

WATER PERMIT NO. 439b-2

Name of Applicant: City of Rapid City

Address: 300 6th St, Rapid City SD 57701

Phone: 605 394-4165

Amount of Water Claimed: no add'l

Total Acres: NA

Source of Water Supply: Rapid Creek

Water to be used for: municipal

County: Pennington

Type of Waste Disposal System:

Location: near Meadowbrook Golf Course

PRIORITY

Date Received: 5-3-13

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: change diversion point location

Diversion Point: Tract 10, Tract 10A less, Lot H1

(SE 1/4 NE 1/4) Sec 3-T1N-R7E

Land to be Irrigated: NA

			3	⊗	

Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-8-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V4

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>439B-2</u> (office use only) Hydrologic Unit <u>10120110</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal</u> <u>605-</u> <u>394-8300</u>
	<u>P.O. Box 450 Rapid City 57717</u>

RECEIVED
MAY - 3 2013
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:

(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>431-2 and 439-2A</u>		

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

Change of Diversion Point to 1.76 miles downstream from current point.

1. Name to Appear on Water Permit City of Rapid City(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 300 6th Street Rapid City SD 57701
(Address) (City) (State) (Zip Code)Home Phone 394-4165 Cell _____ Email terry.wolterstorf@rcgov.org2. Amount of water claimed 7.72 *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable3. Source of water supply Rapid Creek4. Location of point of diversion City of Rapid City Mt. View Water Treatment Plant County Pennington

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington6. Annual period during which water is to be used January 1 to December 31 year round

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

See attached letter for more details.

Current Location of diversion point: SE1/4 NE1/4 Section 9 T1N-R7E

Proposed Location of diversion point: TRACT 10: TRACT 10A LESS, LOT H1, SECTION 3, TOWNSHIP 1 NORTH, RANGE 7 EAST. CSE 1/4 NE 1/4I, Terry Wolterstorf, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

OCT 25 2013

City of Rapid City
Terry Wolterstorff
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

Enclosed is Reissued Water Permit No. 439B-2 authorizing construction of the City's water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The permit is being reissued to correct the priority dates. If you have any questions, please contact this office.

Sincerely,

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

enclosures

c: David LaFrance, Banner Associates, Inc.

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 439B-2**

Date of first receipt of application May 3, 2013.

The Water Management Board approved Water Permit No. 439B-2 on July 10, 2013 for the City of Rapid City, 300 6th St, Rapid City SD 57701 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 439B-2 changes the location of the Rapid Creek diversion point. Water Rights No. 431-2 and 439-2A authorize 7.72 cubic feet of water per second (cfs) from Rapid Creek (Meadowbrook Gallery) located in the SE 1/4 NE 1/4 Section 9-T1N-R7E for municipal use. This permit changes the location of the diversion point approximately 1.76 miles downstream to the Mountain View Water Treatment Plant located in Tract 10, Tract 10A less, Lot H1 (SE 1/4 NE 1/4) Section 3-T1N-R7E. This permit does not authorize any increase in the 7.72 cfs diversion rate.
2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: Janaury 1 – December 31.
4. The dates from which applicant may claim right are: January 1, 1950 (3.08 cfs), May 1, 1955 (3.09 cfs) and September 22, 1956 (1.55 cfs).
5. All construction is to be completed on or before July 10, 2018.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

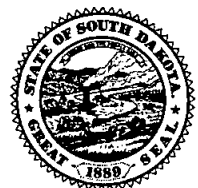
1. City of Rapid City shall report annually the amount of water diverted from Rapid Creek.
2. There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior rights shall be by-passed under this permit. Water Rights covering storage of water in Deerfield and Pactola Reservoirs were acquired by United States (U.S. No. 509-2 and U.S. 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. To the extent that water is available under these contracts, it may be used under Permit No. 439B-2 to serve, replace or supplement withdrawals from natural flows of Rapid Creek, or those flows remaining (which may mean zero flows) after water is by-passed as needed for downstream prior water rights.

WATER MANAGEMENT BOARD

By: Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 25 2013

date



SOUTH DAKOTA
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2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is September 22, 1056.
5. All construction is to be completed on or before July 10, 2018.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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WATER MANAGEMENT BOARD

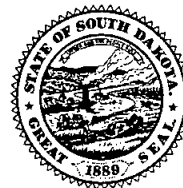
By: _____

Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 27 2013

date



Meadowbrook Galleries Abandonment and Change in Point of Diversion



Legend

- Roads
 - Interstate
 - US Highway
 - SD Highway
 - County Highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Unimproved road
 - Trail
 - FS Highway
 - Airport Runway
 - Not yet coded
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines
 - 0
 - 7
- County Line

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WATER RIGHTS
PROGRAM

BANNER
Engineering | Architecture | Surveying

Scale 1: 11,651

Map Notes:

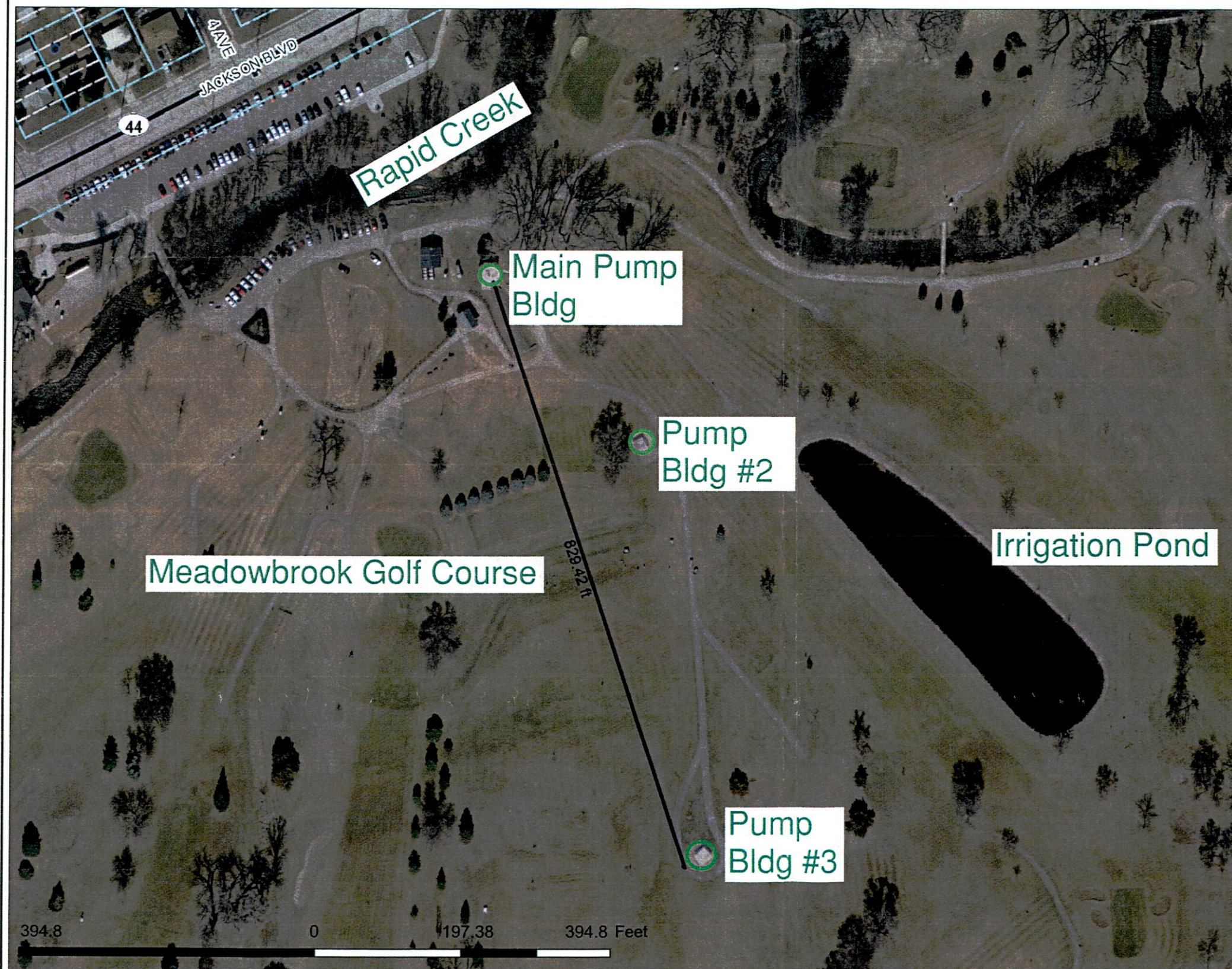
Diversion - 1

DISCLAIMER: This map is provided 'as is' without warranty of any representation to accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. Rapid City and Pennington County make no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the data used to create the map is dynamic and is in the constant state of maintenance, correction, and update. This document does not represent a legal survey of the land. There are no restrictions on the distribution of printed Rapid City/Pennington County maps, other than the City of Rapid City copyright/credit notice must be legible on the print. The user agrees to recognize and honor in perpetuity the copyrights and other proprietary claims for the map(s) established or produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.

Legend

- Roads**
- Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Unimproved road
 - Trail
 - FS Highway
 - Airport Runway
 - Not yet coded
- Lot Lines**
- <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines**
- 0
 - 7
- County Line

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BANNER
 Engineering | Architecture | Surveying



Map Notes:

MB Gallery Aerial w Dimension

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BANNER Associates, Inc.
730 South Street, Suite 201
Rapid City, SD 57701-3635
Ph. # (605) 343-0700

RECEIVED
MAY - 3 2013

Letter of Transmittal

TO: Mr. Eric Gronlund or Mr. Mark Rath
SD Dept. of Environment and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

Date: May 1, 2013	Job #: 21640
Attention: Mr. Mark Rath	
RE: City of Rapid City	
Diversion Point Change Request	

WE ARE SENDING YOU: ☒ Attached ☒ Delivered via overnight the following items
☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change Order ☒ also sent via email

Copies	Date	No.	Description
1	4-30-13		Meadowbrook Galleries Diversion Point Change Request

THESE ARE TRANSMITTED as checked below:

☒ For Approval ☐ Approved as Submitted ☐ Resubmit ___ Copies for Approval
☐ For Your Use ☐ Approved as Noted ☐ Submit ___ Copies for Distribution
☒ As Requested ☐ Returned for Corrections ☐ Return ___ Corrected Prints
☒ For Review & Comment ☐ _____
☐ For Bids Due: _____ 20 _____ ☐ Print Returned After Loan to Us

REMARKS:

Note: Detailed point of diversion location for Mt. View WTP intake is as follows:
North 71 degrees 39 ft west, 1205 feet from East 1/4
Corner of Section 3, T1N, R7E, BHM (SE1/4 NE1/4)
This coincides with description from previous permit # 2138-2
and is more precise than general description on application form.

CC: J.Wagner, PE City of Rapid City
M.Gagliano, PE City of Rapid City

SIGNED:

D.A. LaFrance, PE
D.A. LaFrance for :
Sigurds R. Zvejnieks, PE

If enclosures are not as noted, please notify us at once.

BANNER

Engineering | Architecture | Surveying

Banner Associates, Inc. | 730 South St, Ste. 201
Rapid City, South Dakota 57701 | 605.343.0700
www.bannerassociates.com

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MAY - 3 2013

WATER RIGHTS
PROGRAM

April 30, 2013

Mr. Mark Rath, Engineering Specialist
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: City of Rapid City, Meadowbrook Water Rights
BAI. No. 21640.00.00

F:\21640-00\Water Rights Transfer\For New Application\4-29-13 Mark Rath Letter.docx

Dear Mr. Rath:

The City of Rapid City seeks a change in the point of diversion for their current surface water rights at the Meadowbrook Gallery Pump Station. Banner Associates, Inc. has been retained by the City to assist in the water rights amendment application, and to develop plans for the demolition and inactivation of the diversion and pump station facilities located within the Meadowbrook Golf Course area. A copy of that record appears to show that the last amendment to that permit was issued in 7/14/92.

This request is for the relocation of this water right diversion point to 1.76 river miles downstream to the location of the Intake for the current Mt. View Water Treatment Plant. A total upgrade of this facility has been planned in the foreseeable future as part of Rapid City's Capital Infrastructure Plans. Timeframe is not firmly established, however it is anticipated design would be underway in 2014. The new facility is planned for an initial capacity of 36 MGD to meet the projected year 2020 demands, however would be sized for expansion to 48 MGD (approximately 74.4 cfs). The pumping capacity will then at least match the diversion rights for this location, assuming the Meadowbrook Gallery change in point of diversion is approved and in the future the Girl Scout Gallery is also transferred to the Mt. View WTP.

The gallery aquifer(s) and Rapid Creek interactions have been previously documented by USGS Investigations, and further confirmed by observations made by Water Dept. personnel. From a water balance standpoint, this alternative would allow the recharge of gallery aquifer raw water back into Rapid Creek, and the withdrawal downstream (if re-permitted) at the Mountain View Plant Intake. The earlier (1998) USGS findings and determinations would support the concept of a general water balance adjustment based on the demonstrated aquifer hydraulic conductivity and interconnectivity with Rapid Creek. 'Loss Zones' have not been previously

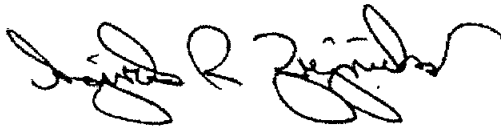
documented or found within this reach, as confirmed in discussions with USGS geologists. In fact, there may be a net positive gain from 'spring flow' depending on time of year, based on the spring flow component that is discussed and quantified in the USGS Report, and as summarized in the Quick Facts section of this report.

Potential Benefits: For recreation and fish habitat development: In addition to those already stated, other potential benefits realized by choosing this alternative can be significant. With increased water volume available for discharge into the Creek due to discontinued aquifer infiltration and draw downs, fishing habitat can be more easily managed and consistently maintained throughout this reach of Rapid Creek. There may be other recreational opportunities that would emerge as well.

If the water right's change in point of diversion is approved, the abandonment of the existing Meadowbrook Gallery facilities is currently planned to start after Jan. 1, 2014 at which time no further pumping will be possible. The abandonment process will include removal of the pumps and buildings as well as plugging of the collection gallery piping. The abandonment process of the Meadowbrook Gallery is expected to be complete by the spring of 2014.

Please contact us if you have questions or require additional information.

Sincerely,



BANNER ASSOCIATES, INC.
Sigurds R. Zvejnieks, PE

Encl.

Cc: Morgan Gagliano, Rapid City Engineering Division (with enclosures)
John Wagner, Rapid City Water Superintendent (with enclosures)

**CITY OF RAPID CITY's
MEADOWBROOK & GIRL SCOUTS' INFILTRATION GALLERIES**

MEETING AGENDA – January 12, 2010 (Updated 4/24/13)
SDDENR – Pierre

**RECEIVED
MAY - 3 2013
WATER RIGHTS
PROGRAM**

1. Project Objective - Confirm recommendation of City's Utility of Master Plan to pipe raw water from galleries (separate 20" pipes) to new Mountain View WTP (MVWTP), or recommend alternative.

Current need for decision: SDDOT's Jackson Blvd reconstruction project – need "go – no go" decision to construct water lines from galleries to MVWTP as part of Jackson Blvd street project.

2. Possible Alternatives:

No Action – convert water rights? *Possible – DENR favorable to option*

Combined single pipe to MVWTP

Groundwater – disinfect & pipe directly to distribution system
(potential water quality blending issues, hardness)

Collection / Pumping improvements → Release to Rapid Creek – divert at MVWTP as surface water right

Determine MB/GS improvement costs – use equivalent amount to develop additional Madison Wells

3. Water Rights:

	Meadowbrook	3.988 MGD	(max avail 3.988 MGD)
Not Under Consideration	431-2	1/1/1950	6.17 cfs year round
for Relocation of Water	439-2A	9/22/1956	1.55 cfs year round future use
Right at this time- 4/24/13			
	Girl Scout	4.976 MGD	(max avail 2.749 MGD)
	592-2	9/22/1956	(part of 1955-2, orig 3.11 cfs)
	195502	9/22/1956	7.70 cfs year round (orig 4.59 cfs)
			Diversion limited to 5.26 cfs (3.4 mgd)

Stream Elevations:	Meadowbrook	3316
	Girl Scouts	3292
	MVWTP	3268

4. Water Rights issues for alternatives

Can infiltration galleries be diverted as surface water right at MVWTP?

Procedures? *YES – file for change in diversion point*

Measurement requirements – if point of diversion changed to MVWTP, will galleries need to be collected at current locations, then measured prior to release to stream, or just **measured as surface right diversion at MVWTP?** [*response bolded*] Any advantage to measuring at galleries? *No*

Conveyance losses – if point of diversion changed to MVWTP, will conveyance losses be assigned, and if so, how determined? *No additional loss will be assigned – overall, DENR favorable to abandoning galleries and diverting at MVWTP*

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 07, 2013 8:13 AM
To: 'terry.wolterstoeff@rcgov.org'
Subject: Application for Permit to Appropriate Water

Mr. Wolterstoeff,

We received the Application to Amend Water Permit Nos. 431-2 and 439-2A for Rapid City. The application/license fee will be \$300.00. Do you need an invoice for this amount?

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

* INVOICE *

SD DENR - Water Rights
523 E Capitol Ave
Pierre SD 57501

May 23, 2013
Invoice No. 523RC

City of Rapid City
Terry Wolterstorff---- John Wagner
300 6th St
Rapid City SD 57701

Application fees for Amended Water Permit 439B-2

PLEASE PAY THIS AMOUNT:

\$300.00



Gail Jacobson
Secretary
Water Rights Program
(605) 773-3352

*** INVOICE ***

SD DENR - Water Rights
 523 E Capitol Ave
 Pierre SD 57501

May 23, 2013
 Invoice No. 523RC

City of Rapid City
 Terry Wolterstorff— John Wagner
 300 6th St
 Rapid City SD 57701

Application fees for Amended Water Permit 439B-2

PLEASE PAY THIS AMOUNT:

\$300.00

DO NOT WRITE

ABOVE THIS LINE

JOHN WAGNER
 CITY OF RAPID CITY

XXXX XXXX XXXX 2035

EXPIRATION
☒ DATE
 CHECKED

06/15

SIGN HERE

X

↑ PLEASE DO NOT WRITE ABOVE THIS LINE ↑				
QTY.	CLASS	DESCRIPTION	PRICE	AMOUNT
1		APP FEE AMENDED WATER		300.00
		PERMIT 439B-2		
		INV. 523RC		
DATE		AUTHORIZATION		SUB
05/23/13		079926		TOTAL
REFERENCE NO.			SERVER	TAX
001				
ID-FOLIO/CHECK NO /LIC. NO STATE		REG /DEPT	CLERK	TIP
				MISC
  5462872				TOTAL
				300.00

SALES SLIP
 ORIGINAL

BANKCARD SALES SLIP 2 PT.

59082

The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

Leslie Murphy
Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Dear Leslie:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

This information is being sent to you because of Game, Fish and Parks continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

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

Dear Mr. Anderson:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

This information is being sent to you because of the Bureau of Reclamation's continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

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

Dear Mr. Schmidt:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

This information is being sent to you because of the Sanitary District's continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

Jerry Hammerquist
Rapid Valley Conservancy District
PO Box 26
Caputa SD 57725

Dear Mr. Hammerquist:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

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Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

Keith Ham
15567 Hammerquist Road
Caputa SD 57725

Dear Mr. Ham:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

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Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

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

Dear Mr. Ham:

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 439B-2 filed by Rapid City. The application proposes to amend existing water rights from the Meadowbrook gallery along Rapid Creek downstream to the Mountain View Water Treatment Plant. The public notice is scheduled to be published June 7, 2013 in the Rapid City Journal for a hearing to be held before the Water Management Board on July 10, 2013.

This information is being sent to you because of your continuing interest in Rapid Creek water right issues. If you have any questions regarding DENR's review of the application, please contact Mark Rath at (605) 773-3352.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 439B-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 Water Permit Application No. 439B-2, City of Rapid City, c/o Terry Wolterstorff, Public Works Director, 300 6th Street, Rapid City SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 439B-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. City of Rapid City shall report annually the amount of water diverted from Rapid Creek.
2. There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior rights shall be by-passed under this permit. Water Rights covering storage of water in Deerfield and Pactola Reservoirs were acquired by United States (U.S. No. 509-2 and U.S. 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. To the extent that water is available under these contracts, it may be used under Permit No. 439B-2 to serve, replace or supplement withdrawals from natural flows of Rapid Creek, or those flows remaining (which may mean zero flows) after water is by-passed as needed for downstream prior water rights.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 28, 2013

REPORT ON WATER PERMIT APPLICATION NOS. 439B-2
CITY OF RAPID CITY
May 20, 2013

The City of Rapid City, has filed application No. 439B-2 to change the location of a Rapid Creek diversion point. Water Rights No. 431-2 and 439-2A authorize 7.72 cubic feet of water per second (cfs) from Rapid Creek located in the SE 1/4 NE 1/4 Section 9-T1N-R7E for municipal use. This application proposes to change the location of the diversion point approximately 1.76 miles downstream to the Mt. View Water Treatment Plant located in Tract 10, Tract 10A less, Lot H1 (SE 1/4 NE 1/4) Section 3-T1N-R7E. This application, if approved, does not authorize any increase in the 7.72 cfs diversion rate. The water is used for municipal, rural water system, domestic, suburban housing, commercial and industrial purposes. The proposed project is located in western Rapid City in Pennington County.

Review of the Water Sources and Existing Water Rights.

The source of water for this for this project is Rapid Creek which drains a large portion of the north central Black Hills east to the Cheyenne River. The Rapid Creek watershed above the Pactola Dam encompasses approximately 320 square miles consisting of four primary streams, North Fork and South Fork of Rapid Creek, Castle Creek, and Slate Creek. These streams flow into Rapid Creek above Silver City. From Silver City, Rapid Creek flows easterly to Pactola Reservoir. Within this watershed there are two large US Bureau of Reclamation (Reclamation) water supply reservoirs. Deerfield Reservoir impounds 15, 655 acre-feet located on Castle Creek and Pactola Reservoir impounding 55, 972 acre-feet located on the mainstem of Rapid Creek. Reclamation impounds natural flows from Castle Creek in Deerfield Reservoir and from Rapid Creek in Pactola Reservoir during the year when there is not demand for the water downstream. Reclamation has in place long term contracts for stored water in Deerfield Reservoir with the Rapid Valley Conservancy District and the City of Rapid City. Reclamation also has a contract with the City for storage in Pactola Reservoir. These contracts allow the City, the District and a few sub-contractors the ability to purchase stored water releases to supplement Rapid Creek's natural flow during times of higher demand, which are released to Rapid Creek at the Pactola outlet.

Approximately 19 miles downstream from the outlet works of Pactola Dam, the creek passes through Dark Canyon and flows over the Madison Limestone outcrop. Rapid Creek loses a portion of its flow to this outcrop with a loss threshold of approximately 10 cfs. A short distance downstream of the Madison Limestone loss zone Rapid Creek flows past a springs area collectively referred to as Jackson-Cleghorn Springs Complex that contributes flow to the creek. The Black Hills Hydrology Study conducted by the USGS in a cooperative 10 year effort initiated in 1990 with SD DENR and West Dakota Water Development District assessed water quality, quantity and distribution of surface and ground water in the Black Hills area of South Dakota. During this study the USGS analyzed the Jackson Cleghorn Springs Complex, and based upon the study, the USGS determined the springs are not resurgent springs in which Rapid Creek streamflow lost in Dark Canyon would reappear. Instead they concluded the springs

represent a regional discharge point from the Madison aquifer. The USGS estimated the spring flow from Jackson-Cleghorn Springs Complex average approximately 21.6 cfs.

On Rapid Creek between Pactola Reservoir and the confluence with the Cheyenne River there are 98 existing water rights/permits appropriating 265.42 cfs. Starting in 1991, the City of Rapid City began purchasing and transferring senior priority Rapid Creek irrigation water rights to be used as a water supply source in their municipal water supply system which includes the Meadowbrook Gallery site. In addition the City has a contract with the US Bureau of Reclamation for water use of up to 7000 acre-feet annually from Deerfield Reservoir. The City also has a water storage contract of up to 49,000 acre-feet in Pactola Reservoir.

Review of the Proposed Project

The City of Rapid City has utilized Meadowbrook Gallery as one of its primary water sources for several decades. Due to the age and condition of the collection facility at the gallery, the gallery needs to be upgraded for it to continue to be a viable water source for their municipal system. Instead the City has decided to request moving the diversion point downstream to the Mt. View treatment plant and abandon the Meadowbrook gallery. The Mountain View water treatment facility is planned for a total facility upgrade. The initial capacity of 36 million gallons per day (MGD) to meet projected 2020 demands but will be sized for expansion up to 48 MGD at a later time.

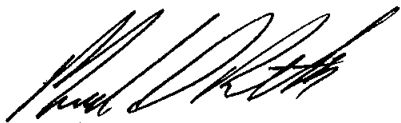
One of the issues that has been considered with Rapid Creek diversions within the city in the past is the recognized trout fishery in the reach from the mouth of Dark Canyon above Jackson Springs downstream to the eastern edge of the city limits. In 2009 as part of the upgrade of the Jackson Springs gallery collection system and the construction of a new Jackson Spring water treatment plant, the City applied for multiple water permits to meet their goals. In March 2010 the Water Management Board approved Water Permit Nos. 2642-2 and 2138A-2 with the following qualification to address minimum flow for maintaining a fishery in Rapid Creek and to minimize the time when the target flows are not being met:

Diversions under this permit are limited to natural flows that exceed 10 cubic feet per second as measured at the USGS gaging station Rapid City above Canyon Lake near Rapid City No. 06412500. During the period April 1 through September 30 when flows are between 10 cfs and 20 cfs, diversions are limited to supplemental water equal to amount released from storage through Rapid City's Deerfield and Pactola contracts with the United States Bureau of Reclamation. When flows are greater than 20 cfs, natural flow diversions are limited to the amount exceeding 20 cfs with the remainder of the diversion being released supplemental water.

Abandoning the Meadowbrook gallery and relocating the diversion point downstream on Rapid Creek would improve the flow conditions in the reach between Jackson Springs and the Mountain View treatment plant by reducing the amount of water diverted in the middle of the reach, so this proposal would be beneficial to the fishery.

Conclusions

1. The City of Rapid City proposes to move the authorize diversion point for Meadowbrook gallery downstream to the Mountain View treatment plant and abandon the Meadowbrook gallery.
2. The Mountain View water treatment facility is planned for a total facility upgrade. The initial capacity of 36 MGD to meet projected 2020 demands but will be sized for expansion up to 48 MGD at a later time
3. The source of water utilized is Rapid Creek.
4. The water will be used for municipal, rural water system, domestic, suburban housing, commercial and industrial purposes.
5. There will be no increase in the 7.72 cfs diversion rate.



Mark D. Rath

Natural Resources Engineering Specialist

References

1. Stueven, Gene. 2003. Upper Rapid Creek Watershed Assessment, SD DENR
2. Anderson, Mark T, D.G. Driscoll, J.E. Williamson. 1998. Ground Water and Surface-Water Interactions along Rapid Creek near Rapid City South Dakota. US Geological Survey, Water Resources Investigations Report 98-4214
3. Hortness, Jon E. and D.G. Driscoll. 1998. Streamflow Losses in the Black Hills of Western South Dakota. US Geological Survey, Water Resources Investigations Report 98-4116
4. SD DENR Water Rights Program files.

June 7
L20790669

**NOTICE OF HEARING ON
APPLICATION NO. 439B-2
to Amend Water Rights
No. 431-2 and 439-2A**

Notice is given that the City of Rapid City, c/o Terry Wolterstorff, 300 6th St, Rapid City SD 57701 has filed an application to change the location of the Rapid Creek diversion point. Water Rights No. 431-2 and 439-2A authorize 7.72 cubic feet of water per second (cfs) from Rapid Creek (Meadowbrook Gallery) located in the SE 1/4 NE 1/4 Section 9-T1N-R7E for municipal use. This application proposes to change the location of the diversion point approximately 1.76 miles downstream to the Mountain View Water Treatment Plant located in Tract 10, Tract 10A less, Lot H1 (SE 1/4 NE 1/4) Section 3-T1N-R7E. This application, if approved, does not authorize any increase in the 7.72 cfs diversion rate.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 439B-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Water Management Board will consider this application at 1:00 p.m. on July 10, 2013 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2013. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and

Affidavit of Publication

RECEIVED

JUN 19 2013

WATER RIGHTS
PROGRAM

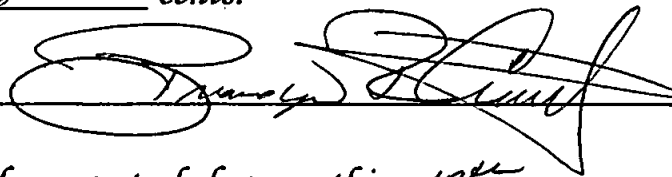
STATE OF SOUTH DAKOTA

County of Pennington

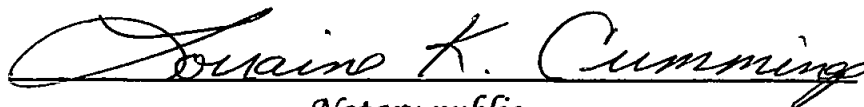
SS:

Brandyn Crawford 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 one successive week, the first publication there of being on the 7th day of June that the fees charged for the publication there of are 85 dollars and 26 cents.



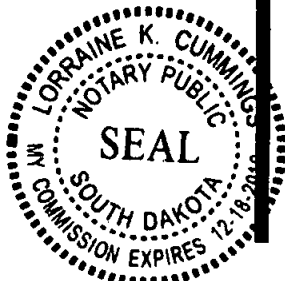
Subscribed and sworn to before me this 17th day of June, 2013.



Notary public

Dec. 18, 2016

My commission expires



other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 10, 2013 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 1, 2013. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by July 1, 2013 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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 Chief Engineer is June 17, 2013. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

(Published once at the total approximate cost of \$85.26)

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

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 30, 2013

Rapid City Journal
PO Box 450
Rapid City SD 57709

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 439B-2 to Appropriate Water. Please publish the notice once on June 7, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is City of Rapid City, c/o Terry Wolterstorff, 300 6th St, Rapid City SD 57701 (Ph # 605-394-4165).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

May 30, 2013

City of Rapid City
Terry Wolterstorff
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

Water Permit Application No. 439B-2 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper – Publish the Notice on June 7, 2013. The applicant 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 ON APPLICATION NO. 439B-2 to Amend Water Rights No. 431-2 and 439-2A

Notice is given that the City of Rapid City, c/o Terry Wolterstorff, 300 6th St, Rapid City SD 57701 has filed an application to change the location of the Rapid Creek diversion point. Water Rights No. 431-2 and 439-2A authorize 7.72 cubic feet of water per second (cfs) from Rapid Creek (Meadowbrook Gallery) located in the SE 1/4 NE 1/4 Section 9-T1N-R7E for municipal use. This application proposes to change the location of the diversion point approximately 1.76 miles downstream to the Mountain View Water Treatment Plant located in Tract 10, Tract 10A less, Lot H1 (SE 1/4 NE 1/4) Section 3-T1N-R7E. This application, if approved, does not authorize any increase in the 7.72 cfs diversion rate.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 439B-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Water Management Board will consider this application at 1:00 p.m. on July 10, 2013 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2013. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 10, 2013 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by July 1, 2013. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by July 1, 2013 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 27 2013

City of Rapid City
Terry Wolterstorff
300 6th St
Rapid City SD 57701

Dear Mr. Wolterstorff:

Enclosed is Water Permit No. 439B-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 439B-2
Upper Cheyenne River - Water District

Report of Examination of Works

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

I have on this day, 10/29/2015, made a thorough examination of the water use system constructed by City of Rapid City, 300 6th Street, Rapid City SD 57701 holder of Permit No. 439B-2, bearing the priority dates of: January 1, 1950 & May 1, 1955 (established by Vested Water Right No. 431-2) and September 22, 1956 (established by Water Right No. 439-2A), authorizing the change in location of the diversion point for Water Right Nos. 431-2 and 439-2A. Water Right Nos. 431-2 and 439-2A appropriate 7.72 cubic feet of water per second (cfs) from Rapid Creek (Meadowbrook Collection Gallery) in the SE¼ NE¼ Section 9, T1N-R7E, for municipal, industrial, commercial, common distribution system, rural water system, suburban housing and domestic purposes. This permit changes the location of the diversion point approximately 1.76 miles downstream to the SE¼ NE¼ Section 3, T1N-R7E (Mountain View Water Treatment Plant) in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Tim Weber,
City of Rapid City Interim Water Superintendent

A. Works used to divert the water:

Pumps connected to the Mountain View Water Treatment Plant.

(Pump/motor information listed on next page.)

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

City of Rapid City municipal distribution system.

The system is in the following condition good. The point of diversion is located as follows: (Mountain View Water Treatment Plant) 2280 feet south and 1170 feet west of the NE corner of Section 3, T1N-R7E (SE¼NE¼), Lat/Lon N44.075797/W-103.256411. The water system is capable of diverting and conveying to the place of use 7.72 cfs which is to be used for municipal, industrial, commercial, common distribution system, rural water system, suburban housing and domestic purposes.

Water has been put to beneficial use to the maximum extent and the license should be issued for 7.72 cfs.

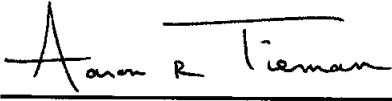
All structures, wells and lands on map: Y

Exceptions to compliance: none

Comments: There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior water rights shall be by-passed under this permit. 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. 518-2, respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States (Bureau of Reclamation). To the extent that water is available under these contracts, it may be used under Water Permit No. 439B-2 to serve, replace or supplement withdrawals from the natural flows of Rapid Creek, or

those flows remaining (which may mean zero flows) after water is by-passed as needed for the downstream prior water rights.

Applicable portions of Water Right Nos. 431-2 and 439-2A should be incorporated into this permit upon licensing.

A handwritten signature in black ink that reads "Aaron R. Tieman". The signature is written in a cursive style with a horizontal line above the name.

Aaron R Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: August 19, 2016

FIELD INVESTIGATION REPORT FOR PERMIT NO. 439B-2

DATE OF INVESTIGATION	October 29, 2015
PERMIT HOLDER NAME & ADDRESS	City of Rapid City 300 6th Street Rapid City, SD 57701
NAME OF INSPECTION CONTACT AND RELATIONSHIP TO PERMIT HOLDER	Tim Weber, (Water Production Supervisor / Interim Water Superintendent)
DIVERSION POINT LEGAL LOCATION	SE¼ NE¼ Section 3, T1N-R7E
WATER SUPPLY SOURCE	Rapid Creek

MOUNTAIN VIEW WATER TREATMENT PLANT

Pump:

- 1) Make: Peerless
- 2) Model: 258595
- 3) Capacity: 5600 GPM

Motor:

- 1) Make: GE
- 2) Model No.: 5K405DP7011B FR2G
- 3) Horsepower rating: 75 hp

Pump:

- 1) Make: Layne Bowler
- 2) Model: 14MSL
- 3) Capacity: 2780 GPM

Motor:

- 1) Make: US Electrical
- 2) Model No.: 326UP
- 3) Horsepower rating: 30 hp

Pump:

- 1) Make: Vertiline
- 2) Model: 27908
- 3) Capacity: 5560 GPM

Motor:

- 1) Make: US Electrical
- 2) Model No.: 445UPY
- 3) Horsepower rating: 60 hp

Pump:

- 1) Make: Layne Bowler
- 2) Model: 85522
- 3) Capacity: 5875 GPM

Motor:

- 1) Make: Louis Allis
- 2) Model No.: COG5B
- 3) Horsepower rating: 60 hp

Pump:

- 1) Make: Vertiline
- 2) Model: 27989
- 3) Capacity: 8000 GPM

Motor:

- 1) Make: US Electrical
- 2) Model No.: CFU
- 3) Horsepower rating: 100 hp

DISTRIBUTION LINES OR CANALS:

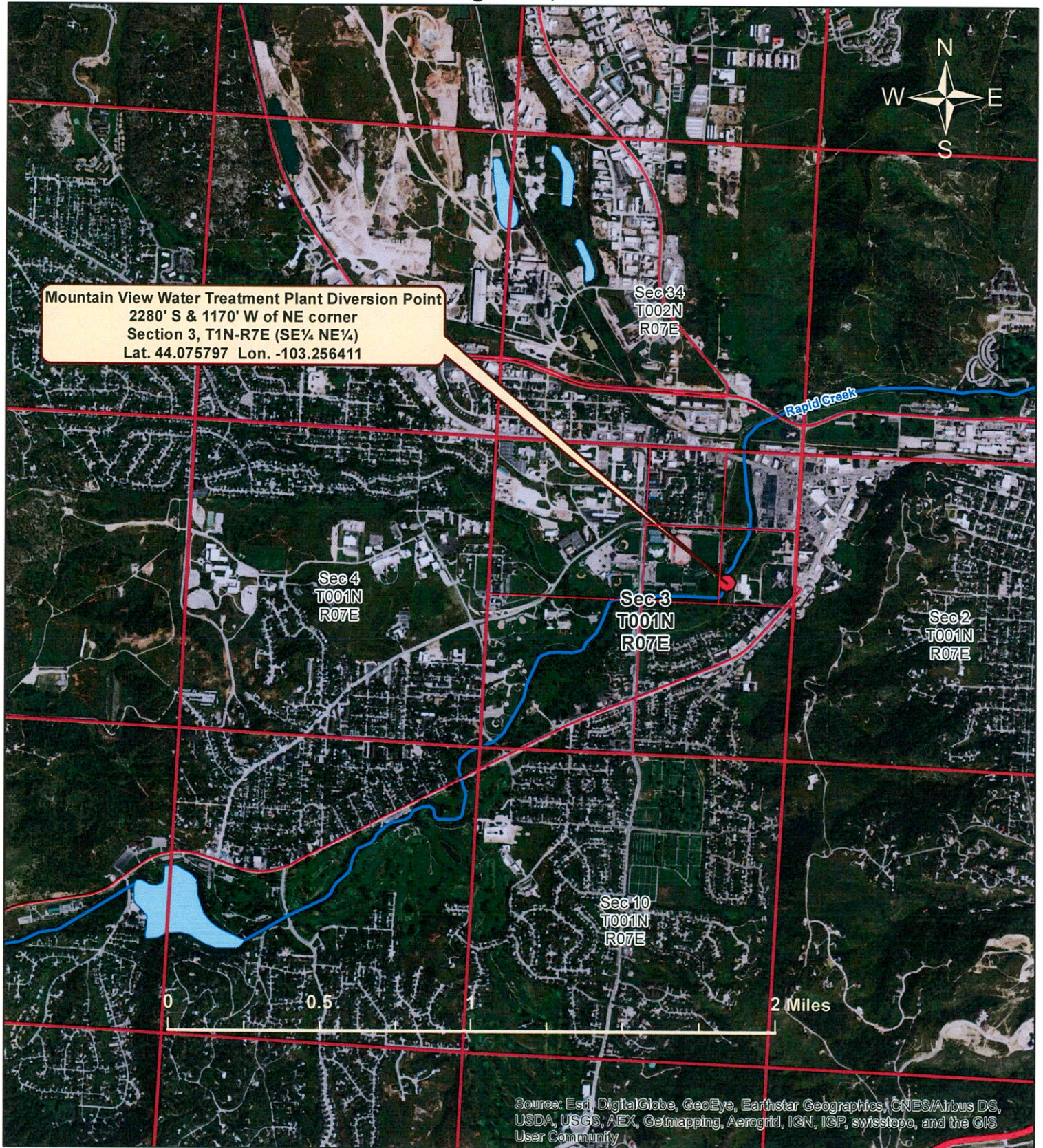
- 1) Type: Municipal distribution system

PERMIT QUALIFICATIONS:

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

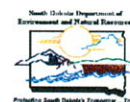
COMMENTS:

Water Right 439B-2
City of Rapid City
August 19, 2016



Aaron R. Tieman

Aaron R Tieman
Natural Resources Engineer II
DENR, Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 439B-2**

(1) The City of Rapid City, 300 6th St., Rapid City SD 57701 made Application No. 439B-2, May 3, 2013 for a water permit to change the location of the Rapid Creek diversion point described in Water Right Nos. 431-2 and 439-2A approximately 1.76 miles downstream to the Mountain View Water Treatment Plant. Water is used for municipal purposes. The water treatment plant is located in Pennington County, South Dakota. Permit No. 439B-2, with priority dates of January 1, 1950 (3.08 cfs), May 1, 1955 (3.09 cfs) and September 22, 1956 (1.55 cfs) was approved July 10, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 10, 2018.

Water Right Nos. 431-2 and 439-2A authorize 7.72 cubic feet of water per second from Rapid Creek (Meadowbrook Gallery) located in the SE ¼ NE ¼ Section 9, T1N, R7E. Water Permit No. 439B-2 changed the location of the diversion point to the Mountain View Water Treatment Plant. Water Permit No. 439B-2 did not authorize any increase in the 7.72 cfs diversion rate.

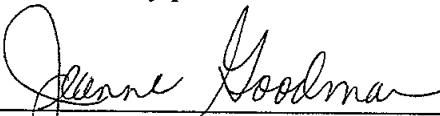
The applicable portions of Water Right Nos. 431-2 and 439-2A are being incorporated into Water License No. 439B-2. The originating priority dates of January 1, 1950 (3.08 cfs), May 1, 1955 (3.09 cfs) and September 22, 1956 (1.55 cfs) are retained.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and application of water to beneficial use and is entitled to divert 7.72 cubic feet of water per second for beneficial use. The location of the Mountain View Water Treatment Plant is 2,280 feet S and 1,170 feet W of the NE corner of Section 3, T1N-R7E (SE¼NE¼), Lat/Lon N44.075797/W-103.256411.

(3) Pursuant to South Dakota Water Law 46-5-30.1 the City of Rapid City, 300 6th St., Rapid City SD 57701 the holder and/or owner of Water Right No. 439B-2 is issued a license to appropriate water, the right to use 7.72 cubic feet of water per second from Rapid Creek (Mountain View Water Treatment Plant) with priority dates of January 1, 1950 (3.08 cfs), May 1, 1955 (3.09 cfs) and September 22, 1956 (1.55 cfs) from the location specified in (2) of this license for municipal purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 439B-2 and subject to the following qualifications:

- The City of Rapid City shall report annually the amount of water diverted from Rapid Creek.
- There are prior water rights downstream on Rapid Creek (irrigation and domestic use, including livestock watering). Natural flows of Rapid Creek as needed for these prior water rights shall be by-passed under this permit. 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. 518-2, respectively). Use of such water by Rapid City is provided by the Deerfield and Pactola contracts with the United States Bureau of Reclamation. To the extent that water is available under these contracts, it may be used under Water Permit No. 439B-2 to serve, replace or supplement withdrawals from the natural flows of Rapid Creek, or those flows remaining (which may mean zero flows) after water is by-passed as needed for the downstream prior water rights.



Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

SEP 06 2016

date



439B-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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**439B-2
RECEIVED

DEC 21 2015

WATER RIGHTS
PROGRAM

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date December 15, 2015FROM: City of Rapid City

(name)

300 Sixth Street

(address)

Rapid City

(city)

SD

(state)

57701

(zip)

(605) 394-4154

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 439B-2 states that the water use system is to be constructed by

July 10, 2018

(date)

, and water is to be put to beneficial use by July 10, 2018

(date)

The water use system was completed on August 28, 2015

(date)

Applying the water to beneficial use was completed on August 28, 2015

(date)

You may schedule an investigation so that the water license may be issued.

Dan M., Interim Public Works Director
City of Rapid City.

