,105,000	49,742,400	120,402,000	0	12,319,800	19,586,400	10,020,000	2,460,000	248,635,600	206,168,248	(62,079,112)	-24.97
JUNE	45,779,000	84,220,000	118,683,000	0	11,743,200	18,687,900	127,240,000	27,540,000	433,893,100	310,714,712	68,030,592	15.68
JULY	47,241,000	87,142,600	122,903,000	0	11,996,600	18,402,100	128,490,000	8,210,000	424,385,300	365,862,508	26,345,328	6.21
AUGUST	48,736,000	82,278,700	123,663,000	0	11,907,200	18,019,700	144,100,000	72,910,000	501,614,600	398,039,972	169,917,740	33.87
SEPTEMBER	32,726,000	33,776,300	118,456,000	0	11,750,100	18,725,100	0	0	215,433,500	331,696,860	22,238,564	10.32
OCTOBER	9,991,000	18,891,300	124,092,000	0	12,176,100	18,913,900	0	0	184,064,300	193,194,936	2,331,716	1.27
NOVEMBER	999,000	38,435,800	105,449,000	0	12,068,200	18,198,700	0	0	175,150,700	181,732,584	7,445,360	4.25

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1986	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER-BILLED	PER CENT LOSS
DECEMBER	2,389,000	22,307,400	108,203,000	0	12,169,600	18,501,100	0	0	163,570,100	167,705,340	(23,990,900)	-2.53
TOTALS	260,726,000	520,294,400	1,417,551,000	0	143,170,900	223,761,800	409,850,000	111,120,000	3,086,474,100	2,818,171,554	268,302,546	8.69
MONTH 1987	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER-BILLED	PER CENT LOSS
JANUARY	7,605,000	34,578,000	98,576,000	0	12,256,700	18,551,200	0	0	171,566,900	187,561,000	6,385,312	3.72
FEBRUARY	7,618,000	27,756,400	90,635,000	0	10,936,900	16,723,400	0	0	153,669,700	165,181,588	(14,185,988)	-9.23
MARCH	2,958,000	30,352,700	107,738,000	0	11,999,300	18,393,700	0	0	171,441,700	167,855,688	(13,264,184)	-7.74
APRIL	17,708,000	56,200,800	116,675,000	0	11,361,200	18,059,800	24,000,000	0	244,004,800	184,705,884	(55,749,468)	-22.85
MAY	27,305,000	76,162,500	109,391,000	0	12,055,600	18,848,300	37,000,000	0	280,762,400	299,754,268	(13,284,628)	-4.73
JUNE	33,550,000	93,763,700	113,980,000	0	11,191,400	17,990,500	128,680,000	45,770,000	444,925,600	294,047,028	(56,742,292)	-12.75
JULY	9,253,000	91,372,900	126,504,000	0	11,533,800	18,233,000	285,630,000	197,600,000	740,126,700	501,667,892	153,316,960	20.71
AUGUST	0	80,096,300	135,024,000	0	11,200,200	18,179,300	98,540,000	105,910,000	448,949,800	586,809,740	106,240,884	23.66
SEPTEMBER	0	79,261,100	132,675,000	0	10,946,000	17,689,500	48,330,000	27,010,000	315,911,600	342,708,916	36,147,632	11.44
OCTOBER	0	40,170,100	114,878,000	0	11,382,100	18,585,800	25,940,000	24,030,000	234,986,000	279,763,968	39,564,268	16.84
NOVEMBER	0	26,544,900	102,571,000	0	11,452,300	18,108,800	18,390,000	16,180,000	193,247,000	195,421,732	18,262,872	9.45
DECEMBER	0	46,116,300	121,143,000	0	11,819,500	18,816,200	0	0	197,895,000	174,984,128	4,401,612	2.22
TOTALS	105,997,000	682,375,700	1,369,790,000	0	138,135,000	218,179,500	666,510,000	416,500,000	3,597,487,200	3,380,461,832	217,025,368	6.03
MONTH 1988	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER-BILLED	PER CENT LOSS
JANUARY	0	58,568,800	119,761,000	0	12,144,000	18,894,700	0		209,368,500	193,493,388	42,966,176	20.52
FEBRUARY	0	63,718,600	113,436,000	0	11,158,800	17,595,200	0		205,908,600	166,402,324	720,980	0.35
MARCH	0	68,274,200	130,625,000	0	11,621,000	18,632,800	0		229,153,000	205,187,620	NO APRIL BILL	0.00
APRIL	1,954,000	67,951,000	131,795,000	0	11,090,000	18,027,200	56,350,000	80,090,000	367,257,200	NO BILLING	NO BILLING	0.00
MAY	30,356,000	89,029,000	139,701,000	0	11,171,800	18,432,000	45,410,000	64,870,000	398,969,800	513,496,764	119,325,720	29.91
JUNE	32,449,000	103,111,900	140,918,000	0	10,531,600	17,283,300	269,920,000	213,540,000	787,753,800	508,797,080	187,522,696	23.80

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	
JULY	41,004,000	107,225,800	123,885,000	0	11,358,300	18,101,600	318,900,000	192,450,000	812,924,700	600,231,104	237,594,516	29.23	
AUGUST	39,539,000	77,702,900	127,469,000	0	7,194,700	17,970,100	211,220,000	144,200,000	625,295,700	575,330,184	210,024,800	33.54	
SEPTEMBER	43,728,000	62,744,900	126,799,000	0	10,116,800	17,186,000	92,880,000	95,220,000	448,674,700	415,270,900	101,307,988	22.58	
OCTOBER	29,674,000	30,209,800	123,895,000	0	10,454,600	1,514,400	51,910,000	38,780,000	286,437,800	347,366,712	48,062,168	16.78	
NOVEMBER	36,324,000	32,020,100	76,844,000	0	10,576,500	PUMP DOWN	410,000	13,500,000	169,674,600	238,375,632	(38,291,840)	-22.57	
DECEMBER	23,411,000	41,934,200	87,988,000	0	10,424,200	PUMP DOWN	0	0	163,757,400	207,966,440	(17,290,016)	-10.56	
TOTALS	278,439,000	802,491,200	1,443,116,000	0	127,842,300	163,637,300	1,047,000,000	842,650,000	4,705,175,800	3,971,918,148	733,257,652	15.58	
COST OF PRODUCTION	\$28,372.93	\$81,773.85	\$147,053.52		\$13,027.13	\$16,674.64	\$124,195.14	\$99,955.14	\$511,052.36				
	(Ground water \$101.90/m.g. and surface water \$118.62/m.g.)												
MONTH 1989	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	MONTHLY REVENUES
JAN	17,170,000	28,806,200	106,786,000	0	10,480,700	0	0	0	163,242,900	181,047,416	(21,538,532)	-13.19	\$247,030
FEB	24,846,000	19,785,000	98,086,000	0	9,290,100	0	0	0	152,007,100	184,781,432	(59,385,280)	-39.07	\$166,590
MAR	20,790,000	21,570,200	111,403,000	0	10,113,000	0	0	0	163,876,200	211,392,380	(28,257,324)	-17.24	\$241,440
APR	28,854,000	27,504,200	111,178,000	0	9,566,000	0	7,420,000	3,105,000	187,627,200	192,133,524	(46,306,060)	-24.68	\$206,996
MAY	43,099,000	32,181,500	121,183,000	0	9,871,800	0	20,380,000	1,750,000	228,465,300	233,933,260	(139,985,288)	-61.27	\$266,290
JUNE	44,293,000	66,873,200	129,045,000	0	9,397,800	109,000	140,500,000	24,740,000	414,958,000	368,450,588	(32,797,792)	-7.90	\$259,441
JULY	46,679,000	92,914,700	133,500,000	0	9,391,900	0	183,950,000	50,760,000	517,195,600	447,755,792	19,447,976	3.76	\$473,826
AUG	50,264,000	95,034,100	132,612,000	3,500,000	9,332,500	0	108,260,000	22,405,000	421,407,600	497,747,624	(15,438,612)	-3.66	\$429,118
SEPT	19,743,000	67,747,800	112,739,000	16,377,600	9,025,100	20,356,800	0	0	245,989,300	436,846,212	13,533,340	5.50	\$556,079
OCT	6,706,000	54,216,800	110,456,000	0	9,479,400	22,142,400	0	0	203,000,600	232,455,960	(9,307,232)	-4.58	\$393,565
NOV	27,299,000	39,471,200	80,768,000	0	9,663,200	20,627,800	0	0	177,829,200	212,307,832	(15,388,176)	-8.65	\$209,062
DEC	26,854,000	47,562,000	124,446,000	0	12,974,300	20,553,600	0	0	232,389,900	193,217,376	52,815,296	22.73	\$247,764
TOTALS	356,597,000	593,666,900	1,372,202,000	19,877,600	118,585,800	83,789,600	460,510,000	102,760,000	3,107,988,900	3,392,069,396	(284,080,496)	-9.14	\$3,697,201
COST OF PRODUCTION	\$41,789.60	\$69,571.82	\$163,552.76	\$2,329.46	\$13,981.27	\$9,878.79	\$62,818.17	\$14,017.49	\$377,939.36				
	(Ground water \$117.19/m.g. and surface water \$136.41/m.g.)												

TOTAL WATER PRODUCTION BY THE MONTH FOR THE CITY OF RAPID CITY

MONTH 1990	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #7	WT. PLANT METER #1	WT. PLANT METER #2	TOTAL GALS. PRODUCED	TOTAL GALLONS BILLED	PRODUCED MINUS WATER BILLED	PER CENT LOSS	MONTHLY REVENUES
JAN	25,842,000	15,603,000	128,839,000	0	13,177,400	20,006,900				0	0	203,468,300	179,574,604	29,864,232	14.68	\$257,270
FEB	10,320,000	41,264,400	103,861,000	0	12,125,300	18,028,600				0	0	185,599,500	173,604,068	122,976	0.07	\$165,263
MAR	8,119,000	48,831,100	121,402,000	0	13,099,900	19,877,900				0	0	211,329,900	185,476,324	38,131,248	18.04	\$226,235
APR	12,043,000	44,198,100	120,873,000	10,018,900	12,556,400	19,093,200				0	0	218,782,600	173,198,652	(3,323,284)	-1.52	\$214,552
MAY	3,242,000	50,351,200	126,733,000	15,178,000	13,526,100	19,726,500				0	0	228,756,800	222,105,884	4,930,500	2.16	\$188,424
JUNE	31,317,000	88,255,500	129,126,800	11,407,400	13,324,400	18,922,800				33,570,000	3,450,000	329,373,900	223,826,300	6,483,992	1.97	\$282,094
JULY	50,772,000	114,637,500	156,078,000	13,193,500	13,895,500	19,116,600				62,761,000	10,985,000	441,439,100	322,889,908	32,537,420	7.37	\$319,155
AUG	51,586,000	128,323,500	149,280,000	12,303,000	14,010,400	19,032,000	15,280,000			45,680,000	9,965,000	445,459,900	408,901,680	445,459,900	100.00	\$383,802
SEPT	31,205,000	87,322,000	114,999,000	0	14,091,700	18,593,200	67,490,000					333,700,900		333,700,900	100.00	\$472,278
OCT												0		0	ERR	\$0
NOV												0		0	ERR	\$0
DEC												0		0	ERR	\$0
TOTALS	224,446,000	618,786,300	1,151,191,800	62,100,800	119,807,100	172,397,700				142,011,000	24,400,000	2,597,910,700	1,889,577,420	708,333,280	27.27	2,509,072

AMENDMENT TO FUTURE USE PERMIT NO. 439-2

City of Rapid City

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 439-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 439-2 reserves for future use 5,539 acre-feet annually. The diversion rate of 12.75 cfs is deleted from Permit No. 439-2.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City SD.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) Rapid City has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 439-2 reserves for future use 5,539 acre-feet annually. The diversion rate of 12.75 cfs is deleted from Permit No. 439-2.

And that maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$135.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to Rapid City.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 12.75 cubic feet of water per second (cfs) reserved by No. 439-2 is 9,231 acre-feet. Assuming that the total amount pumped annually would equal 60% of 9,231 acre-feet, then expected developed pumping of water reserved under Permit No. 439-2 would be about 5,539 acre-feet per year.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Mary K. Garness

certify that the attached printed Notice was taken
 from the Rapid City Journal

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Rapid City Journal

City of Rapid City

County of Pennington and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

November 8, 1990

November 15, 1990

Mary K. Garness
 (Signature)

Bookkeeper
 (Title)

November 15, 1990
 (Date Signed)

Cost of Printing: Ran 11 7/16 inches legal advertising

in the Rapid City Journal on November 8 & 15

@ \$4.20 per inch = \$96.08

Ran public notice of hearing on November 8

and 15 @ \$4.20 per inch = \$96.08

Ran public notice of hearing L450

5-88



Nov. 8, 1990 L450

NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 AND 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 8th St., Rapid City, S.D., for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was improved May 15, 1957 to reserve 22.5 cubic feet of water per second (cfs) from groundwater, infiltration galleries and Minneka and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8, and the SW 1/4 SW 1/4 Section 3, all in T1N, R7E for municipal purposes. Water Permit/Rights Nos. 439-2A, 592-2, and 1955-2 put a total of 6.25 cfs to beneficial use reserved by No. 439-2 leaving 12.75 cfs held in reserve.

Permit No. 1088-2 was approved September 1, 1971 to reserve 40.0 cfs from Rapid Creek located in the SE 1/4 NE 1/4 Section 3, T2N, R7E. Water Permit/Rights Nos. 1845-2, 1931-2, and 2136-2 put a total of 13.48 cfs to beneficial use reserved by No. 1088-2 leaving 26.5 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 439-2 REMAIN in EFFECT for 5.529 acre-feet annually and Permit No. 1088-2 REMAIN in EFFECT for 6.124 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, S.D., on December 3, 1990 at 8:45 a.m.

The recommendation of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-3-9, 46-3-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

These hearings are adversary proceedings. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing copies of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Fass Building, Pierre, S.D., 605-773-3353, for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

Instruction to Newspaper-Publish first publication notice on or before November 8, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARINGS TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 AND 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th St, Rapid City SD for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved May 15, 1957 to reserve 22.0 cubic feet of water permit second (cfs) from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8, and the SW 1/4 SW 1/4 Section 3, all in T1N, R7E for municipal purposes. Water Permit/Rights Nos. 439-2A, 592-2, and 1955-2 put a total of 9.25 cfs to beneficial use reserved by No. 439-2 leaving 12.75 cfs held in reserve.

Permit No. 1088-2 was approved September 1, 1971 to reserve 40.0 cfs from Rapid Creek located in the SE 1/4 NE 1/4 Section 3, T2N, R7E. Water Permit/Rights Nos. 1865-2, 1931-2, and 2136-2 put a total of 13.48 cfs to beneficial use reserved by No. 1088-2 leaving 26.5 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 439-2 REMAIN in EFFECT for 5,539 acre-feet annually and Permit No. 1088-2 REMAIN in EFFECT for 6,134 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearings before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 1990. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearings to review Future Use Permit No. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

These hearings are adversary proceedings. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing copies of the Chief Engineer's recommendations, further information on these permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

SOUTH Dakota Department of
Water & Natural Resources

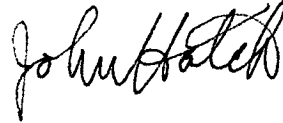
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 5, 1990

NOTICE

TO: Daniel Bjerke
Water/Water Reclamation Division Manager
Public Works Department
300 Sixth Street
Rapid City, SD 57701
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Review of Future Use Water Permit No. 439-2, City of Rapid City

The Water Management will consider whether to allow the Future Use Water Permit No. 439-2 to remain in effect or to cancel the permit on December 5, 1990. Board General Rule 74:02:01:25.02 requires that all parties to the original hearing be provided notice of the review of the future use permit. Enclosed is a copy of the notice of hearing to be published for two consecutive weeks in the Rapid City Journal.

The Water Management Board will conduct the hearing to review Future Use Permit No. 439-2 on December 5, 1990 at 8:45 am, in the Deerfield Room, Hilton, 445 Mt. Rushmore Road, Rapid City, SD. The agenda time is an estimate. The actual time of the hearing may be later than 8:45 am due to prior agenda items.

enclosures

cc: John Haak, Assistant Attorney General

Persons that received Notice
on Future Use Permit Nos. 439-2
November 5, 1990

Status	NAME	ADDRESS
*	O.F. Allbright	Corner Evergreen & Canyon Lake Dr., Rapid City, SD 57702
*	Dewayne Carlson	1803 Fremont Street, Rapid City, SD 57702
*	A.B. Clark	3636 Canyon Lake Drive, Rapid City, SD 57702
*	Mabel Clark	3932 Sunset Drive, Rapid City, SD 57702
*	John Clarkson	1940 Elmhurst Drive, Rapid City, SD 57702
*	Everett Crawford	1909 38th Street, Rapid City, SD 57702-3301
*	E.C. Dawkins	2009 1/2 Elmhurst, Rapid City, SD 57702-3254
*	A. Rae Dendy	1930 Elmhurst Drive, Rapid City, SD 57702
*	Emery J. Draper	1837 Sun Valley Drive, Rapid City, SD 57702
*	Julius Finch	3915 Sunset Drive, Rapid City, SD 57702-3273
*	Mrs. Donald Flahart	2001 First Street, Rapid City, SD 57701
*	Elmer Frank	2000 Sun Valley Drive, Rapid City, SD 57702
	M.E. Haden	1718 Fremont Street, Rapid City, SD 57702
	Joe Hamling	4016 Lakeview Drive, Rapid City, SD 57702
*	William Hannefin	3800 Schamber Street, Rapid City, SD 57702
*	A.E. Heligas	4018 Lilac Lane, Rapid City, SD 57702-3236
*	Mr. & Mrs Fred Hodge	Lakeview Drive, Rapid City, SD 57702
	Bernice Holly	1813 Sun Valley Drive, Rapid City, SD 57702
	W.E. Holly	1819 Sun Valley Drive, Rapid City, SD 57702
*	Carl W. Holmgren	2006 Monte Vista, Rapid City, SD 57702-3227
	Gertrude Johnson	4006 Lakeview Drive, Rapid City, SD 57702
*	Lester R. Johnson	1810 Sun Valley Drive, Rapid City, SD 57702
	Norman L. Johnson	4006 Lakeview Drive, Rapid City, SD 57702-3254
*	Florence D. Keater	1015 Columbus Street, Rapid City, SD 57701-3544
*	Andrew E. Killian	3908 Lakeview Drive, Rapid City, SD 57702
*	Josephene Killian	3908 Lakeview Drive, Rapid City, SD 57702
*	George Konechne	4029 Lakeview Drive, Rapid City, SD 57702
*	George E. Lamm	3947 Lakeview Drive, Rapid City, SD 57702
*	Mrs. A. W. Larson	3941 Lakeview Drive, Rapid City, SD 57702
*	Karl Matson	1720 Fremont Street, Rapid City, SD 57702
	L.W. Melvin	3621 Jefferson Street, Rapid City, SD 57702
	Ernest C. Mohler	1912 Elmhurst Drive, Rapid City, SD 57702
*	Fred Novak	1901 38th Street, Rapid City, SD 57702-3301
*	Estella Oatman	1830 Sun Valley Drive, Rapid City, SD 57702
	Alfred Phillips	3510 Cottonwood Street, Rapid City, SD 57702-3337
*	Frank Pipal	4130 Lakeview Drive, Rapid City, SD 57702
*	Marie Pipal	4130 Lakeview Drive, Rapid City, SD 57702
	Frank Ressler	1919 Evergreen Drive, Rapid City, SD 57702-3472
*	V.L. Rugg	3902 Lakeview Drive, Rapid City, SD 57702
	Bernice Sanders	1021 Kansas City Street, Rapid City, SD 57702
	W. Ray Sanders	1021 Kansas City Street, Rapid City, SD 57702
*	Carl F. Schaefer	3646 Washington Street, Rapid City, SD 57702
*	Mr. & Mrs. J.L. Scheubert	1816 Evergreen Drive, Rapid City, SD 57702-3254
*	Mrs. John Scholl	1831 Sun Valley Drive, Rapid City, SD 57702
*	Francis Sheldon	3920 Lakeview Drive, Rapid City, SD 57702
*	Fred W. Smith	1830 Sun Valley Drive, Rapid City, SD 57702
*	Gerald A Snyder	4608 Jefferson Street, Rapid City, SD 57702
	William L. Whitehead	2034 1/2 Elmhurst Drive, Rapid City, SD 57702
	Harry Wickard	1920 Elmhurst, Rapid City, SD 57702
*	Neal Willard	1612 Evergreen Drive, Rapid City, SD 57702
*	Herbert Young	1717 Fremont Street, Rapid City, SD 57702

CERTIFICATION

I hereby certify that on November 5, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Review of Future Use Water Permit No. 439-2, City of Rapid City addressed as stated on the attached Parties of Record dated November 5, 1990 and as stated below.

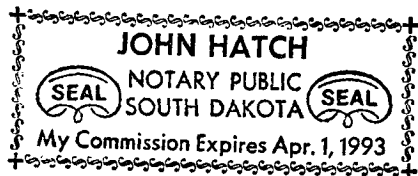
Daniel Bjerke, Water/Water Reclamation Division Manager, Public
Works Department, 300 Sixth Street, Rapid City SD 57701

Marie R. Arthur

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of November, 1990.



John Hatch
Notary Public

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 10, 1990

NOTICE

Keith Carlyle, Mayor
300 6th St
Rapid City SD 57701

Dear Mayor Carlyle:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect and amended the permits by adding the qualifications on the enclosed "Amendment". The "Amendment" should be placed with each permit. Future Use Permit Nos. 439-2 and 1088-2 are again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 439-2 is \$135.00 and Permit No. 1088-2 is \$147.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosures

cc: Daniel L. Bjerke, Water Reclamation Div. Manager

CERTIFICATION

I hereby certify that on December 10, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board at the hearing on December 5, 1990 addressed as stated below.

Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 300 Sixth Street, Rapid City SD 57701
Orrin P. Juel, Mayor, City of Brookings, Box 270, Brookings, SD 57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670, Lake Andes SD 57356-0670

Marie R. Arthur

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412499

Pierre, January 23, 1991

RECEIVED OF City of Rapid City 300 Sixth Street, Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. <u>439-2</u> after period of seven years.	135	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	135 00

By John Hatch
Chief Engineer



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Public Works Department

300 Sixth Street

605-394-4165

FAX 605-394-6636

October 24, 1997

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
SD Dept. of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Future Use Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak:

I am writing in response to your letter dated September 29, 1997 regarding the City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the intent of the City to retain the permits for future water needs of the City.

The City's water system has grown from 15,445 water accounts at the end of 1990 to 17,336 water accounts through September, 1997. In addition, the City has contracted with Rapid Valley Sanitary and Water Service Company to provide approximately 85% of the annual water needs. The City's long term water management plan includes maintaining a balance of 50% surface water from Rapid Creek and 50% ground water from the Minnelusa and Madison aquifers. As per your request, I have enclosed a copy of water supply production records for 1994, 1995, 1996 and through September, 1997 which identifies production from each of the City's water supply sources.

We are predicting the City will continue to grow in population in the future at approximately 2% per year so there will be a need to increase water production in order to meet the future water needs of the City. The City water demand could approach 15,000 acre-feet per year within the next 7-10 years.

If you have any questions, please contact me at (605) 394-4165. Thank you for your assistance on this matter.

Sincerely yours,
CITY OF RAPID CITY

Daniel L. Bjerke 
Public Works Director of Engineering/Utilities

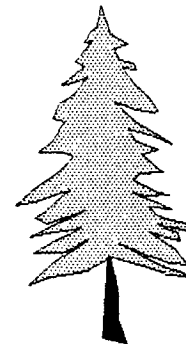
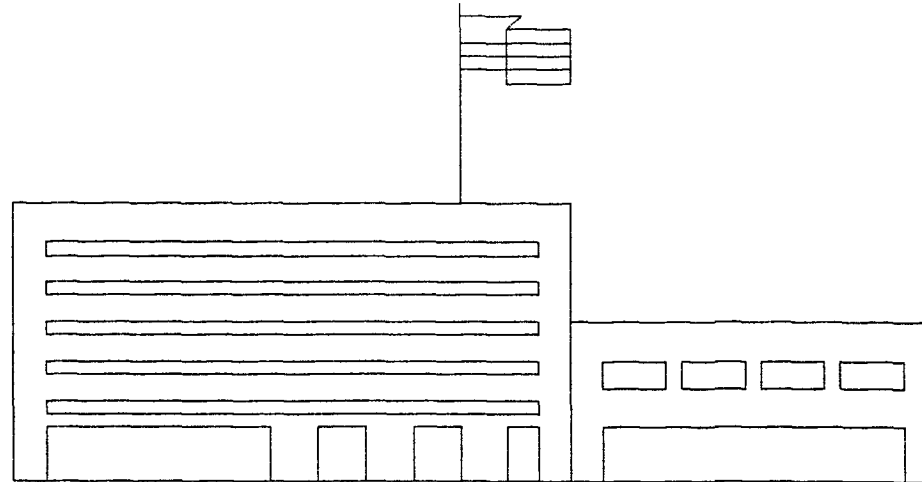
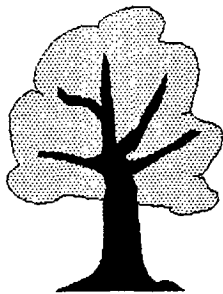


EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

RAPID CITY WATER DIVISION

PRODUCTION GROUP REPORT SEPTEMBER 1997



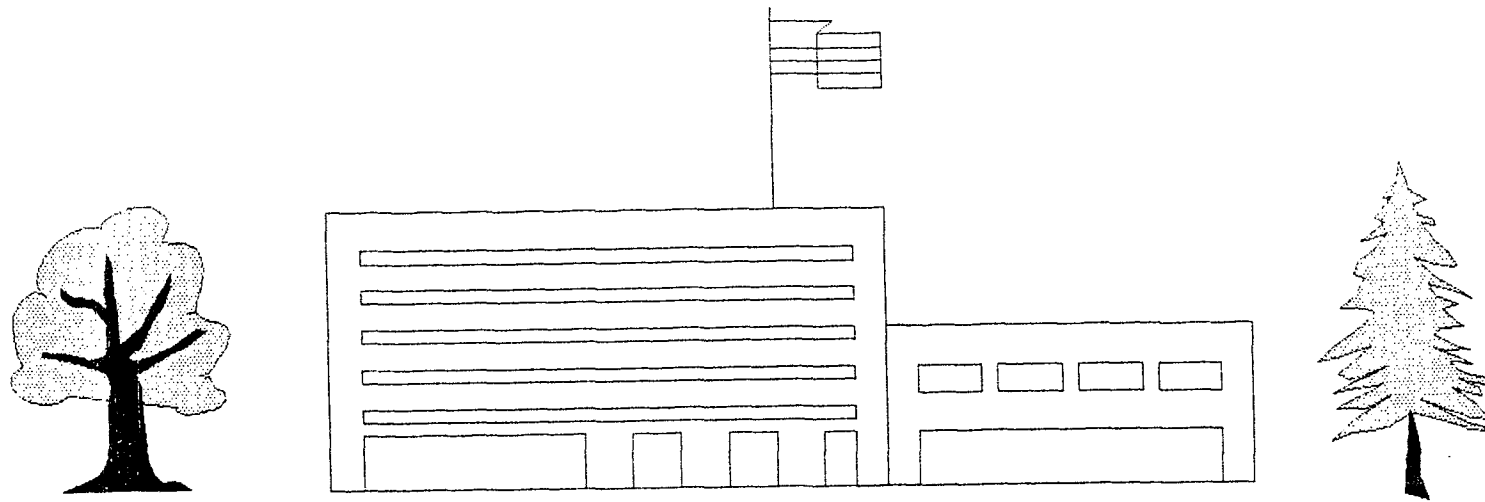
PREPARED BY RON BARBER, SUPERVISOR

1997 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1997	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	7,870,000	91,122,800	145,545,000	0	0	17,141,000	0	0	0	0	16,772,000	112,000	0	278,562,800
FEBRUARY	31,668,000	37,116,200	128,557,000	0	0	15,762,000	0	0	0	0	40,110,000	0	0	253,213,200
MARCH	48,068,000	10,846,500	133,965,000	0	0	18,594,000	0	0	0	0	58,447,000	0	0	269,920,500
APRIL	49,096,000	10,705,700	130,859,000	0	0	17,161,000	0	0	0	0	55,345,000	0	0	263,166,700
MAY	29,274,000	20,919,000	143,366,000	0	0	18,554,000	28,378,000	2,661,000	9,711,000	22,974,000	58,228,000	1,513,000	0	335,578,000
JUNE	10,803,000	14,705,500	156,644,000	0	0	17,672,000	44,405,000	12,300,000	19,979,000	47,015,000	55,930,000	11,119,000	0	390,572,500
JULY	62,777,000	53,317,800	163,027,000	0	0	17,022,000	47,015,000	17,407,000	27,827,000	88,249,000	49,051,000	15,705,000	41,390,000	582,787,800
AUGUST	12,128,000	11,655,100	161,091,000	0	0	16,398,000	33,732,000	8,425,000	30,140,000	74,269,000	27,117,000	13,662,000	0	388,617,100
SEPTEMBER	25,235,000	13,171,400	154,868,000	0	0	16,629,000	54,677,000	15,159,000	28,772,000	81,424,000	0	11,976,000	0	401,911,400
OCTOBER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOVEMBER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DECEMBER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	276,919,000	263,560,000	1,317,922,000	0	0	154,933,000	208,207,000	55,952,000	116,429,000	313,931,000	361,000,000	54,087,000	41,390,000	3,164,330,000
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	140,217,000	113,768,800	778,996,000	0	0	86,275,000	208,207,000	55,952,000	116,429,000	313,931,000	190,326,000	53,975,000	41,390,000	2,099,466,800

RAPID CITY WATER DIVISION

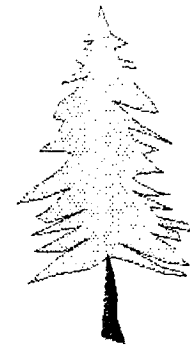
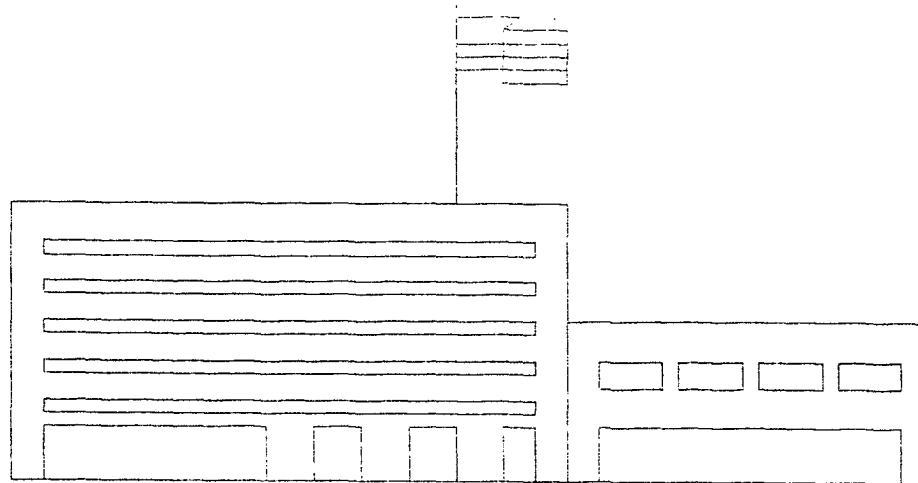
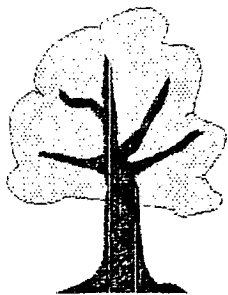
PRODUCTION GROUP REPORT DECEMBER 1996



PREPARED BY RON BARBER, SUPERVISOR

RAPID CITY WATER DIVISION

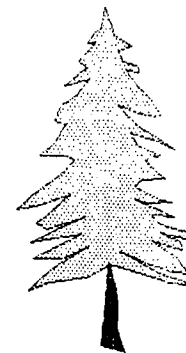
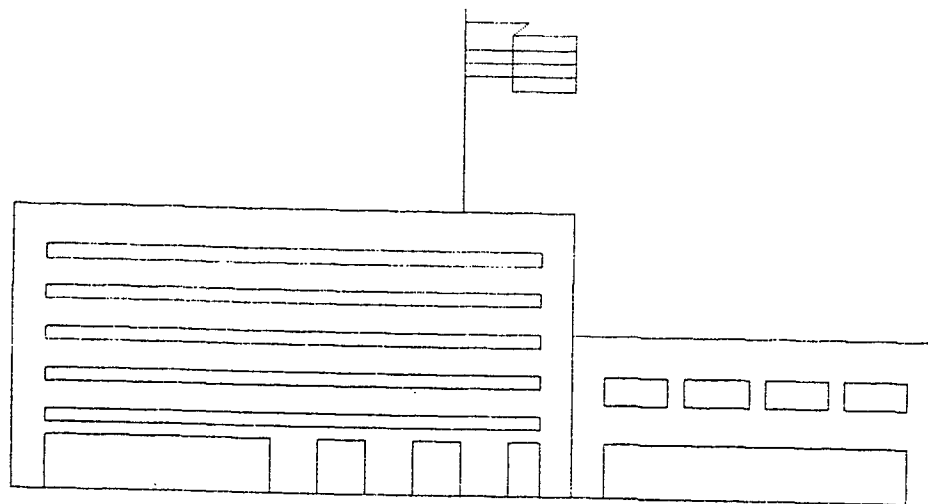
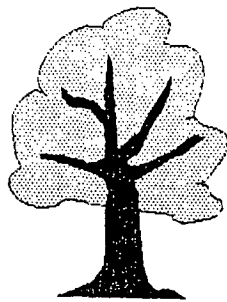
PRODUCTION GROUP REPORT DECEMBER 1995



PREPARED BY RON BARBER, SUPERVISOR

RAPID CITY WATER DIVISION

PRODUCTION GROUP REPORT DECEMBER 1994



PREPARED BY RON BARBER, SUPERVISOR

RECOMMENDATION OF CHIEF ENGINEER
FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th St, Rapid City SD 57701-2724.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 4,362 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the City of Rapid City has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Rapid City.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
October 29, 1997



October 29, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

City of Rapid City
Daniel L. Bjerke, Public Works Director
300 6th St
Rapid City SD 57102

Dear Mr. Bjerke:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8300). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

Daniel L. Bjerke
Public Works Department
300 6th St
Rapid City SD 57701

Dear Mr. Bjerke:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries and Minnelusa, Madison Formation wells and Permit No. 1088-2 from Rapid Creek which are held by Rapid City. These permits reserve water for future water supply needs for the city. Currently, our records show that 4,362 acre-feet and 6,033 acre-feet remain in reserve under Future Use Permit Nos. 439-2 and 1088-2, respectively.

Both of these future use permits were reviewed in 1990. Since that time, Water Permit No. 2270-2 placed 1,177 acre-feet of water to beneficial use from Future Use Permit No. 439-2 ($5,539 - 1,177 = 4,362$ acre-feet). Water Permit Nos. 2276-2 and 2277-2 placed 101 acre-feet of water to beneficial use reserved by Future Use Permit No. 1088-2 ($6,134 - 101 = 6,033$ acre-feet).

Please respond in writing by November 1, 1997, regarding the City's intention for the future use permit. If the City plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 439-2 and 1088-2 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

Instruction to Newspaper-Publish first publication of the following Notice on November 5, 1997 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th St, Rapid City SD 57701-2724 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved May 15, 1957 to reserve 22.0 cubic feet of water per second (cfs) from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8 and the SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal purposes. A review of the Water Permits/Rights indicates 4,362 acre-feet remain in reserve by Permit No. 439-2.

Permit No. 1088-2 was approved September 1, 1971 to reserve 40.0 cfs from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T2N-R7E for municipal purposes. A review of the Water Permits/Rights indicates 6,033 acre-feet remain in reserve by Permit No. 1088-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 439-2 REMAIN in EFFECT for 4,362 acre-feet annually and No. 1088-2 REMAIN in EFFECT for 6,033 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 3, 1997 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 24, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

(continued)

Future Use Permit No. 439-2, priority date of September 22, 1956, for 22.0 cfs

Authorized 9.30 cfs from Meadowbrook Gallery

5.00 cfs from Jackson Springs

7.70 cfs from Sioux Park Gallery

Permit No.	Meadowbrook	Jackson Springs	Sioux Park	Total
FU No. 439-2	9.30 cfs	5.00 cfs	7.70 cfs	22.00 cfs
439-2A	-1.55 cfs			20.45 cfs
592-2			-3.11 cfs	17.34 cfs
1955-2			-4.59 cfs	12.75 cfs
Remaining	7.75 cfs	5.00 cfs	0.00 cfs	12.75 cfs

As part of the Future Use review in 1990 the diversion rate was changed to an acre-foot amount.

Permit No.	Meadowbrook	Jackson Springs	Sioux Park	Total
FU No. 439-2	3367 AF	2172 AF	0.0 AF	5539 AF
2270-2		-1177 AF		4362 AF
503-2				
1370-2				
Remaining		995 AF		



439-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 27, 2004

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

I am writing in regard to the seven year review of Future Use Water Permit No. 439-2 and 1088-2 from Rapid Creek which are held by the City of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permits reserve water for future water supply needs for the city. Currently, our records show that 4,362 acre-feet and 6,033 acre-feet remain in reserve under these future use permits, respectively.

Please respond in writing by October 15, 2004, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records from Rapid Creek for the past three years.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2728

WATER DIVISION
300 Sixth Street

October 8, 2004

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 Capitol
Pierre, SD 57501-3182

RECEIVED
OCT 12 2004
WATER RIGHTS
PROGRAM

Re: Future Use Water Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak,

This letter is in response to your letter dated September 27, 2004 regarding Rapid City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the City's intent to retain these water permits for future water needs of the City of Rapid City.

In December of 1997 our records indicate that we had 17,426 accounts on our water system. Our current number of accounts stands at 19,347 or an increase of 11%. Our annual water production from 1997 to 2003 has increased from 11,041 acre feet to 14,765 acre feet or 33%. Included in the production numbers is water sold by contract to the Rapid Valley Sanitary District. Sales to Rapid Valley have increased from 672 acre feet in 1997 to 1,023 acre feet in 2003 or 52%. Growth is not only evident in Rapid City but also Rapid Valley.

The Growth Management Department predicts that the City will continue to grow in population at approximately 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. The demand could reach 18,000 to 19,000 acre feet per year in the next seven to ten years.

I have included a copy of our water production records for years 1997 through September of this year. The City's long term water management plan includes maintaining a balance of 50% surface water from Rapid Creek and 50% ground water from the Madison and Minnelusa aquifers.

If you have any questions or need additional information, please contact me at (605) 394-4162. Thank you for your assistance with these permits.

Sincerely,

John Wagner
Water Superintendent
Rapid City Water Division

SUPERINTENDENT
605-394-4162
Fax 605-394-6624

UTILITY BILLING
605-394-4125
Fax 605-394-6624

WATER PRODUCTION
605-394-4162
Fax 605-394-6624

UTILITY SERVICE
605-394-4160
Fax 605-394-6624

UTILITY MAINTENANCE
605-394-4163
Fax 605-394-6625



EQUAL HOUSING
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EQUAL OPPORTUNITY EMPLOYER



PRINTED ON RECYCLED PAPER

1997 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1997	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	7,870,000	91,122,800	145,545,000	0	0	17,141,000	0	0	0	0	16,772,000	112,000	0	278,562,800
FEBRUARY	31,668,000	37,116,200	128,557,000	0	0	15,762,000	0	0	0	0	40,110,000	0	0	233,213,200
MARCH	48,068,000	10,846,500	133,965,000	0	0	18,594,000	0	0	0	0	58,447,000	0	0	269,920,500
APRIL	49,096,000	10,705,700	130,859,000	0	0	17,161,000	0	0	0	0	55,345,000	0	0	263,166,700
MAY	29,274,000	20,919,000	143,366,000	0	0	18,554,000	28,378,000	2,661,000	9,711,000	22,974,000	58,228,000	1,513,000	0	335,578,000
JUNE	10,803,000	14,705,500	156,644,000	0	0	17,672,000	44,405,000	12,300,000	19,979,000	47,015,000	55,930,000	11,119,000	0	390,572,500
JULY	62,777,000	53,317,800	163,027,000	0	0	17,022,000	47,015,000	17,407,000	27,827,000	88,249,000	49,051,000	15,705,000	41,390,000	582,787,800
AUGUST	12,128,000	11,655,100	161,091,000	0	0	16,398,000	33,732,000	8,425,000	30,140,000	74,269,000	27,117,000	13,662,000	0	388,617,100
SEPTEMBER	25,235,000	13,171,400	154,868,000	0	0	16,629,000	54,677,000	15,159,000	28,772,000	81,424,000	0	11,976,000	0	401,911,400
OCTOBER	12,854,000	3,093,200	141,301,000	16,189,400	0	17,894,000	32,272,000	14,561,000	25,029,000	45,310,000	0	7,838,000	0	316,341,600
NOVEMBER	48,400,000	3,459,500	124,892,000	15,316,800	7,786,000	14,686,000	21,525,000	1,329,000	4,441,000	11,729,000	0	0	0	253,564,300
DECEMBER	6,277,000	27,930,600	149,558,000	2,893,300	10,437,700	17,184,000	45,876,000	0	0	0	0	0	0	260,156,600
TOTALS	344,450,000	298,043,300	1,733,673,000	34,399,500	18,223,700	204,697,000	307,880,000	71,842,000	145,899,000	370,970,000	361,000,000	61,925,000	41,390,000	3,994,392,500
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	140,217,000	113,768,800	778,996,000	0	0	86,275,000	208,207,000	55,952,000	116,429,000	313,931,000	190,326,000	53,975,000	41,390,000	2,099,466,800

1998 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1998	GIEL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	39,358,100	146,839,000	0	10,829,900	19,144,000	48,111,000	0	0	0	0	0	0	264,282,000
FEBRUARY	0	35,997,200	135,132,000	0	10,088,500	16,083,000	38,820,000	0	0	0	0	0	0	236,120,700
MARCH	0	31,452,400	155,183,000	0	11,020,800	17,038,000	39,975,000	0	0	0	0	562,000	0	255,231,200
APRIL	10,503,000	31,622,200	141,678,000	1,375,200	10,391,800	17,024,000	38,818,000	9,872,000	94,000	5,789,000	0	3,432,000	0	270,599,200
MAY	12,900,000	55,748,500	125,186,000	14,983,300	10,171,900	15,537,000	54,635,000	19,238,000	22,393,000	68,230,000	0	15,753,000	0	414,775,700
JUNE	12,043,000	32,620,600	120,082,000	14,250,600	9,673,400	14,806,000	49,461,000	9,319,000	25,750,000	48,188,000	12,950,000	13,496,000	0	382,639,600
JULY	46,194,000	68,878,100	130,969,000	13,681,600	9,589,900	14,028,000	55,960,000	19,512,000	27,676,000	81,447,000	13,946,000	17,226,000	58,050,000	557,157,600
AUGUST	30,494,000	59,537,300	130,989,000	14,100,500	9,946,200	15,933,000	52,608,000	13,400,000	27,470,000	64,252,000	51,802,000	17,886,000	0	488,418,000
SEPTEMBER	25,989,000	41,153,800	132,765,000	13,426,900	9,344,500	15,846,000	52,236,000	11,772,000	26,752,000	62,490,000	55,131,000	16,158,000	19,580,000	482,644,200
OCTOBER	0	2,789,500	128,487,000	13,687,600	9,722,000	17,537,000	33,726,000	1,550,000	11,419,000	7,158,000	43,055,000	4,681,000	0	273,812,100
NOVEMBER	0	1,675,700	122,952,000	13,473,600	9,297,300	16,582,000	35,094,000	0	0	0	45,170,000	0	0	244,244,600
DECEMBER	0	34,038,200	138,944,000	13,959,700	9,420,700	17,074,000	15,447,000	0	0	0	30,196,000	0	0	259,079,600
TOTALS	138,123,000	434,871,600	1,609,206,000	112,939,000	119,496,900	186,632,000	514,691,000	84,663,000	141,554,000	337,554,000	252,250,000	89,194,000	77,630,000	4,109,004,500
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	127,620,000	257,938,300	639,991,000	70,442,900	48,725,900	76,150,000	264,900,000	73,241,000	130,041,000	324,607,000	133,829,000	80,519,000	77,630,000	2,305,635,100

1999 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

1999	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	37,809,100	144,331,000	4,457,600	5,498,300	18,352,000	8,527,000	0	0	0	46,337,000	0	0	255,312,000
FEBRUARY	0	2,286,700	138,097,000	200	0	10,547,000	35,240,000	0	0	0	56,473,000	0	0	242,643,900
MARCH	0	0	166,958,000	12,759,400	0	10,214,000	9,418,000	0	0	0	63,227,000	0	0	262,576,400
APRIL	0	0	193,961,000	13,956,600	0	18,261,000	9,749,000	0	0	0	19,492,000	0	0	255,419,600
MAY	0	12,215,200	207,225,000	14,321,900	0	18,884,000	24,845,000	0	0	0	28,848,000	0	0	306,339,100
JUNE	9,950,000	37,665,300	185,553,000	13,640,500	0	17,834,000	16,801,000	1,826,000	12,080,000	4,266,000	48,035,000	4,125,000	0	351,775,800
JULY	44,065,000	67,011,600	170,871,000	13,563,200	8,340,100	16,660,000	46,901,000	16,619,000	25,960,000	72,611,000	56,293,000	18,205,000	19,350,000	576,449,900
AUGUST	20,050,000	29,787,400	196,344,000	11,942,400	8,366,600	16,132,000	49,284,000	11,136,000	24,474,000	55,791,000	57,714,000	18,921,000	0	499,942,400
SEPTEMBER	1,202,000	2,168,100	183,928,000	13,381,700	0	16,399,000	22,160,000	8,183,000	26,175,000	58,569,000	49,345,000	15,836,000	0	397,346,800
OCTOBER	0	11,400	172,138,000	14,143,500	0	17,251,000	14,139,000	19,345,000	17,743,000	41,149,000	17,658,000	0	0	313,577,900
NOVEMBER	0	0	150,971,000	13,876,900	0	16,363,000	30,322,000	0	0	16,401,000	51,364,000	0	0	279,297,900
DECEMBER	0	0	151,254,000	14,476,700	0	16,054,000	2,541,000	0	0	2,000	65,135,000	0	0	249,462,700
TOTALS	75,267,000	188,954,800	2,051,631,000	140,520,600	22,205,000	192,951,000	269,927,000	57,109,000	106,432,000	248,789,000	559,921,000	57,087,000	19,350,000	4,000,144,400

IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30

75,267,000	148,847,600	943,921,000	66,849,700	16,706,700	85,909,000	159,991,000	37,764,000	88,689,000	191,237,000	240,235,000	57,087,000	19,350,000	2,131,854,000
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2000 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	MT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	154,048,000	14,345,500	0	16,073,000	979,000	0	0	548,000	53,347,000	0	0	249,340,500
FEBRUARY	0	0	160,867,000	13,542,600	0	14,740,000	55,000	0	0	2,827,000	50,182,000	0	0	242,217,600
MARCH	0	0	174,762,000	14,280,200	0	15,920,000	3,860,000	0	0	0	53,099,000	0	0	261,921,200
APRIL	0	0	160,783,000	13,265,800	0	15,053,000	5,305,000	2,156,000	6,708,000	6,865,000	54,621,000	1,657,000	0	266,413,800
MAY	2,743,000	14,908,600	174,422,000	0	0	16,469,000	10,700,000	7,033,000	24,122,000	13,338,000	57,145,000	13,311,000	0	334,191,600
JUNE	14,401,000	64,024,800	183,238,000	4,841,700	0	14,700,000	36,173,000	20,237,000	25,188,000	38,436,000	52,572,000	16,329,000	0	470,140,500
JULY	40,510,000	96,684,100	193,633,000	13,640,200	0	14,709,000	47,493,000	14,603,000	25,629,000	73,100,000	59,021,000	17,167,000	5,660,000	601,851,300
AUGUST	66,449,000	118,317,600	195,899,000	13,717,000	0	13,989,000	58,091,000	16,193,000	22,148,000	91,146,000	59,781,000	20,411,000	28,290,000	704,430,600
SEPTEMBER	29,529,000	68,785,000	185,723,000	15,430,100	0	13,453,000	48,434,000	8,596,000	23,577,000	78,538,000	56,895,000	16,252,000	0	543,212,100
OCTOBER	0	0	161,849,000	12,197,800	0	14,325,000	25,818,000	1,291,000	11,992,000	9,860,000	61,649,000	9,246,000	0	308,227,800
NOVEMBER	0	0	142,522,000	12,244,600	0	15,381,000	29,170,000	0	0	3,752,000	62,450,000	0	0	265,719,600
DECEMBER	0	0	18,733,000	15,647,700	0	16,777,000	53,283,000	0	0	90,358,000	66,119,000	0	0	280,917,700
TOTALS	153,632,000	362,720,100	1,906,478,000	141,153,200	0	181,789,000	319,387,000	70,109,000	139,364,000	408,768,000	696,881,000	94,373,000	33,950,000	4,508,584,300
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	153,632,000	362,720,100	932,314,000	45,629,000	0	73,320,000	200,883,000	66,662,000	120,664,000	294,558,000	285,414,000	83,470,000	33,950,000	2,653,826,100

2001 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	122,495,000	14,553,800	0	16,605,000	31,645,000	0	0	35,102,000	40,664,000	0	0	261,064,800
FEBRUARY	0	0	145,646,000	12,548,300	0	14,851,000	16,887,000	0	0	0	60,792,000	0	0	250,726,300
MARCH	0	0	165,371,000	14,161,900	0	16,272,000	34,791,000	0	0	0	61,051,000	0	0	291,646,900
APRIL	0	0	75,422,000	13,842,000	0	16,487,000	44,367,000	0	6,649,000	63,110,000	53,098,000	3,504,000	0	276,479,000
MAY	3,365,000	11,545,600	171,401,000	13,468,000	0	15,189,000	41,590,000	6,866,000	17,719,000	43,754,000	59,092,000	13,438,000	0	397,427,600
JUNE	10,082,000	22,334,000	169,118,000	13,160,800	0	13,906,000	41,882,000	17,905,000	24,460,000	51,901,000	54,044,000	15,882,000	990,000	435,664,800
JULY	35,783,000	80,636,600	200,433,000	12,476,000	0	13,638,000	54,940,000	14,654,000	26,664,000	38,179,000	59,532,000	19,538,000	2,190,000	558,783,600
AUGUST	45,026,000	106,046,600	200,132,000	11,794,100	0	12,922,000	55,477,000	17,060,000	25,002,000	92,977,000	55,199,000	20,343,000	28,740,000	670,718,700
SEPTEMBER	12,536,000	39,240,300	196,904,000	11,476,500	0	12,982,000	40,013,000	27,000	22,284,000	66,962,000	55,906,000	18,332,000	0	476,662,800
OCTOBER	0	0	185,409,000	12,219,600	0	14,206,000	23,747,000	0	4,920,000	17,235,000	59,279,000	10,391,000	0	327,406,600
NOVEMBER	0	0	162,875,000	13,635,800	0	13,335,000	17,400,000	0	0	8,397,000	59,235,000	0	0	274,937,800
DECEMBER	0	0	166,187,000	13,940,500	0	13,501,000	18,264,000	0	0	0	62,142,000	0	0	274,034,500
TOTALS	106,792,000	259,863,100	1,961,395,000	157,277,300	0	174,014,000	421,003,000	56,512,000	127,698,000	417,617,000	680,034,000	101,428,000	31,920,000	4,495,553,400
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	106,792,000	259,863,100	937,988,000	62,375,400	0	68,687,000	233,902,000	56,512,000	116,129,000	233,773,000	283,773,000	87,533,000	31,920,000	2,539,257,500

2002 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	FT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	169,650,000	13,812,800	0	12,925,000	18,534,000	0	0	314,000	61,343,000	0	0	276,578,800
FEBRUARY	0	0	155,950,000	12,011,600	0	11,748,000	8,467,000	0	0	0	53,854,000	0	0	242,030,600
MARCH	0	0	172,621,000	12,490,000	0	12,684,000	11,489,000	0	0	0	52,618,000	0	0	261,902,000
APRIL	0	0	152,735,000	12,544,300	0	12,433,000	38,416,000	0	0	12,657,000	42,223,000	0	0	271,008,300
MAY	0	3,574,200	184,861,000	13,457,300	0	12,219,000	49,985,000	13,153,000	0	27,353,000	45,602,000	14,837,000	0	365,041,500
JUNE	33,770,000	45,281,700	188,848,000	11,639,700	0	10,811,000	48,323,000	28,062,000	18,023,000	68,036,000	55,289,000	19,563,000	130,920,000	656,566,400
JULY	66,557,000	101,441,700	201,202,000	12,369,200	0	10,945,000	57,725,000	28,425,000	1,698,000	62,875,000	55,110,000	19,633,000	152,060,000	770,040,900
AUGUST	57,361,000	99,108,700	207,143,000	11,492,900	0	10,612,000	55,301,000	23,887,400	2,010,000	91,572,000	16,441,000	18,477,000	31,490,000	624,896,000
SEPTEMBER	16,852,000	30,195,600	196,245,000	11,576,600	0	11,115,000	33,390,000	18,704,000	23,494,000	84,398,000	0	15,263,000	6,630,000	447,863,200
OCTOBER	706,000	409,400	192,136,000	11,999,300	0	11,735,000	36,642,000	7,292,000	16,000	33,321,000	0	1,508,000	0	295,764,700
NOVEMBER	0	0	198,843,000	11,932,500	0	10,774,000	24,370,000	0	0	0	13,103,000	0	0	253,022,500
DECEMBER	0	0	177,525,000	12,121,800	0	11,285,000	14,841,000	0	0	0	51,576,000	0	0	267,348,800
TOTALS	175,246,000	280,011,300	2,197,756,000	147,448,000	0	139,286,000	397,483,000	117,523,400	45,241,000	380,526,000	447,159,000	89,281,000	321,100,000	4,738,063,700
IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30														
	174,540,000	279,601,900	978,299,000	60,535,700	0	55,702,000	244,724,000	110,231,400	45,225,000	334,234,000	172,442,000	87,773,000	321,100,000	2,864,408,000

2003 TOTAL WATER PRODUCTION BY THE MONTH FOR THE YEAR

2003	GIRL SCOUTS	HEADQUARTERS	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT TOTALS	TOTAL GALS.
JANUARY	0	0	182,562,000	11,937,800	0	11,173,000	17,014,000	0	0	0	42,779,000	0	0	265,465,800
FEBRUARY	0	0	192,539,000	11,306,600	0	5,156,000	10,160,000	0	0	0	22,349,000	0	0	241,510,600
MARCH	0	0	213,972,000	12,551,300	0	0	503,000	0	0	0	41,550,000	0	0	268,576,300
APRIL	0	0	196,873,000	10,079,600	0	7,059,000	14,769,000	0	5,190,000	0	44,321,000	5,087,000	0	283,378,600
MAY	5,899,000	22,494,700	191,555,000	12,225,100	0	10,499,000	33,541,000	2,460,000	12,731,000	8,191,000	55,442,000	15,186,000	0	370,223,800
JUNE	17,409,000	42,206,500	202,898,000	11,237,400	0	9,498,000	47,962,000	22,702,000	19,326,000	65,885,000	43,147,000	20,014,000	0	502,284,900
JULY	69,336,000	93,853,800	210,806,000	12,426,600	0	9,431,000	60,704,000	27,493,000	28,316,000	104,583,200	54,741,000	20,811,000	88,590,000	781,091,600
AUGUST	64,634,000	97,248,800	209,317,000	11,993,700	0	8,423,000	46,561,000	26,033,000	27,106,000	98,971,000	52,970,000	19,882,000	64,760,000	727,899,500
SEPTEMBER	15,733,000	26,158,500	205,569,000	10,155,600	0	8,963,000	52,475,000	16,369,000	13,502,000	80,740,000	37,509,000	18,449,000	0	487,623,100
OCTOBER	0	0	205,150,000	10,040,500	0	6,535,000	41,382,000	9,190,000	8,878,000	53,882,000	29,292,000	11,408,000	0	375,757,500
NOVEMBER	0	0	203,647,000	8,994,800	0	8,250,000	4,341,000	393,000	0	23,210,000	1,156,000	729,000	0	250,720,800
DECEMBER	0	0	213,603,000	9,731,800	0	9,366,000	0	0	0	23,510,000	0	134,000	0	256,344,800
TOTALS	173,011,000	283,962,300	2,428,491,000	132,680,800	0	94,353,000	329,412,000	104,540,000	115,049,000	458,972,200	425,256,000	111,700,000	153,350,000	4,910,877,300

IRRIGATION SEASON TOTALS MAY 1 - SEPT. 30

173,011,000 283,962,300 1,020,145,000 58,038,400 0 46,814,000 241,243,000 95,057,000 100,981,000 358,370,200 243,809,000 94,342,000 153,350,000 2,869,122,900

MONTH 2004	GIRL SCOUTS	MEADOW BROOK	JACKSON SPRINGS	WELL #1	WELL #3	WELL #4	WELL #5	WELL #6	WELL #8	WELL #9	WELL #10	WELL #11	WT. PLANT METER #1(ow)	WT. PLANT METER #2	TOTAL GALS PRODUCED
JAN	0	0	214,488,000	7,844,800	0	8,648,000	0	0	0	28,189,000	0	0	0	0	257,169,800
FEB	0	0	200,127,000	7,415,900	0	7,889,000	6,025,000	0	0	22,955,000	0	0	0	0	244,421,900
MAR	0	0	212,496,000	1,993,100	0	8,464,000	0	0	0	33,513,000	0	0	0	0	258,496,100
APR	3,371,000	1,164,100	204,327,000	0	0	8,077,000	18,133,000	608,000	2,912,000	65,961,000	27,322,000	923,000	0	0	332,798,100
MAY	6,793,000	14,232,400	214,180,000	0	0	7,931,000	38,457,000	5,866,000	25,720,000	44,522,000	51,547,000	18,788,000	0	0	428,038,400
JUNE	12,226,000	32,991,700	205,795,000	10,240,700	0	7,480,000	50,670,000	12,843,000	26,219,000	70,658,000	49,167,000	20,640,000	0	0	498,910,400
JULY	49,822,000	84,986,000	77,522,000	14,615,700	0	7,808,000	53,703,000	20,160,000	25,822,000	83,089,000	49,970,000	31,597,000	84,070,000	0	583,183,700
AUG	38,802,000	76,336,200	201,155,000	13,473,700	0	7,461,000	56,641,000	22,321,000	24,194,000	89,971,000	44,363,000	31,158,000	12,200,000	0	618,095,900
SEPT	6,854,000	15,473,400	206,470,000	12,822,900	0	7,299,000	37,554,000	20,451,000	24,651,000	67,290,000	20,013,000	29,005,000	0	0	448,083,300
OCT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	117,868,000	225,192,800	1,736,560,000	68,406,800	0	71,047,000	261,183,000	82,251,000	129,718,000	504,158,000	242,402,000	132,111,000	96,270,000	0	3,667,167,600



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th St, Rapid City SD 57701-2728.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 4,362 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$110.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 25, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
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**REVISED
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701-2728.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 6,033 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Erbele
for Garland Erbele, Chief Engineer
October 27, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2004

City of Rapid City
c/o John Wagner, Water Supt.
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

Regarding your phone conversation with Eric Gronlund, enclosed is a copy of the Revised Recommendation of the Chief Engineer for Future Use Water Permit No. 1088-2.

Thanks for bringing this error to our attention. If you have any further questions, please contact Eric or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2004

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 to be published twice. Please publish the first notice on November 3, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Rapid City, C/O John Wagner, Water Supt., 300 6th St, Rapid City SD 57701-2728.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 25, 2004 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2004

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

City of Rapid City
c/o John Wagner, Water Supt.
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of the reviews has been sent to the Publisher of the Rapid City Journal (Phone # 605 394-8300). For your information, copies of the recommendations of the Chief Engineer are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, John Wagner, Water Supt., 300 6th St, Rapid City SD 57701-2728 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 4,362 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE ¼ NE ¼ Section 9, NW ¼ SE ¼ Section 8 and SW ¼ SW ¼ Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 6,033 acre-feet from Rapid Creek located in the SE ¼ NE ¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 4,362 acre-feet annually and 6,033 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am on December 2, 2004 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future use permits. The request for a delay must be filed with the Chief Engineer by November 22, 2004. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

I, Patricia K. Van Patten

certify that the attached printed Notice was
taken

from the Rapid City Journal

printed and published in Rapid City

County of Pennington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 3, 2004

November 10, 2004

Cost of Printing One hundred fifty-eight

dollars and seventy-six cents (\$158.76)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep.
(Title)

11/12/04
(Date Signed)

Nov. 3, 10 L1800157

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, John Wagner, Water Supt., 300 6th Street, Rapid City, SD 57701-2728, for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 4,362 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE¼NE¼ Section 9, NW¼SE¼ Section 8, and SW¼SW¼ Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 6,033 acre-feet from Rapid Creek located in the SE¼NE¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 4,362 acre-feet annually and 6,033 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 a.m. on December 2, 2004, at the Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, South Dakota.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 22, 2004. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352), and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for the petitioner's opposition to, or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on these permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronblad, Water Rights Program (605-773-3352), by November 22, 2004. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future use permits. The request for a delay must be filed with the Chief Engineer by November 22, 2004.

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

RECEIVED

NOV 15 2004

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 17, 20 04

RECEIVED OF City of Rapid City, Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	110	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>439-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	110.00

No. **001463**

By *Darlene Erbe*
Chief Engineer *gn*



439-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 2004

NOTICE

John Wagner, Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Dear Mr. Wagner:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 2004 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 4,362 acre-feet of water annually and 6,033 acre-feet of water annually, respectively. The future use permits will be subject to another review in seven years.

Our records indicate that the fee for maintaining the effectiveness of Future Use Permit Nos. 439-2 and 1088-2 has already been submitted.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

439-2

I hereby certify that on December 6, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 6, 2004 regarding Notice canceling Water Right No. 5557-3, 5810-3, 4029-3, 2660-3, 2183-3, 3884A-3 and Future Use Permit Nos. 439-3 & 1088-2, 1833-2, 1688-3 addressed as stated below:

5557-3

James Knadle
41258 SD Hwy 22
Hayti SD 57241

5810-3

Don Siebrasse
PO Box 26
Lebanon SD 57455-0026

4029-3

Randy Vance Chairman
Oahe Plains Systems Corporation
102 Stewart Place
Pierre SD 57501

2660-3

Dean Erickson
28659 461st Ave
Davis SD 57021-6510

2183-3

William P Dolan
514 N 1st
Beresford SD 57004

3884A-3

Leslie Rau
PO Box 384
Eureka SD 57437

Future Use #439-2 & 1088-2

John Wagner Water Superintendent
City of Rapid City
300 6th St
Rapid City SD 57701-2728

Future Use # 1833-2

Weston Heights Homeowners Association
% Robert Sukut
PO Box 1848
Rapid City SD 57709-1848

Future Use # 1688-3

Cheryl VanZee, Manager
South Central Water Development District
27497 US Hwy 281
Corsica SD 57328



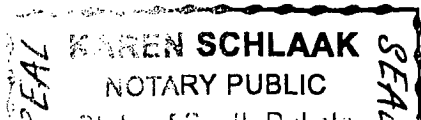
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of December, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 19, 2011

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

Dear Mr. Wagner:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 439-2 and 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under these future use permits, respectively.

Please respond in writing by October 15, 2011, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of the review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet authorized by Permit No. 439-2, remains in reserve, the fee will be \$345.00. If the entire 4,830 acre-feet authorized by Permit No. 1088-2, remains in reserve, the fee will be \$465.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

Water Division

300 Sixth Street

Telephone: (605) 394-4162 FAX: (605) 394-6624

Web: www.rcgov.org

October 4, 2011

Ms. Karen Schlaak
Environmental Scientist, Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 Capitol
Pierre, SD 57501-3182

RECEIVED

OCT - 6 2011

**WATER RIGHTS
PROGRAM**

Re: Future Use Water Permit Nos. 439-2 and 1088-2
City of Rapid City, South Dakota

Dear Ms. Schlaak:

This letter is in response to your letter dated September 19, 2011 regarding Rapid City's Future Use Water Permit Nos. 439-2 and 1088-2. It is the City's intent to retain these water permits for future water needs of the City of Rapid City.

In 2005, the City contracted with Burns & McDonnell consulting firm to update Rapid City's Utility Master Plan. The Burns & McDonnell report was published in April of 2008. Included in this request to retain and keep active our future use permits 439-2 and 1088-2 are two sheets taken by permission from the Burns & McDonnell Utility Master Plan report. Sheet ES-2 shows the projected populations per service area and potential service area. Sheet ES-3 show the past and projected total water demands. According to the population and water demand projections, Rapid City wishes to keep these two future use permits active.

On March 10, 2010 the Water Management Board granted the City use from these two permits for the Jackson Springs membrane filtration plant currently under construction.

Over the years, Rapid City has made it a point to diversify the sources of water to meet its needs. The City will continue to utilize the Madison aquifer and surface water sources as well as pursue willing sellers of senior downstream natural flow water rights.

I have also included the City's water production records for your review.

If you have any questions or need additional information, please contact me at (605) 394-4165. Thank you for your assistance with these permits.

Sincerely,

Dale Tech, PE/LS
Acting Public Works Director
City of Rapid City

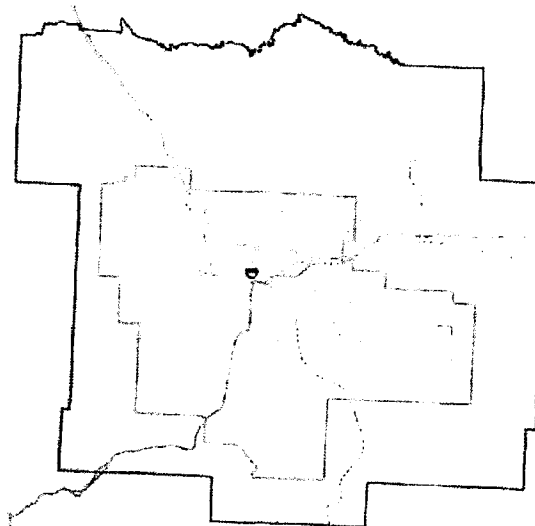
cc: John Wagner, Water Superintendent



EQUAL OPPORTUNITY EMPLOYER

STUDY AREA CHARACTERISTICS

The study area for the *Utility System Master Plan* has two areas: Tier 1 (green line) and Tier 2 (red line) are shown in Figure ES.1. The Tier 1 boundary represents an estimate of how the City of Rapid City (City) may expand in approximately the next 22 years (by the year 2030). Tier 1 will primarily use the City's water and wastewater services. The Tier 2 boundary represents a long range potential service area including the City and surrounding areas and is intended to allow the City to look into the future and plan for source water and system capacities beyond the 22-year time frame. Figure 2.1 in the Report also shows the study area map.



**Figure ES.1-Tier 1 and Tier 2
Boundaries**

The *Utility System Master Plan* population projections were developed from the *Rapid City Area Future Land Use Plan* and the *Rapid City Area 2030 Long Range Transportation Plan*. Table ES.1 gives the actual population in 2000 and projected *Utility System Master Plan* populations for Tier 1 and Tier 2.

**Table ES.1
Past and Projected Total Populations**

Area	2000 ⁽¹⁾	2025	2030
Tier 1	75,800	98,400	103,000
Tier 2	11,500	18,400	19,800
Total	87,300	116,800	122,800

Note:

1. Based on actual population, *Rapid City Area Future Land Use Plan*, and U.S. Census Bureau

WATER DEMANDS

Most of the City's water demands are from its retail customers, raw water (non-potable) customers, and unmetered City parks or other City uses. Wholesale water customers are metered separately. For the purposes of this study, customer groups were divided into separate groups: retail, wholesale and non-potable users. Historical trends for each category were analyzed to project future customer numbers, usage rates and total future water demand. Projections account for reduced water demands from Rapid Valley Sanitation District and potential new wholesale demands based on future customer numbers.

Figure ES.2 shows the past and projected total water demands for all water customers. From 2000 to 2006 the maximum day demands ranged from 24.7 MGD to 31.8 MGD, and the ratio of maximum day to average day ranged from 2.01 to 2.48. The maximum day to average day ratio has not exceeded 2.5. Future year maximum day demands are projected by applying a 2.4 design factor to the projected average day demands.

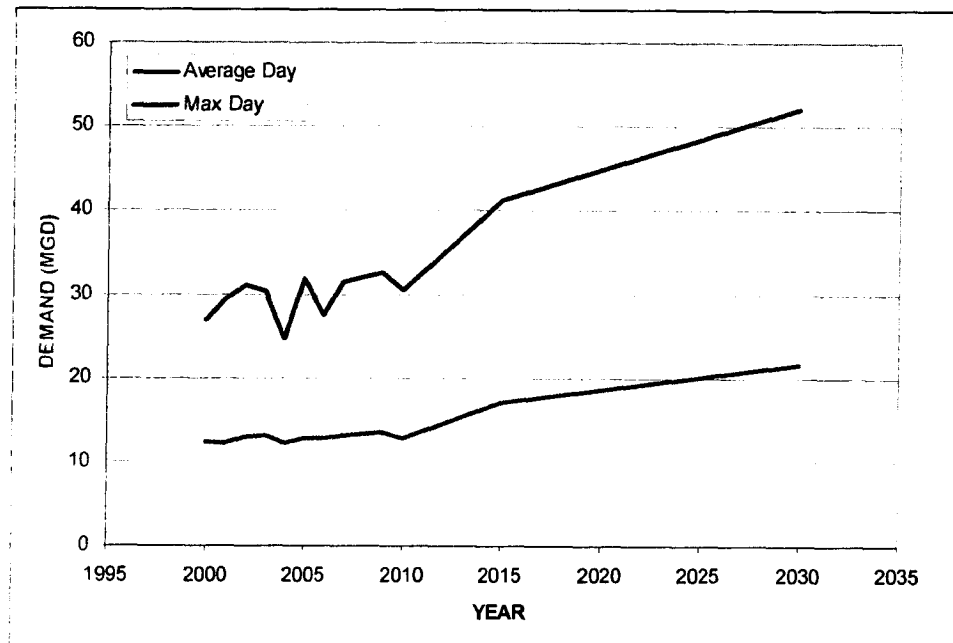
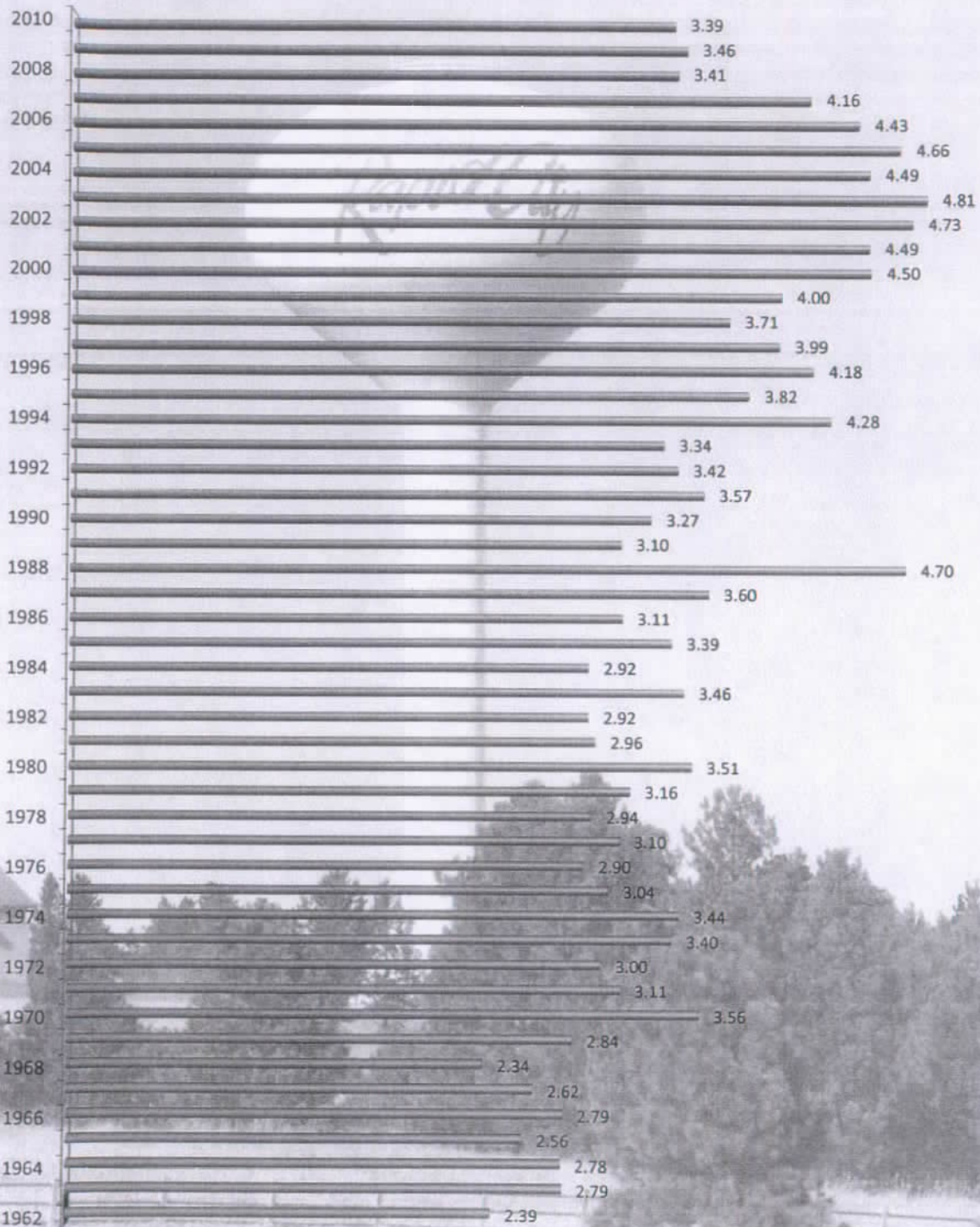


Figure ES.2
Past and Projected Total Water Demands

Annual Water Production

■ Billion Gallons





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,830 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$465.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
October 24, 2011



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2011

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

City of Rapid City
Terry Wolterstorff, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Rapid City Journal (Phone #605 394-8300). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2011

Rapid City Journal
c/o Legal Advertising
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 to be published twice. Please publish the first notice on November 2, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Rapid City, Public Works Department, 300 6th St, Rapid City SD 57701.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 24, 2011 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 439-2 and 1088-2 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on November 2, 2011 with 2nd publication 7 days later. The City of Rapid City is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Terry Wolterstorff, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltrations galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE ¼ NE ¼ Section 9, NW ¼ SE ¼ Section 8 and SW ¼ SW ¼ Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-1 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE ¼ NE ¼ Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am, November 30, 2011 at Pierre Chamber of Commerce Meeting Room, 800 W Dakota, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 21, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

Nov. 2, 9 L20635085

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 439-2 and 1088-2**

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Terry Wolterstorff, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permit Nos. 439-2 and 1088-2.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltrations galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9, NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T2N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 10:00 am, November 30, 2011 at Pierre Chamber of Commerce Meeting Room, 800 W Dakota, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact **Eric Granlund, Water Rights Program**, (605 773-3352) by November 21, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 21, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approx-

RECEIVED

NOV 15 2011

WATER RIGHTS
PROGRAM

OK
Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Carina Tyler being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each Week for two successive Weeks, the first publication there of being on the Second day of Nov. 2011, that the fees charged for the publication there of are One hundred eighty two dollars and twelve cents.

Carina Tyler
Subscribed and sworn to before me this 10th day of November, 2011.

Lorraine K. Cummings
Notary public

Dec. 18, 2016
My commission expires



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2011

NOTICE

City of Rapid City
Terry Wolterstorff, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

I am writing in response to action taken by the Water Management Board at the hearing on November 30, 2011 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed Permit No. 439-2 to remain in effect for 3,367 acre-feet of water annually and Permit No. 1088-2 to remain in effect for 4,830 acre-feet of water annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of No. 439-2 is \$345.00 and the fee for No. 1088-2 is \$465.00 (\$810.00 total) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on December 1, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 1, 2011 regarding Future use permits addressed as stated below:

Weston Heights Home Owner's Assn., Robert Olson, 6524 Beverly Dr., Rapid City SD
57701 # 1833-2

City of Rapid City, Terry Wolterstorff, 300 6th St. Rapid City SD 57701 #s 439-2 & 1088-2


Gail Jacobson

Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

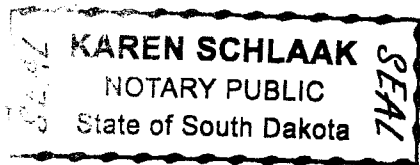
Sworn to, before me, this 1st day of December, 20 11.



Karen Schlaak

Notary Public

My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

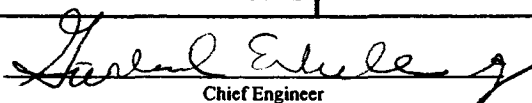
Date 1/19, 20 12

RECEIVED OF City of Rapid City 300 6th St Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	345	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>439-2</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	345 00

No. 05261

By 
Chief Engineer



439-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 4, 2018

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 439-2 and 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under the future use permits, respectively. The permits were last reviewed in 2011.

Please respond in writing by November 1, 2018 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet authorized by Permit No. 439-2 remains in reserve, the fee will be \$345.00. If the entire 4,830 acre-feet authorized by Permit No. 1088-2 remains in reserve, the fee will be \$465.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org

October 24, 2018

Karen Schlaak
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

OCT 26 2018

WATER RIGHTS
PROGRAM

Ref: Future Use Water Permit Nos. 439-2 and 1088-2; City of Rapid City, SD

Dear Ms. Schlaak,

This letter is in response to your letter dated October 4, 2018 regarding Rapid City's Future Water Permit Nos. 439-2 and 1088-2. It is the City of Rapid City's (City) intent to retain this water permit for future water needs of the City.

Attached for your information and use are graphs illustrating the City's water accounts and water production over the last several decades. Both graphs show steady overall growth. During the City's last renewal request in 2011 the City had 21,780 water accounts, and at the end of 2017 the City had 25,369 water accounts which is an increase of 14%.

Rapid City's population has and is expected to grow at approximately 1.5 % to 2% per year. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. Attached is Rapid City's population growth since 2000, and population projections from our Comprehensive Plan.

Although existing sources can supply current demands, future water sources will be needed to meet future needs. Rapid City is currently in the process of updating our Water Utility Master Plan. Therefore, a current needs assessment is not available. However, as Rapid City is a vibrant growing community we expect water resource needs to continue to grow at or above the previous pace.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

Sincerely,

Dale Tech, P.E.
Public Works Director

Cc: Jeff Crockett, Water Division Superintendent



CITY OF RAPID CITY

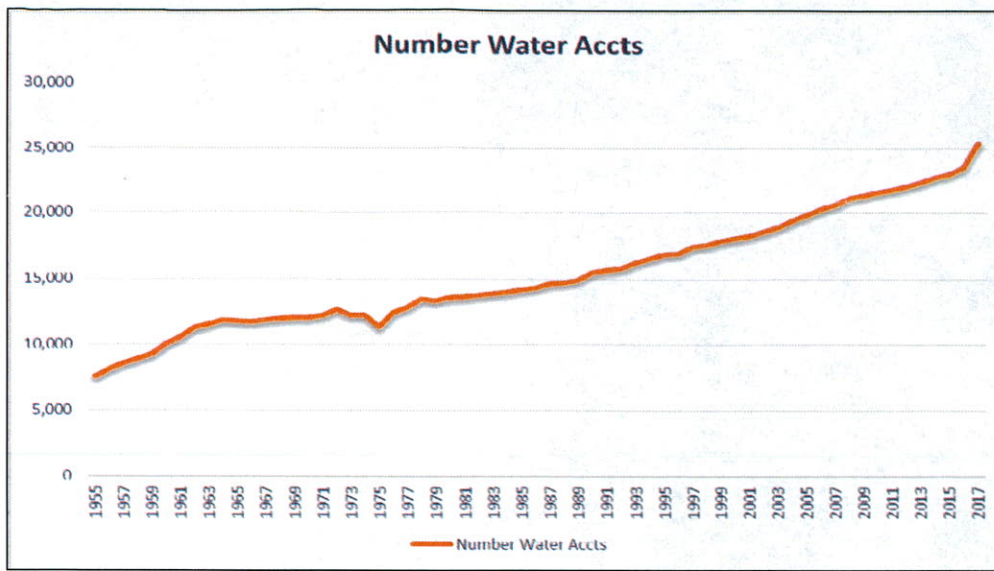
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

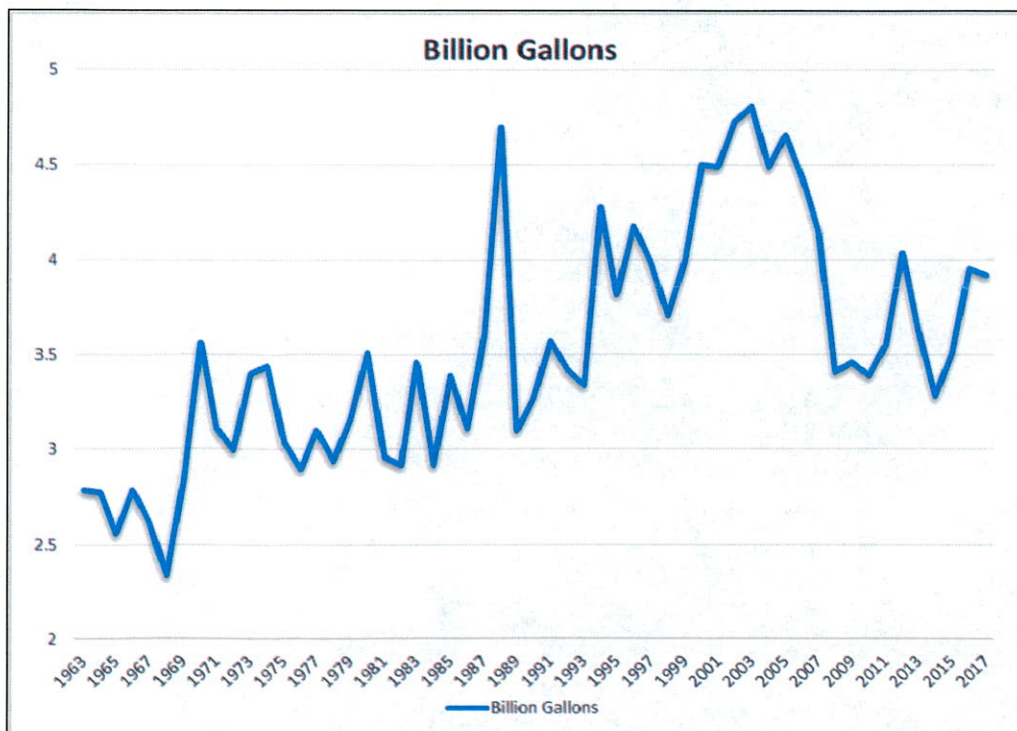
300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org



Rapid City Water Division 2017



Rapid City Water Division 2017



CITY OF RAPID CITY

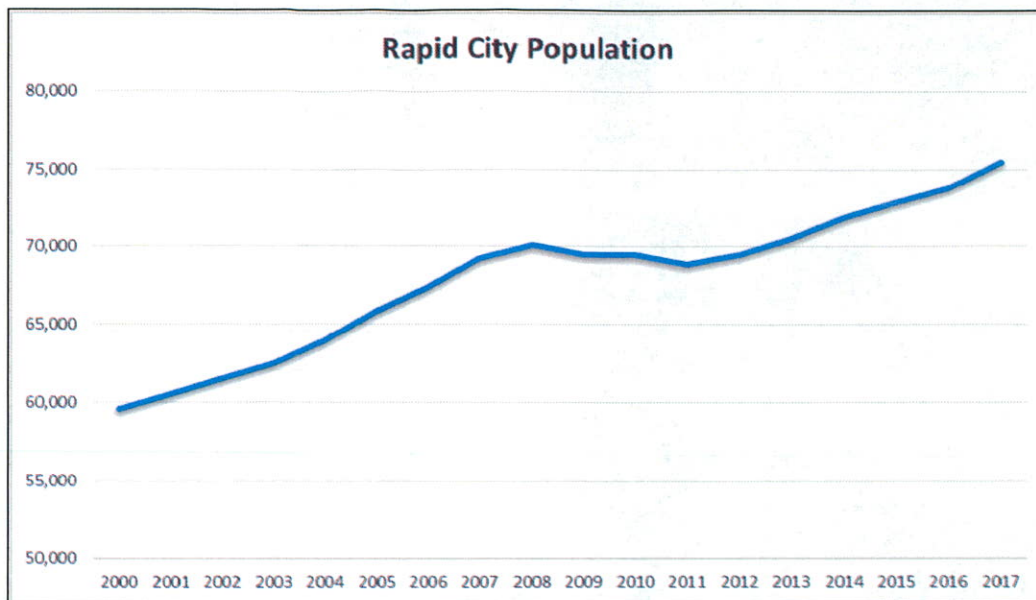
RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org



Rapid City Community Development 2018

Population Growth

- Rapid City's population is expected to continue to grow in the upcoming decades. By 2035, Rapid City's population could grow to more than 85,000 people (see the Housing section for more information about future growth projections).²
- The amount of population growth depends on myriad factors such as household sizes, vacancy rates, and housing and employment growth, but in a high-growth scenario, Rapid City's population could reach nearly 97,000 people by 2035.

2035 Forecast	2010 Population	2035 Projected Population	Change 2010-2035
Rapid City Low	67,956	85,378	17,422
Rapid City High	67,956	96,630	28,674

Source: Clarion Associates and Economic and Planning Systems, 2013

Population Projection, Rapid City Comprehensive Plan 2014



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th St, Rapid City SD 57701.

The Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 3,367 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
October 31, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 31, 2018

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

City of Rapid City
c/o Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the county where water will be diverted or used. Notice of this review has been sent to the Rapid City Journal (605 394-8300). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publisher has been instructed to publish this notice on November 7, 2018. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Jeff Crockett, Water Division Supt.

Instruction to Newspaper - Publish the following Notice on November 7, 2018. The City of Rapid City is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development and future plans for the development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, October 31, 2018 8:19 AM
To: RCY Legals (legals@rapidcityjournal.com)
Subject: 439-2 & 1088-2, City of Rapid City
Attachments: 439-2and1088-2notice.doc; FORM8.FRM.doc

Attached is a notice to be published on November 7, 2018.

The City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 (605 394-4165) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Affidavit of Publication

RECEIVED

NOV 13 2018

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

County of Pennington

SS:

Nov 7 L21099689

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, c/o Dale Tech, Public Works Director, 300 6th St, Rapid City SD 57701 for progress made in the development and future plans for the development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 at 11:00 am CST on December 5, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

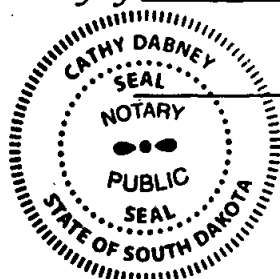
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

day for one successive day, the first publication there of being on the 7th day of Nov 2018 that the fees charged for the publication there of are 69 dollars and 54 cents.

Sheri Sponder

Subscribed and sworn to before me this 7th day of November, 2018.



Cathy Dabney

Notary public

4-16-2024

My commission expires

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by November 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by November 19, 2018.

Steven M. Pirner
Secretary
Department of Environment and
Natural Resources

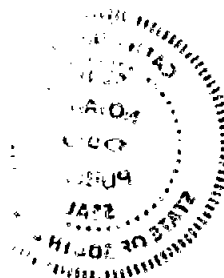
(Published once at an approximate cost
of \$69.54)

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20____

Attorney for _____





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

December 6, 2018

NOTICE OF ENTRY OF ORDER

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

Dear Mr. Tech:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 2018 to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 3,367 acre-feet and 4,830 acre-feet of water annually, respectively. Future Use Permit Nos. 439-2 and 1088-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 439-2 is \$345 and the fee for Future Use Permit No. 1088-2 is \$465 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$810 within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on December 6, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated December 6, 2018 addressed as stated below:

City of Rapid City
Dale Tech, Public Works Director
300 6th St
Rapid City SD 57701

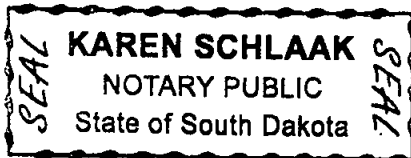
Weston Heights Homeowners Association
c/o Robert Olson
6524 Beverly Dr
Rapid City SD 57701

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of December, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 2019

RECEIVED OF City of Rapid City 300 Sixth St Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	345	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Future Use Review Fee #439-2		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	345	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	345	00

No. **08892**

By Jeanne Goodman
Chief Engineer
7971



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 11, 2025

City of Rapid City
c/o Daniel Ainslie
300 6th Street
Rapid City SD 57701

Dear Mr. Ainslie,:

I am writing in regard to the seven-year review of Future Use Water Permit No. 439-2 from groundwater, infiltration galleries, and Minnelusa, Madison formation wells and No. 1088-2 from Rapid Creek held by the city of Rapid City. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 3,367 acre-feet and 4,830 acre-feet remain in reserve under these future use permits. The permits were last reviewed in 2018.

Please respond in writing by October 1, 2025, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit Nos. 439-2 and 1088-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,367 acre-feet reserved by Permit No. 439-2, the fee will be \$345.00. If the entire 4,830 acre-feet reserved by Permit No. 1088-2, the fee will be \$465.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: Martin Lindsey <Lindsey.Martin@rcgov.org>
Sent: Tuesday, September 23, 2025 11:04 AM
To: Rodriguez, Rachel; Quiett Brandon
Subject: RE: [EXT] Intent to Renew Water Rights Future Use 439-2 and 1088-2

Thank you!!

Lindsey Martin

Capital Improvement Program Manager
City of Rapid City | Public Works Department

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 23, 2025 10:03 AM
To: Quiett Brandon <Brandon.Quiett@rcgov.org>
Cc: Martin Lindsey <Lindsey.Martin@rcgov.org>
Subject: RE: Intent to Renew Water Rights Future Use 439-2 and 1088-2

CAUTION: This email is from an outside source. Use caution before opening attachments, clicking links or providing confidential information.

I know, some newspapers have their online portal which doesn't seem to be user friendly for applicants. Yes, I can send the notice directly to Lindsey to publish under your account.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Quiett Brandon <Brandon.Quiett@rcgov.org>
Sent: Tuesday, September 23, 2025 9:42 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Martin Lindsey <Lindsey.Martin@rcgov.org>
Subject: FW: [EXT] Intent to Renew Water Rights Future Use 439-2 and 1088-2

Rachel,

It was a little messy last time with the State publishing the notice and the City trying to pay for it. If it's possible to send the notice to Lindsey, and we publish it under our account, that would be cleaner.

Here are the publishing deadlines for the Rapid City Journal:

Publish on Tuesday, deadline previous Wednesday at 3pm (MT)

Publish on Thursday, deadline previous Friday at 3pm (MT)

Publish on Saturday, deadline previous Tuesday at 3pm (MT)

Brandon Quiett

Operations Engineering Manager

City of Rapid City

605-394-4154

From: Quiett Brandon

Sent: Monday, September 22, 2025 3:38 PM

To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Cc: Boyda Eric <Eric.Boyda@rcgov.org>; Martin Lindsey <Lindsey.Martin@rcgov.org>

Subject: Intent to Renew Water Rights Future Use 439-2 and 1088-2

Rachel,

Attached is a copy of our intent to renew future use permits 439-2 and 1088-2. A hard copy of the letter was mailed today. I will be on vacation October 6-17. Eric (Cc'd) is the best contact in my absence. Lindsey (Cc'd) will handle payment for the required publication.

Thanks,

Brandon Quiett

Operations Engineering Manager

City of Rapid City

605-394-4154



Public Works Department

Administration

300 6th Street Rapid City, SD 57701-5035

Telephone: (605) 394-4165

www.rcgov.org

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SEP 29 2025

OFFICE OF
WATER

September 19, 2025

Department of Environment and Natural Resources
Water Rights Program
Attn: Rachel Rodriguez
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Subject: Intent to Retain Future Use Water Permit Nos. 439-2 and 1088-2 for Future Water Demands

Dear Ms. Rodriguez,

In response to your letter dated September 11, 2025, the City of Rapid City confirms its intent to retain Water Permit Nos. 439-2 and 1088-2. These permits are crucial for securing the City's future water supply.

Attached for your review are graphs from our master planning documents. The graphs illustrate anticipated steady growth in both population and water demand. The City's population growth rate from 2023-2024 was 3.05%. Rapid City's population is expected to be over 100,000 by 2034. Continued growth will require Rapid City to increase water production in order to meet the future water needs of the City. These future use permits are an important tool for our water system because they not only reserve the necessary water but also secure our priority date.

If you have questions or need additional information concerning this request please contact me at (605) 394-4165.

Sincerely,

Daniel Ainslie
Interim Public Works Director

Cc: Stacey Titus, Assistant Public Works Director
Eric Boyda, Water Division Superintendent
Brandon Quiett, Operations Engineer

Attachments:

- 2024 End of Year Population Projection
- Water Utility System Master Plan Update 2024
 - Figure 2-6 Rapid City Historical and Projected Population
 - Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projection.



Department of Community Development

300 6th St | Rapid City, SD 57701 | 605-394-4120
cpweb@rcgov.org | www.rcgov.org

Kelly Brennan, Long Range Planner III
Department of Community Development
Long Range Planning

Phone: 605-394-4120
Email: kelly.brennan@rcgov.org

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SEP 29 2025

OFFICE OF
WATER

MEMORANDUM

TO: Metropolitan Planning Organization Committee Members
FROM: Kelly Brennan, Long Range Planner III
DATE: May 23, 2025
RE: **25TP009 – Rapid City Year End 2024 Population Estimate**

Every year the Long Range Planning Division prepares a population estimate for Rapid City using a methodology approved by the United States Census Bureau. These estimates are based on approved building permits, housing demolitions, the 2020 Census occupancy rate and the 2020 Census persons per household rate for Rapid City and Pennington County. The 2024 year end Rapid City population estimate is 84,930. This is a 3.05% increase from 2023.

STAFF RECOMMENDATION: Staff recommends approval of the Rapid City Year End 2024 Population Estimate.

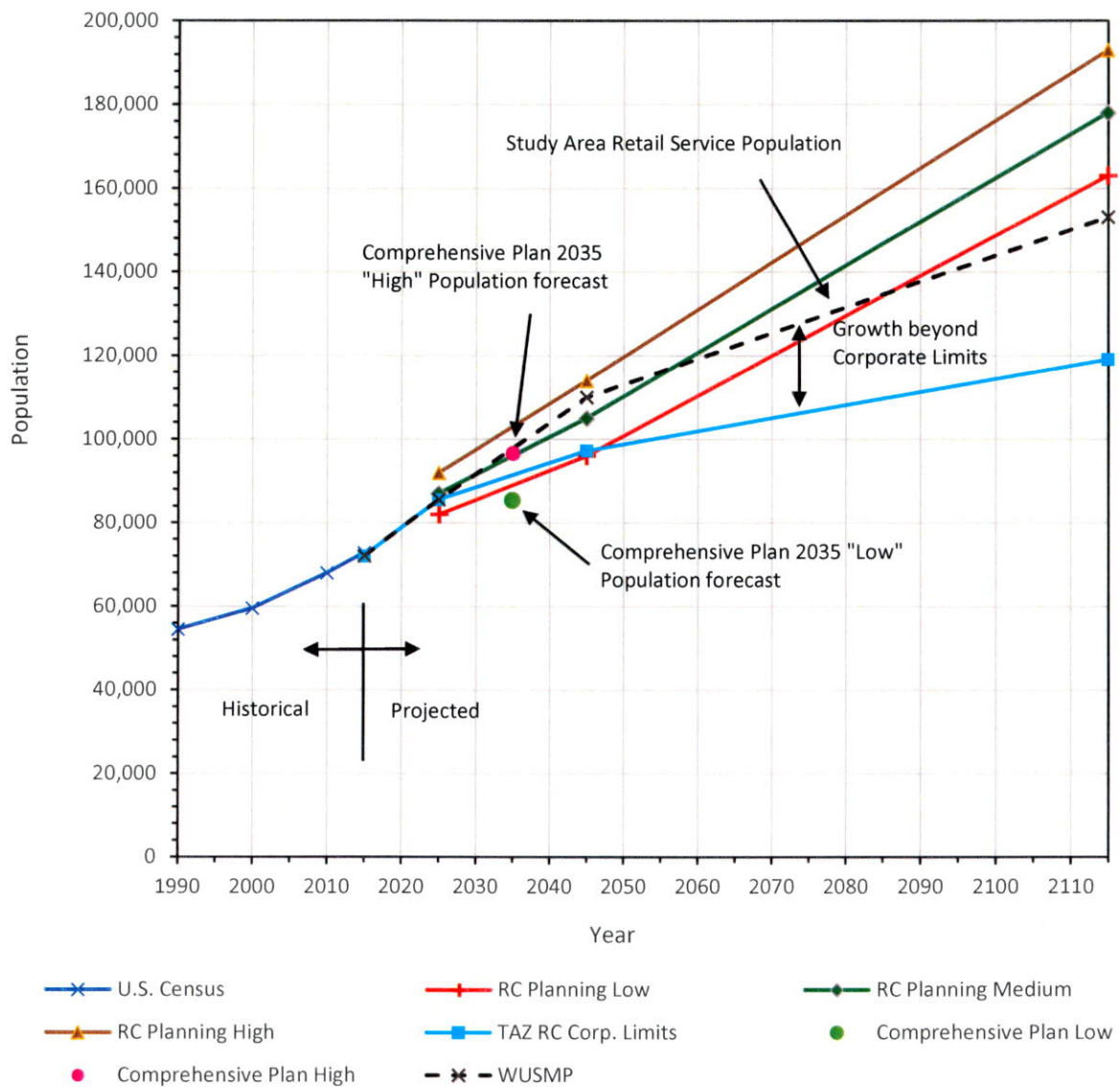


Figure 2-6 Rapid City Historical and Projected Population

A review of population information in Table 2-3 and Figure 2-6 is summarized as follows:

- Figure 2-6 illustrates that population growth will occur both inside the Rapid City 2025 Corporate Limit Expansion (cyan color line) and outside of that boundary line (black dashed line). The gap between the two lines represents the population growth that will occur outside to the Rapid City 2025 Corporate Limit Expansion and up to the USB service area boundary for 2045 and the Tier 1 service area boundary for 2115.
- The Rapid City TAZ based 2015 population is 71,988 which is close to and a good match with the 2015 U.S. Census population estimate of 72,817.

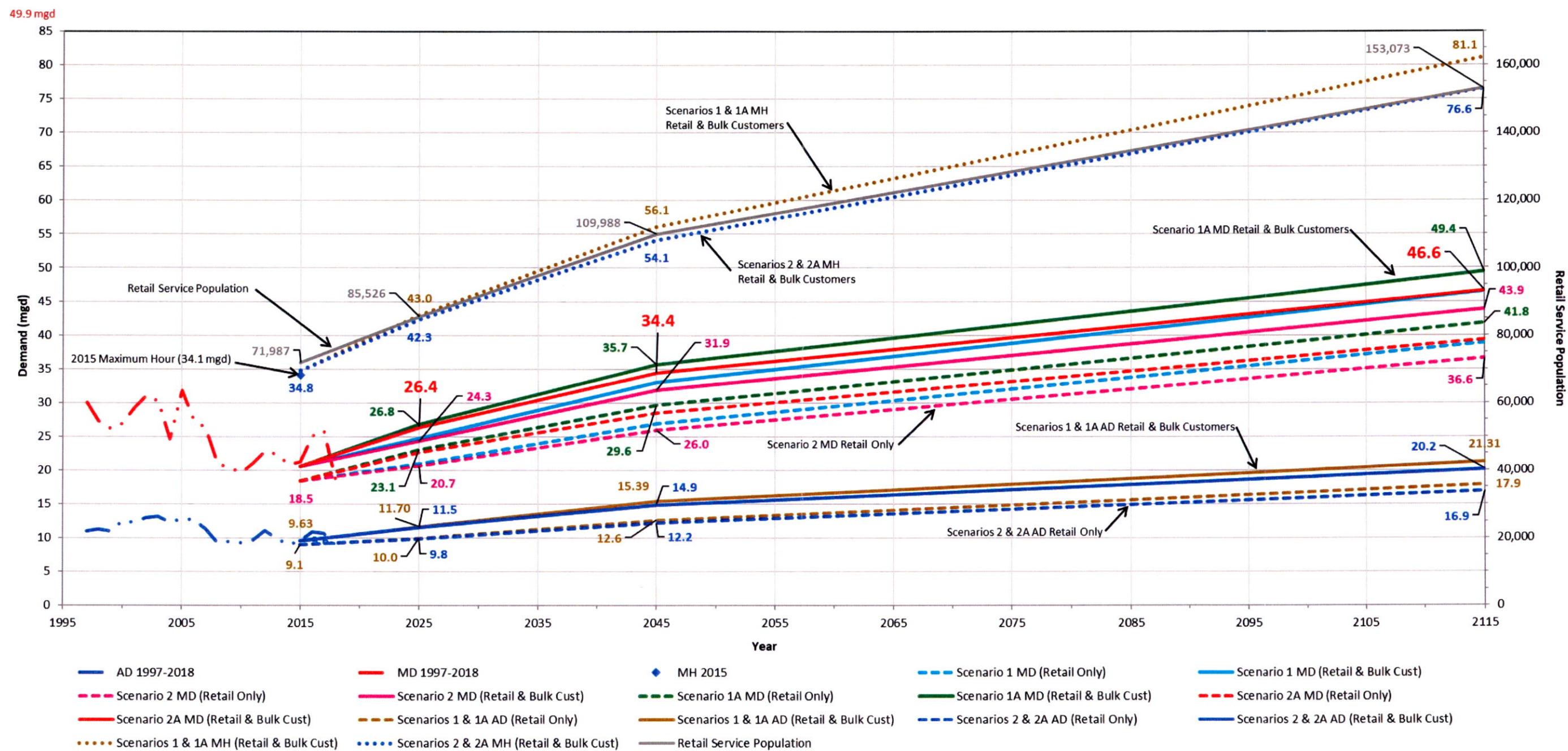


Figure 2-18 Historical and Future Average Day, Maximum Day, and Maximum Hour Demand Projections (Demand Scenarios)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 439-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 439-2, City of Rapid City, 300 6th Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 439-2 REMAIN in EFFECT for 3,367 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 439-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 439-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 439-2 is subject to payment of the \$ 345.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
October 1, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1088-2, City of Rapid City**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1088-2, City of Rapid City, 300 6th Street, Rapid City SD 57701.

The Acting Chief Engineer is recommending that Future Use Permit No. 1088-2 REMAIN in EFFECT for 4,830 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1088-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1088-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1088-2 is subject to payment of the \$ 465.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Mark Mayer, PE
Director of Office of Water
October 1, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 16, 2025

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701

Dear Ms. Martin:

Future Use Permit Nos. 439-2 and 1088-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Per Mr. Quiett's request, the City of Rapid City will submit the public notice using the city's account with the Rapid City Journal. For your information, a copy of the Acting Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on October 23, 2025. The City of Rapid City is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 on December 3, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of these future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by November 3, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of these future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by November 3, 2025.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is future use permit renewals and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, October 16, 2025 2:37 PM
To: Martin Lindsey
Subject: 439-2 & 1088-2 Public Notice for Future Use Review
Attachments: 439-2 & 1088-2 Rec.pdf; 439-2 & 1088-2 Ltr.pdf; 439-2 & 1088-2 PubNotice.pdf; 439-2 & 1088-2 FU REVIEWpubnotice_final.doc

Good Afternoon Lindsey,

Attached is a copy of the acting chief engineer's recommendation and public notice for future use permits 439-2 and 1088-2. I have attached both a PDF and Word format. The notice is dated for next Thursday, October 23. The deadline to submit is Friday at 3pm to the Rapid City Journal. I apologize for the late email; I was out last week due to a family emergency and have been trying to get caught up.

This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

City of Rapid City
300 6th Street
RAPID CITY South Dakota 57701

State of New Jersey, County of Camden, ss:

I, Deidre Stevens-DiGiovanni, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Rapid City Journal, a corporation of Rapid City, South Dakota, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published for at least one year prior to the first date of the published notice. This affidavit is a true and corrected copy of notice which appeared in said newspaper on the following dates.

Publication Dates:

- Oct 23, 2025

NOTICE ID: frCxietu3iMoayyf62b5

NOTICE NAME: FUTURE USE WATER PERMIT 439-2/1088-2

TOTAL AD COST: \$148.59

Deidre Stevens-DiGiovanni

Agent

VERIFICATION

State of New Jersey
County of Camden

Signed or attested before me on this: 10/24/2025

SM S. R. Poe

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 439-2 and 1088-2

Notice is given that the Water Management Board will review Future Use Permit Nos. 439-2 and 1088-2 held by the City of Rapid City, 300 6th Street, Rapid City SD 57701 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permits.

Permit No. 439-2 was approved in 1957 and currently reserves 3,367 acre-feet from groundwater, infiltration galleries and Minnelusa and Madison Formation wells located along Rapid Creek in the SE 1/4 NE 1/4 Section 9 and NW 1/4 SE 1/4 Section 8 and SW 1/4 SW 1/4 Section 3; all in T1N-R7E for municipal use.

Permit No. 1088-2 was approved in 1971 and currently reserves 4,830 acre-feet from Rapid Creek located in the SE 1/4 NE 1/4 Section 3-T1N-R7E for municipal use.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit Nos. 439-2 and 1088-2 REMAIN in EFFECT for 3,367 acre-feet annually and 4,830 acre-feet annually, respectively because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 439-2 and 1088-2 on December 3, 2025, at 9:30 AM (Central Time) . Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol Ave., Pierre SD.

The recommendation of the Acting Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of these future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL

RECEIVED

OCT 28 2025

Water Rights
Program

by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 " or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by November 3, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of these future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 439-2 and 1088-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Acting Chief Engineer by November 3, 2025.

Any interested person may file a comment on the future use permits renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 3, 2025.

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Under SDCL 1-26-17(7) notices must state that "if the amount in

controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is November 3, 2025. However, since this particular matter is future use permit renewals and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

(Published October 23, 2025 for a total approximate cost of \$148.59 and may be viewed for free at www.sdpublicnotices.com)
Legal No: COL-SD-3493

RECEIVED

OCT 28 2025

Water Rights
Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

December 4, 2025

NOTICE OF ENTRY OF ORDER

City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701

Dear Ms. Martin

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2025, to review Future Use Permit Nos. 439-2 and 1088-2. The Board allowed the permits to remain in effect for 3,367 acre-feet and 4,830 acre-feet of water annually respectively. Future Use Permit Nos. 439-2 and 1088-2 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 439-2 (\$345.00) and 1088-2 (465.00) is a grand total of \$810.00 pursuant to SDCL 46-2-13(2). **Please make the check payable to the Water Rights Program and remit the fee within 60 days.**

Please contact Rachel Rodriguez if you have any questions.

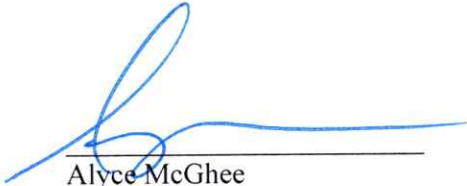
Sincerely,

Mark Mayer, PE
Director of Office of Water

CERTIFICATION

I hereby certify that on December 4th 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated December 4th, 2025 involving action taken by the Water Management Board hearing on December 3rd, 2025:

City of Rapid City
c/o Lindsey Martin
300 6th Street
Rapid City SD 57701



Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of Dec, 20 25.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 26, 2026

RECEIVED OF City of Rapid City 300 6th Street Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>439-2</u> after period of seven years.	<u>\$345.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$345.00</u>

By 
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 26, 2026

RECEIVED OF City of Rapid City 300 6th Street Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>1088-2</u> after period of seven years.	<u>\$465.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$465.00</u>

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

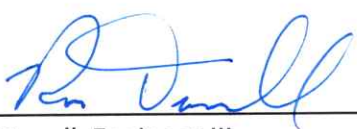
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 439-2

Name of Applicant: City of Rapid City, c/o Daniel Ainslie

Date of Posting: 10/20/2025

Date of Removal: 12/4/2025

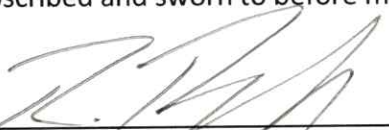


Ron Duvall, Engineer III

12/4/2025

Date

Subscribed and sworn to before me, a notary public, this 3rd day of Oct, 2025.



Notary Public - South Dakota
My commission expires:

**Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)

