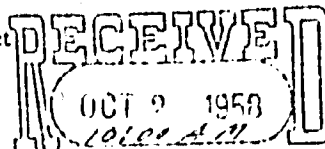


Part of Withdrawal Application are
439-2 previously approved.

No. 439-2-AWater Division No. 2

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



APPLICATION FOR 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 13 Main Street, County Pennington, State South Dakota
- I. If a corporation Municipal
- Mayor Dusek; City Councilmen, W. Hickey, V. Washburn, J. Fillingham, R. Fraley,
- (a) Name of same J. Ewing, P. Haedt, Sr., J. Chase, C. Donnelly, M. Fritts, L. Surface,
- (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, \$ 60,000.00 (c) Treasury stock, \$ ---
- (d) Bonds to be issued, \$ --- (e) Other resources, \$ ---

2. Name of diversion work Meadowbrook Gallery
3. Amount of water claimed 1.55 cubic feet per second ---
4. Source of water supply Ground Water - Gallery
5. Location of point of diversion 2032 feet S 31°41' W of NE Corner of Section 9,
- Township 1 N, Range 7E, BLM 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

Name any of the above uses claimed Municipal use of water.

- (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
-

On same owner's property --- rods. On property owned by others --- rods

Map No. 439-2

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$15,000.00
 (c) Fluming, \$----- (d) Canalearth, \$----- Rock, \$-----
 (e) Other structures Gallery \$45,000 Total, \$15,000.00
 TOTAL \$60,000.00

9. Description of diversion works:

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

Gallery - Underground Collection.

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----material used in construction-----
 (b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

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

(c) Head gate: Width-----feet; height-----feet;

Material-----

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.

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

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

STATE OF SOUTH DAKOTA

County of Pennington

ss.

I, Fred Dusek, Mayor, City of Rapid City

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

CITY OF RAPID CITY, SOUTH DAKOTA

Signed

Fred Dusek - Mayor

Subscribed and sworn to before me this

15

day of

October

1928

ATTEST:

R. R. Lang
 Notary Public for South Dakota
 R. R. LANG, City Auditor

Remarks by State Water Resources Commission:

The attached supplementary statement regarding and limiting water use under this permit is hereby made a part of this permit No. 439-2A

This permit covers development of a portion of the withdrawal for future use permit No. 439-2.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, October 24, 1958

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock A.M. upon the 2 day of October, 1958

State Water Resources Commission

By:

George W. Miller

Chief Engineer, Executive Officer

Number of permit 439-2A

Date of first receipt of application October 2, 1958

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 June 17, 1959, Recorded in Book 25 Page 193

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

December 17, 1959

2nd. The whole of said work is to be completed on or before June 17, 1960

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

June 17, 1961

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

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

6th. The amount of the appropriation herein granted shall not exceed 1.55 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 17, 1961; said water to be used during the following described annual period:

Continuously

Witness my hand this 18 day of August, 1959

State Water Resources Commission

By:

George W. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 25, 1966

Water License Issued OCTOBER 25, 1966

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation ---- Depth ----

Type of casing ----
(wood, concrete, steel, etc.)

Size of casing ----, Thickness of casing ----

Length of casing ---- If collection gallery, length, size and depth of
gallery Length 400 feet, size 36" perforated CMP, Depth 24 feet.

(b) Screens

Type of perforated screen Perforated CMP

Size of perforated screen 36" 400 feet
(diameter) (length)

Thickness of gravel pack ---- length of gravel pack ----

(c) Water Bearing Materials

Distance to water 6 feet Character of water bearing materials

Well graded gravel

Thickness of water bearing material 20 feet

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump 3 Worthingtons, size 8"

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 15 Each, Name of Motor U.S.

(e) Complete well

Capacity 5 MGD at drawdown of 9 feet Estimated cost \$60,000.00
(Includes previously developed supply.)

(f) Owner of land upon which well is located City of Rapid City
Name

10 Main Street, Rapid City, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property ---- rods. On property owned by others ---- rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 439-2A

WHEREAS, On the 2nd day of October A. D. 1958
the City of Rapid City

County of Pennington and State of
South Dakota 439-2A 1.55
duly made application (No.) to us for a permit to use
cubic feet per second of the waters of ground water
County of Pennington, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 18th day of August A. D. 1959
Permit No. 439-2A was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 17th day of
June A. D. 1960 and for the application to beneficial use of said
water on or before the 17th day of June A. D. 1961
and,

WHEREAS, On the 26th day of August A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.55
cubic feet per second of said waters, as evidenced by our Certificate No. 439-2A
dated October 25, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.55 cubic feet per second of water, with date of
priority of September 22, 1956 and,

WHEREAS, On the 26th day of August A. D. 1966
proof was duly made of the application to beneficial use of 1.55 cubic feet per second of said water;
to be used for municipal purposes by the City of Rapid City

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

~~our~~ ----- the holder ----- and owner ----- of said permit No. **439-2A**
a water right, dating from **September 22, 1956** to the use of **1.55**
cubic feet per second of the waters of **ground water**
in the County of **Pennington** and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at **a point 2032 feet S 31° 41' W of**
the NE corner, Section 9, T1N, R7E
and conducted ~~to and upon~~ **through the City water distribution system**

for the purpose of **municipal use**

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this **25th** day of **October** ----- A. D. Nineteen
Hundred and **Sixty-Six** -----

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. -----

To -----

Source of Supply -----

County -----

Am't ----- c. f. s. -----

Point of Diversion -----

Place of Use -----

Purpose -----

Date of Priority -----

Recorded -----

in Book ----- of ----- Page -----

Permit No. 439-2AWater Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Rapid City

~~xxx~~ County of Pennington, and State of South Dakota, the holder of Permit No. 439-2A, issued upon Application No. 439-2A, bearing date of priority of September 22, 1956, authorizing the diversion of 1.55 cu. ft. per second of the waters of ground water

County of Pennington, State of South Dakota, at a point 2032 feet S 31° 41' W of the NE corner, Section 9, T1N, R7E

for municipal

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.55 cu. ft.

per second of water; and that the ~~water is to be used for municipal purposes by the City of Rapid City.~~ use of said water ~~is~~ is described as follows, to-wit: to be used for municipal purposes by the City of Rapid City.

Witness my hand this 25th day of October A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

Future Use - Rapid City

439-2

9.30 c.f.s.
5.0 c.f.s.
7.70 c.f.s.

Meadowbrook Gallery
Jackson Springs
Sioux Park Gallery (Baker
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 included 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 388-2) 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.
- (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.

439-2A

(First Publication before April 25, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., March 25, 1959

Notice is hereby given that the City of Rapid City whose postoffice address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.55 cubic feet of water per second of time from ground water through the Meadowbrook Gallery. This amount of water being a portion of the Withdrawal For Future Use Permit No. 439-2. The point of diversion of which is to be located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Twp. 1 N Range 7 E. Said water to be used for the purpose of providing 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 17th day of June 1959 at 2:00 PM. 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:
Les Wyborny, Water Rights Engineer

cc E. H. Lighter, Manager
The Rapid City Daily Journal
Rapid City, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Rapid City Daily Journal a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the City of Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 30, 1959

April 6, 1959

April 13, 1959

April 20, 1959

in each and every issue of the full number thereof, the first publication being made on the 30th day of March 1959 and the last publication on the 20th day of April 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this 20th day of April A. D. 1959

Notary Public Pennington County, S. D.

Mar. 30, April 6, 13, 20
APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. Dak. March 28, 1959.
 Notice is hereby given that the City of Rapid City, whose post office address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of this State for a permit to utilize of water per second of flow from ground water through the Meadowbrook Gallery. This amount of water being a portion of the withdrawal for future use Permit No. 79-2. The point of diversion of which is to be located in the SE 1/4 of the NE 1/4 of Section 8, Twp. 1 N., Range 1 E. Said water to be used for the purpose of providing 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 17th day of June, 1959, 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: Lea Wyborny, Water Rights Engineer.

RECEIVED
JUN 29 1959

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Rapid City, S. Dak
20 September 1950

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

Dear Mr. Stalling:

Pursuant to our discussion today I am including a summary (on a form latter used to order water from the Bureau) of the releases that the District has requested the City to make during the 1950 season.

Note that the total days that the City is obligated (for sure) to the District for replacement would be 157 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 Stone Park
4. Sprinkler system out of Lagoon fed by Iowa ditch for Roosevelt Park
5. Water to Arrowhead out of Leady ditch

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

After August all orders from City replacement were figured from Pactole (instead of Deerfield) assuming roughly a 10% loss from Pactole to City:

i.e. if City was pumping 10 cfs the release from Pactole would be
 $10 \text{ plus } 0.10 \times 10 \text{ or } 11 \text{ cfs.}$

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) so I have tried to illustrate above and which can be more vividly illustrated by a study of prior water year's records. There are several flows in the valley that could be diminished if not eliminated by more careful irrigation practices but not all of these could be completely eliminated anymore than individual users in the city can always eliminate runoff from their lawns into the streets. The difference is in quantity - if an irrigator working with soil of a good lat, this amount of water get away for 10 minutes this would be the equivalent of about 1000 gallons. State Engineer Grimes has criticized the District for being too conservative at times with the City releases. This will then be to the detriment of the lower valley as Bob Long will testify.

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

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

Very truly,
[Signature]

RAPID VALLEY
Water Conservancy District
Rapid City
South Dakota

Date:

Director of Reclamation
Box 188
Kearney Road
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	135	8.5	8	15 May	23 May	Deerfield
C-2	City	580	10	25	23 May	21 June	Deerfield
C-3	City	640	16	20	30 June	20 July	Deerfield
C-4	City	330	15	11	7 Aug	18 Aug	Pactola
C-5	City	1462	17	63	18 Aug	30 Sept	Pactola

Total 3148 111

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

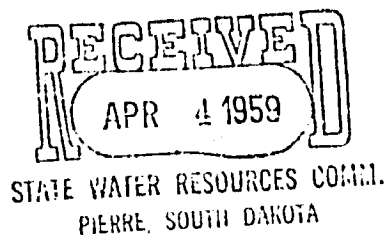
**The hour of release (on and off) is understood by the District
to be 12:00 O'clock noon unless otherwise arranged for and
stated herein.

Very truly,

Watermaster

FRANK E. HENDERSON
ATTORNEY AT LAW
RAPID CITY, SOUTH DAKOTA

730 MAIN STREET
PHONE FILLMORE 2-0382



April 3, 1959

State Water Resources Commission
Attention: Les Wyborny, Water Rights Engineer
State Capitol Building
Pierre, South Dakota

Dear Sir:

Enclosed herein you will find thermo-fax copy of three articles published in the Rapid City Daily Journal.

The article "Water Supply Problem Hinges On Rapid Creek and Filtration Plant" quotes Rapid City Water Superintendent L. P. Stelling as saying that "meadowbrook gallery, springs, and wells, are about pumped to the limit-up to 11.5 million gallons a day". Stelling is further quoted as saying he doesn't see how these sources can produce any more water.

The State of South Dakota's Legal Notice in the Rapid City Daily Journal published on March 30, April 6, 13, and 20, 1959, states that the City of Rapid City has asked the State, in effect, permission to pump 1.55 cubic feet of water per second of time from ground water through Meadowbrook Gallery. The City, as I understand it, heretofore obtained a "Withdrawal For Future Use Permit No. 439.2" to pump 1.55 cubic feet of water per second of time from ground water through Meadowbrook Gallery.

Now, another article in the Rapid City Daily Journal quotes Mr. Stelling as saying that before the Meadowbrook Gallery addition to the City of Rapid City, that Meadowbrook (meaning Meadowbrook Springs) furnished some 3,500,000 gallons a day. And further quotes Mr. Stelling as saying that 4,500,000 gallons a day can be pumped from the old Meadowbrook Springs because of the addition of the Meadowbrook gallery. Therefore, it appears that the City of Rapid City has been violating their permit and continues to do so by 2,500,000 million gallons a day when they are "just pumping", and 3,500,000 million gallons a day when they are pumping "to the limit". The article quotes you as saying that 1.55 cubic feet of water per second from Meadowbrook constitutes about 1,000,000 gallons a day. Why does the State of South Dakota allow this?

FRANK E. HENDERSON

ATTORNEY AT LAW
RAPID CITY, SOUTH DAKOTA

730 MAIN STREET
PHONE FILLMORE 2-0382

(letter to State Water Resources Commission cont'd)
dated April 3, 1959

Mr. Wyborny: could you come to Rapid City before this hearing and see the thousands of dollars worth of damage that this excessive pumping is causing to innocent property owners here in Rapid City? Many wells have dried up (to include mine) and two beautiful lagoons, created by nature, are now mud, slime, debris, and will eventually create a health hazard, not to mention the eye sore it is now.

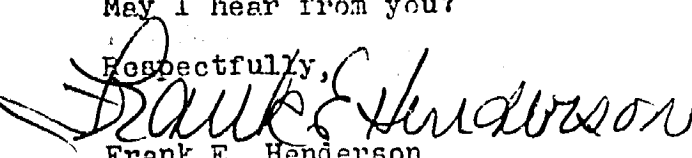
If you would like me to show this to you, and listen to the neighbors in the Strathavon Area concerning this, I would escort you to the dried wells, and to the people.

Then, too, would not the United States Government be damaged by this? There are F. H. A. Loans on this property. If necessary, I am going to try to bring them into this.

The property owners along these lagoons have water rights. Those rights were obtained from their predecessors in interest. And these rights are superior to the City of Rapid City, who now asks your official sanction, to take this water from us, and sell it to the people who bought inferior homes, and other lots, in the poorer sections of the city.

May I hear from you?

Respectfully,


Frank E. Henderson

FEH: f

April 8, 1959

Mr. Frank E. Henderson
730 Main Street
Rapid City, South Dakota

Dear Mr. Henderson:

In your letter of April 3, 1959, you outline some questions concerning water rights which have been acquired by Rapid City.

Rapid City has established a "vested right" record under Section 61.0102 (7), Chapter 430, Session laws of 1955, for use of 19.64 cubic feet per second from the following water sources;

5 deep wells	4.94 cubic feet per second
Meadowbrook Gallery	6.17 " " " "
Jackson Springs	7.75 " " " "
City Springs	.78 " " " "

Rapid City has obtained a future use withdrawal permit under Section 61.0101 (5) (6), Chapter 430, Session Laws of 1955, for future use of 22.6 cubic feet per second from the following sources;

Meadowbrook gallery extension	9.30 cubic feet per second
Jackson Springs extension	5.00 " " " "
Sioux Park Gallery	7.70 " " " "

The legal notice, concerning the City's development of 1.55 cubic feet per second through the new addition to the Meadowbrook Gallery, states the intent of the City to develop this portion of the 9.30 cubic feet per second future use withdrawal from the Meadowbrook Gallery source.

Frank E. Henderson

2

April 8, 1959

In summary the City has acquired water rights for a total of 41.64 cubic feet per second. Of this total, the City has developed water supplies in the amount of 21.19 cubic feet per second (equivalent of about 14,000,000 gallons per day). Remaining to be developed to meet future needs are 20.45 cubic feet per second which is permissible under water rights already acquired. The water rights acquired by the City are subject to certain conditions concerning Deerfield and Pactola storage. These water rights are valid at the present time and the City is not violating state law by its water diversions for municipal use.

I hope that this information is helpful in explaining the partial information that was contained in the newspaper clipping which you sent with your letter of April 3.

If you have further questions I will be pleased to attempt answers.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls

Future Use - Rapid City

439-2

9.30 c.f.s.

5.0 c.f.s.

7.70 c.f.s.

Headbrook Gallery

Jackson Springs

Sioux Park Gallery (Taken
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 included 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 388-2) and the water taken by domestic users connected to the pipeline connecting Cleghorn Springs and the Sioux Sanatorium.

439-2

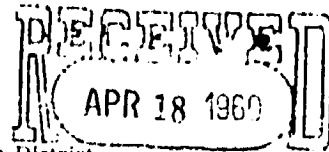
1.54 c.f.s.

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 Sanatorium) relinquished its water rights in Cleghorn Springs to Rapid City through transfer or other approved arrangement.
- (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.

Permit No. 439-2A

Water Division No. _____

Water District _____
STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) _____

(Date) April 1, 1960

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

1.55 cu. ft. per second of the waters of the state from _____
through the ground water
for Municipal purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is City of Rapid City,
South Dakota

2. The postoffice address of such person or the place of business of such corporation is 22 Main St.
County of Pennington, State of South Dakota

3. The number of such permit is 439-2A and the date set for the completion of such work is
August 1950

4. Said water to be used for Municipal Water Supply purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.55 cubic feet per second.

6. The amount of land for which said water is available is _____ acres,
particularly described as follows: in the distribution system of the City of Rapid City.

I hereby certify that the facts set forth in the above notice are true.

Eric Duck-Meyer

(Signature of Owners) _____

Permit No. 439-2AWater Division No. 4 Rapid Creek Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

City of Rapid City, of _____Pennings County, South Dakota, holder of Permit No. 439-2A, issuedupon Application No. 439-2A, bearing date of priority of Sept. 22, 1966, authorizing thediversion of 1.55 cu. ft. per second of the waters of Ground Water for Municipal

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Gallery 1200' in length w/ 30" dia perforated
pipe depth from 20-24 (Gravel packed). 3 Worthington pumps
Vertical turbines # N-2008 Head 11' & DTP 14263 order No.Pump run by 2,100 H.P. U.S. electric motor & 60 H.P. gas aux.and the system is in the following condition: ExcellentThe point of diversion is located 2032' S 31°41' W of NE corner of
Sec. 9 T1N R7E BHM.The works are capable of diverting and conveying to the place of use 3500 GPM
cu. ft. per second of water,
which is to be used for Municipal purposes

The legal sub-divisions to be irrigated are: _____

_____ comprising a total of _____ acres of land.

The domestic use intended comprises Municipal purposes

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 26 day of August, A. D. 1966

—SEAL—

William H. Miller
Examining Engineer

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

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

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

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

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

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

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

Applicable permit qualifications have been complied with: Yes ☒ No

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

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


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

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

DATE: 7/14/1992

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

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

SYSTEM COLLECTION PUMPS

Pump:

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

Pump:

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

Pump:

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

Motor:

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

Motor:

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

Motor:

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

DISTRIBUTION LINES OR CANALS:

- 1) Type Municipal water distribution system

SYSTEM DISTRIBUTION PUMPS

Pump:

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

Motor:

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

Pump:

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

Motor:

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

Pump:

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

Motor:

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

PERMIT QUALIFICATIONS AND REGULATIONS:

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

4-15

1 IN R7E S7

EXPLANATION

- OBSERVATION WELL
- PROPOSED DAM WELL
- GAGING STATION
- - - DISCHARGE GAUGING
- GALLERY LINE
- T.I.N. R.7E. SEC.9

SCALE

T=375

JACKSON BLVD.

MEADOWBROOK

NEUTRATION

GALLERY

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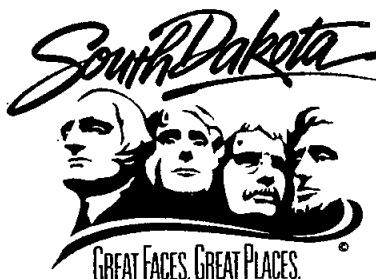
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Figure 5.--Meadowbrook: Infiltration Gallery Study Site.

439A-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 06 2016

431-2
439-2A
439B-2

Tim Weber, Interim Water Supt
City of Rapid City
300 6th St
Rapid City SD 57701

Dear Mr. Weber:

Enclosed is Water License No. 439B-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

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