

No. 204-2
 Water Division No. 2 Rapid Creek District
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

FROM AN ALTERNATE POINT OF DIVERSION

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

1. Name of applicant Cleghorn Springs Water Users Association
1717 Fremont St.
 Postoffice address Rapid City, County Pennington, State South Dakota

I. If a corporation A non-profit corporation

- (a) Name of same Cleghorn Springs Water Users Association
 (b) Date and place of incorporation May 21, 1957 at Pierre, South Dakota
 (c) Amount of capital stock None
 (d) Amount paid in _____

(e) Names and addresses of directors H. A. Yeom, Pres., 1717 Fremont St.

E. L. Ingvalson, Jefferson St.; William Melvin, 3621 Jefferson St.;

Carl Schaefer, 3646 Washington St.; V. L. Rugg, 3903 Sunset Drive;

all above addresses at Rapid City, South Dakota

(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)
New roof on spring intake structure done by contract.

- (b) Cash on hand, \$ 500.00 (c) Treasury stock, \$ _____ member assessments
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ as required.

2. Name of diversion work Cleghorn Springs Pipeline (formerly known as "Soo San Line")

3. Amount of water claimed up to 0.894 cubic feet per second at peak demand

4. Source of water supply Cleghorn Springs

5. Location of point of diversion at Cleghorn Springs, located approximately 780 feet
N. 60° 46' E. from the SW corner of the
NW 1/4 Sec. 8, T. 1 N., R. 7 E., B. H. Mon bank Pennington County.

6. Annual period or periods during which water is to be used Continuously throughout the year.

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Domestic use.
Gravity Flow.

(a) Number of acres to be irrigated _____ acres

(b) Legal subdivisions to be irrigated now served. See map and cover letter.

(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.) Water is used for domestic

household use (cooking, drinking, washing), plus sprinkling of lawns and
family garden plots.

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

(a) Nature of use _____
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

* Capacity of pipeline. Computed from: H-55.3' Pipe Diam.-8" S-0.00646 ft./ft.
 L-8560' Age, 30-40 years.

Map No. 497-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structure new roof on springs intake 4,200.00 Total, \$.....

9. Description of diversion works:

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

Intake structure at Springs, plus approximately 8560 LF of 8" cast iron pipe. Existing installation.

II. Dimensions of works:

(a) Dam: Heightfeet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filledacre 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; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

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 completed years.
 12. Choice of newspaper for publication of notice of intention to appropriate
Rapid City Daily Journal, Rapid City, South Dakota

STATE OF SOUTH DAKOTA
 County of Pennington } ss.

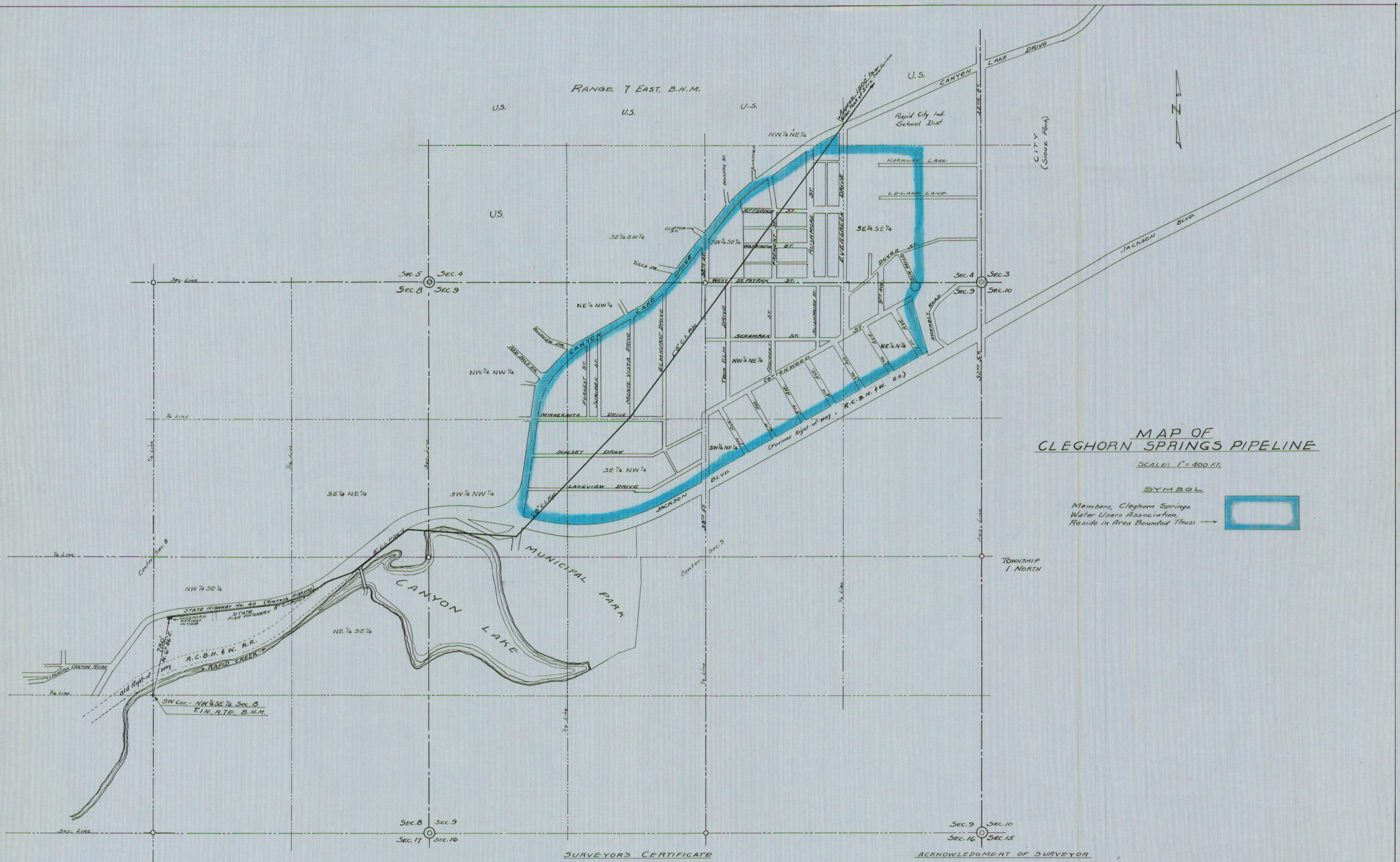
I, H. A. Yocum, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of president that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed H. A. Yocum H. A. Yocum, Pres.
Gleason Springs Water Users Assn.

Subscribe I and sworn to before me this 29 day of October 1922

Edna Stuckert
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

I, V.L. Rugg, a Registered Land Surveyor, do hereby certify that, at the request of the Cleghorn Springs Water Users Association, a non-profit corporation, I prepared the above map of the route of the Cleghorn Springs Pipeline from existing maps and records, plus field survey data obtained for that purpose; and that the above map does truly and accurately portray the route of said Cleghorn Springs Pipeline, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of October, 1958.

V.L. Rugg
Registered Land Surveyor

ACKNOWLEDGMENT OF SURVEYOR

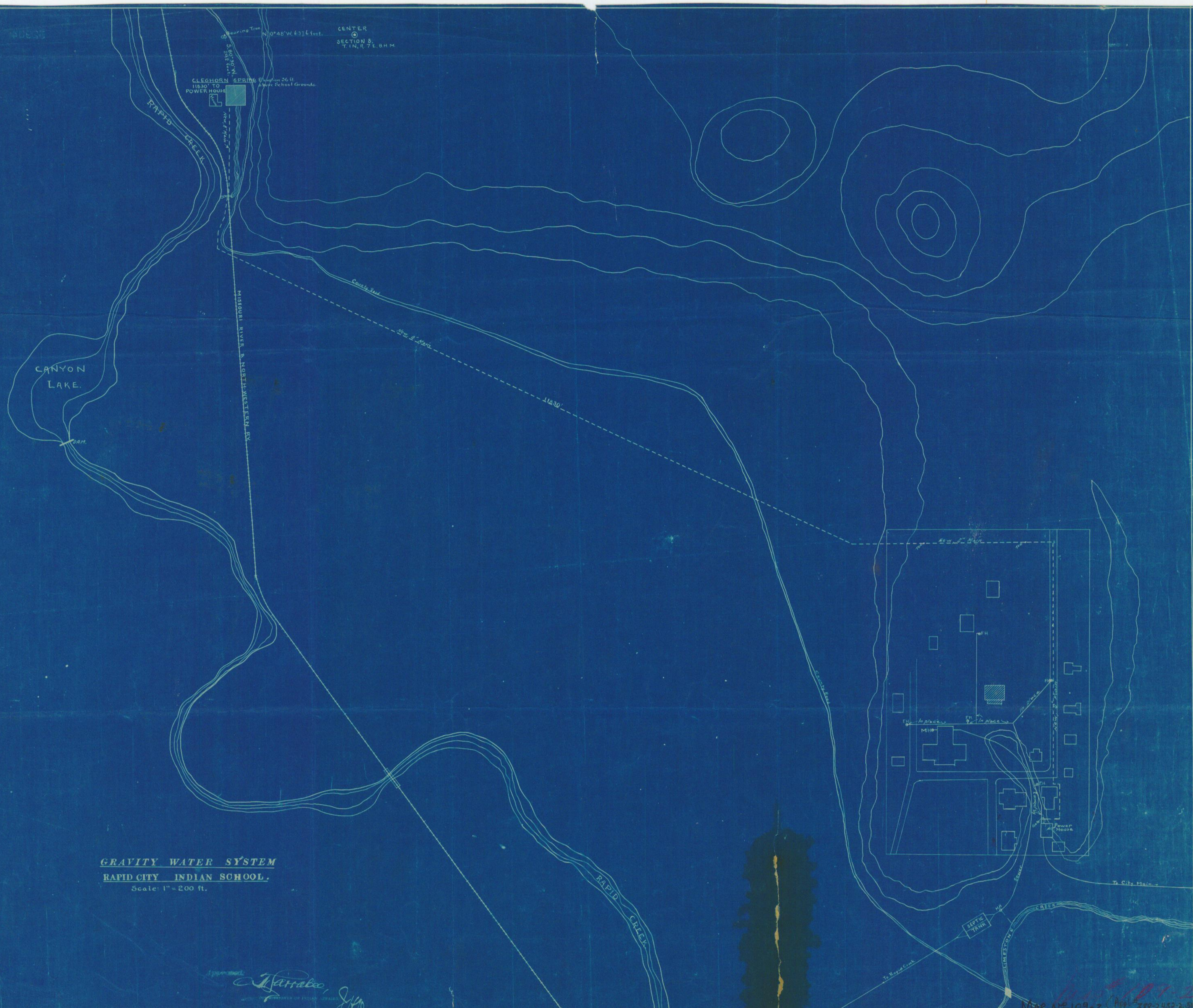
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

ON THIS DAY, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared V.L. Rugg, known to me to be the person who executed the within Surveyor's Certificate and acknowledged to me that he executed the same.

WITNESS my hand and seal this 28th day of October, 1958.
KENDALL T. ECH NISSE, Notary Public
My commission expires DEC. 20, 1960
Kendall T. Ech Nisse
Notary Public

PREPARED FOR
CLEGHORN SPRINGS
WATER USERS ASSOCIATION
STAVEN ENGINEERING CO.
RAPID CITY, S. DAK.
OCT. 1958

Map No. 497-2 (Appl. No. 504-2)



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

Approved: *Harrabee*
Supt.
Commissioner of Indian Affairs

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

A court decision in Circuit Court for the 7th Judicial District dated Aug. 5, 1901 recognizes the Bennett Right as dating from 1877 to the use of 450 miners inches from Rapid Creek, with a complex system of springs contributing to the flows. Subsequently, a portion of this right was transferred to the U.S. Government for use at the Stouxs Sanitorium through what was known as the "Soo San" pipeline. This permit is based on the release of this pipeline and of the water by the U.S. Government, and the transfer of such right to the Cleghorn Springs Water Users Association, with the priority dating back to the original Bennett right.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, November 9, 1960

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock A.m. upon the 31st day of October, 1958

State Water Resources Commission
By: Paul J. Jones
for Chief Engineer, Executive Officer

Number of permit 504-2

Date of first receipt of application October 31, 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 1877, 19—

Approved November 10, 1960, Recorded in Book 6 Page 136

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 1877

2nd. The whole of said work is ~~to be~~ completed on or before 1877

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19—

4th. The water appropriated shall be used for the purpose of SUBURBAN USE BY
Cleghorn Springs Water Users Assoc Members

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 0.89 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 domestic use of Association members was and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 10th day of November, 1960

State Water Resources Commission
By: Paul J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued November 10, 1960

Water License Issued November 10, 1960

Permit No. 504-2Water Division No. 2 Rapid Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Cleghorn Springs Water Users Associationof Rapid City, County of Pennington, and State ofSouth Dakota, the holder of Permit No. 504-2, issued upon ApplicationNo. 504-2, bearing date of priority of 1877, authorizing the diversion of0.89 cu. ft. per second of the waters of Cleghorn SpringsCounty of Pennington, State of South Dakota, at a point N 6°46' E780' from the SW corner of the NW 1/4 SE 1/4, Sec 8, T 1N R 7E, for suburban use

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are **recognized as** satisfactory

~~XXXXXX~~ for diverting and conveying to the place of intended use _____ cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows:

to wit: suburban domestic use by the members of the Cleghorn Springs

Water Users Association.

Witness my hand this 10th day of November A. D. 1960

State Water Resources Commission

By:

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

STATE OF SOUTH DAKOTA

WATER LICENSE No.. 50472....

WHEREAS, On the 31st day of October A. D. 1958
the Cleghorn Springs Water Users Association
 of Rapid City County of Pennington and State of
South Dakota duly made application (No. 504-2) to us for a permit to use 0.39
 cubic feet per second of the waters of Cleghorn Springs
 County of Pennington, State of South Dakota, for domestic
 purposes: and

WHEREAS, On the 10th day of November A. D. 1960
Permit No. 504-2 was issued to said applicant for the diversion of said water, and recognizing the
completion of the works of diversion therein described XXXXXX
XXXXXX and for the application to beneficial use of said
water XXXXXX
and,

WHEREAS, On the 16th day of June A. D. 1959
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.89
cubic feet per second of said waters, as evidenced by our Certificate No. 504-2
dated November 9, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 0.89 cubic feet per second of water, with date of
priority of 1877 and,

WHEREAS, On the 16th day of June A. D. 1952
proof was duly made of the application to beneficial use of 0.89 cubic feet per second of said water;
to be used for domestic purposes by members of the Association

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the Cleghorn Springs Water Users Association
of Rapid City the holder and owner of said permit No. 504-2
a water right, dating from 1877 to the use of 0.89
cubic feet per second of the waters of Cleghorn Springs
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point N 6°46' Z 780' from
the SW Corner of the NW 1/4 Sec 8, T 1N R 7E
and conducted ~~xxxxxxx~~ through the "Geo San" pipeline

for the purpose of suburban domestic 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 10th day of November A. D. Nineteen
Hundred and sixty

State Water Resources Commission

By.

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

STATE OF SOUTH DAKOTA

Water License No. -----

To -----

Source of Supply -----

County -----

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

Point of Diversion -----

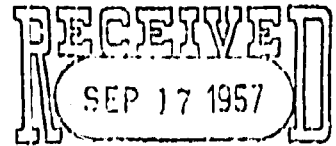
Place of Use -----

Purpose -----

Date of Priority -----

Recorded -----

In Book ----- of ----- Page -----



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

P. O. Box 508

September 14, 1957

Mr. Charles E. Carl
Director, Division of Sanitary Engineering
South Dakota State Department of Health
Pierre, South Dakota

RE: New Roof, Cleghorn Springs Intake Structure
Rapid City, South Dakota

Dear Mr. Carl:

During the month of August, last, a meeting was held at the Sioux Auditorium in Rapid City to discuss the issuance of a permit by the Federal Government to an association, whose members currently use water from the Cleghorn Springs, to allow the said association to install a new roof on the existing intake structure at Cleghorn Springs. Among many others at that meeting were Mr. J. Darrell Baaken and Mr. M. O. Nelson, of Rapid City, as representatives of the State Department of Health. The County Health Department was represented by Mr. Harlan Stricklett.

In essence, the water users were simply asking permission to install a new roof over the present structure at their own expense. This request was prompted by the belief that the installation of a new roof would be accomplished more expeditiously by this course of action than by requesting the Government to install the same; especially since custody of the property may be in transition from one Federal agency to another. The imminent danger of collapse, due to advanced dilapidation of the present roof, lends especial urgency to the situation.

The meeting was conducted by Mr. Kenneth R. Miller, Executive Officer, Indian Health Area Office, 422 1/2 South Main St., Aberdeen, South Dakota. He stipulated that, as a prerequisite to further consideration of such a permit, the water users association would be required to submit plans and specifications for the proposed new roof to the State Department of Health for approval; which is a fitting and proper obligation. Many other related side issues were discussed at the meeting, but the present and most urgent issue is to get an adequate roof on the existing concrete foundation and sidewalks (which, incidentally, are in good shape) before the old roof falls into the spring pool, of its own weight.

Accordingly we, as Engineer for the Cleghorn Springs Water

Users Association, submit herewith four sets of the plans and specifications for the proposed roof. It is requested that you review the same and, if approved, that you send two stamped "Approved" copies of the same to Mr. Miller at Aberdeen for his use in further processing the request for a construction permit, returning one copy to us for transmittal to our client, as is your usual procedure.

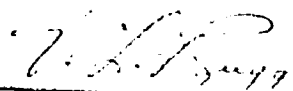
As you may note from the plans a standard prefabricated steel roof is contemplated, this choice being made for three reasons: (1) it is adequately designed, (2) readily available in "package" form and (3) will require a minimum of supervision during construction. The Association, through its Executive Committee, will negotiate the necessary construction contracts, retaining this firm only in a consulting or supervisory capacity during construction; hence, the absence, in these specifications, of the "Notice to Contractors", "Information for Bidders", "General Conditions" and other standard sections normally included in sets of specifications prepared by this firm for municipalities, etc., or construction of a sizeable scope for private clients.

In view of the circumstances, we respectfully ask that you handle this matter at your earliest convenience. Any correspondence with the Association should be addressed to:

Mr. H. A. Yocum
Chairman, Executive Committee
Cleghorn Springs Water Users Association
1717 Fremont Street
Rapid City, South Dakota

Very truly yours,

STAVEN ENGINEERING COMPANY

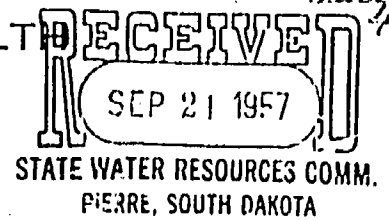


V. L. Rugg
Office Engineer

VLR:lms
Encl

cc: Kenneth R. Miller
H. A. Yocum
W. O. Nelson
Harlan Stricklett
J. W. Grimes

SOUTH DAKOTA
STATE DEPARTMENT OF HEALTH
PIERRE



September 23, 1957

C Mr. H. A. Vocam
Chairman, Executive Committee
Cleghorn Springs Water Users Association
1717 Fremont Street
Rapid City, South Dakota

In reply
refer to: Rapid City 5.2

Dear Mr. Vocam:

O Receipt is acknowledged of four sets of plans and specifications for construction of a new steel roof on the existing Cleghorn Springs structure. These documents were prepared by your consulting engineer, Staven Engineering Company, and were submitted for our review and approval in accordance with State law and the regulations of this Department.

P Please be advised that the design features of the proposed steel roof are in accordance with the minimum sanitary requirements of this office.

P We again wish to emphasize the statement of our representatives at the August 7, 1957 meeting; i.e., that this letter is *not* our approval for the sanitary features of the entire Cleghorn Springs water system. Continuous chlorination, an enclosing fence and possibly distribution system repairs will be necessary for overall approval of the entire system.

Y However, it was understood by all at the meeting that your Association was only seeking approval for construction of a new roof. As stated above, the proposed roof design is satisfactory from our viewpoint.

Two copies of the approved design documents are being sent to the Indian Health Area Office, PHS as per your engineer's request, one copy is being retained for our files, and the fourth copy is being returned to your consulting engineer with the request that it be delivered to you.

Very truly yours,

Charles E. Carl
Charles E. Carl, Director
Division of Sanitary Engineering

JDB:eu

COPY

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

Washington, D. C.

March 17, 1958

Mr. Herbert Yocam, President
Cleghorn Springs Water Users Assn.
1717 Fremont Street
Rapid City, South Dakota

Dear Mr. Yocam:

First, I want to thank you for your letter of March 12 advising me of developments that are coming up out there. Also, want to assure you that I am keeping in constant touch with the Public Health Service as to the status of Cleghorn Springs, and as to what action we can take to expedite the disposal of the Springs to your Association.

Just finished talking with the Public Health Service and they informed me that although Mr. Miller of the Aberdeen office has recommended that the Springs be declared surplus, the Public Health Service has not yet declared Cleghorn Springs surplus because they are awaiting some technical details from Aberdeen. Before it can be declared surplus they have to know how many feet of transmission line, area, etc., is involved.

I am advised that as soon as these technical details are cleared up the Springs will be transferred to the General Services Administration for disposal. At that time I will, of course, strongly urge and recommend that GSA transfer the Springs to your Association. I assure you that I will do my very best to have GSA transfer the Springs to the Cleghorn Water Users Association; however, under the laws governing the disposal of surplus property, GSA is not obligated to transfer surplus property to any particular party or group. I would, therefore, recommend that you do not start construction of the new roof until we have definite assurance that your Association will get the Springs.

At this point, there is no further need for you to contact Mr. Miller in regard to construction plans. Now only the State Department of Health has jurisdiction on the acceptable type of construction and Mr. Carl of that Department has written that he has submitted the approval of the alternate plan to you.

At the present time the office to contact in regard to any phase of the disposal of the Springs is CHIEF - DIVISION OF ADMINISTRATIVE SERVICES, PUBLIC HEALTH SERVICE, O.S.G., ROOM 4073, H E W BUILDING NORTH, WASHINGTON, D. C.

I can readily understand your desire to eliminate as much red tape as possible and I also realize the need for quick action; however, all surplus property has to go through the same channels. Again, I assure you that I am working with the Public Health Service to transfer the Springs to GSA. When we get that done I will be right over at GSA urging that they transfer title of the Springs to you.

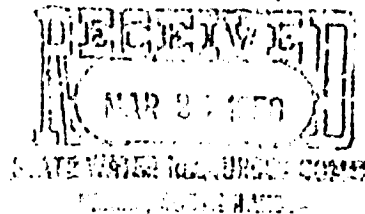
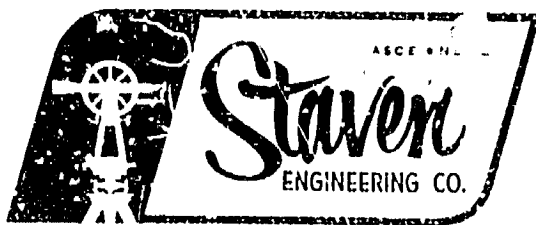
Again I want to thank you for keeping me up-to-date from that end, and I will continue my daily contact with the Departments here. Be sure to let me know if there are any further details that need clearing up, or if there is anything I have overlooked.

With kindest personal regards and best wishes, I am

Sincerely yours,

E. Y. BERRY

eyb-a



P. O. Box 508

1717 WEST ST. JOE • PHONE FI 3-0222 • RAPID CITY, SO. DAK.

March 21, 1958

Mr. J. W. Grimes, Chief Engineer,
S. D. Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

This letter is simply for the purpose of briefing you on events that have transpired relative to the cooperative effort of a group of Cleghorn Springs water users here to get a new roof on the intake structure at the Springs. Your considerate attitude toward our efforts to maintain and make more secure our water rights in the above source has brought nothing but praise and good will from our group. We certainly owe you the courtesy of keeping you advised of the developments in the matter.

Shortly after the conference held last summer at the Sioux San, at which you were present, several open meetings were held. Thereat, it was decided to organize a non-profit, cooperative association and to obtain a State charter as such; then to conduct an organized survey of, and fund drive among, the current water users. This was accomplished, although it took much longer than anticipated in the beginning. We received a revocable permit from the District Health Office, Indian Affairs, at Aberdeen, South Dakota, stipulating various conditions of acceptance, all of which were agreeable to us, including the 120-day limit after acceptance by the association.

However, we wanted the money "on the table" before signing the acceptance or awarding any contract for work, for reasons that should be evident to you. Fund-raising, after the initial six or seven hundred dollars, dragged out very slowly. We had to compete with the usual other fund drives, Community Chest, Heart Fund, etc.; also Christmas and normally heavier winter living expenses. People were not watering lawns and did not appreciate the water so keenly as in summer. That we raised enough money at all was due to the tireless work of Mr. Yocam and his team of "legmen".

To ease the pain, so to speak, we re-designed the roof to a simplified, single-pitch structure; maintaining the sanitary feature of all-steel-and-concrete construction tightly sealed down to the old foundation and by doing this, got the cost down to where we can now pay for it. This alternate plan was approved by the State Department of Health under date of March 6, 1958.

At once Mr. Yocam contacted Mr. Miller, Indian Health Office at Aberdeen, to advise him that at last we were ready and able to do business. We were advised by him that (about) January 30, 1958, the Aberdeen office had transferred custody of the water installation to their Washington, D. C., office with the recommendation that this property be declared surplus to the needs of the PHS and the Bureau of Indian Affairs. He also advised us that he could not activate the construction permit since it was now out of his hands. We were somewhat taken aback at this, since he had promised to notify us immediately in the event of such transfer.

Not being too familiar with the bureaucratic maze through which the matter might be channeled, we again wrote to Honorable E. Y. Berry, who has already helped us so much, at the same time giving him a complete run-down on all events to date. Enclosed herewith is a copy of his reply.

He speaks of conveying "the Springs". Of course, we know that the Springs (or water therefrom) is allocated by the State of South Dakota in accordance with state laws pertaining thereto and any water therefrom, surplus to our beneficial use, may be re-allocated. As we understand it, the only property conveyable would be the intake structure, the pipeline and appurtenances and, possibly, the easements or other hereditaments pertaining to the same. Which would come in handily, to say the least. We are, therefore, following Mr. Berry's advice in the matter of holding up construction, for the time being, until the picture clarifies somewhat.

The old roof, by some minor miracle, still stands although some of the trussed members are failing fast. We had the foresight to install a metal hood, with fine bronze screen, over the end of the intake pipe last Fall, as a precautionary measure to keep rubbish out of the pipeline in case the roof fell in.

We are planning a map showing the location of the intake structure and the route of the 8-inch G.I. water line, this showing the extent of the construction conveyable by the GSA. On this, by different symbol, will be shown the smaller lines installed by private initiative

and the properties now being served from Cleghorn Springs. Our original purpose in this was to furnish Mr. Berry with a bit of definitive evidence which may help him to demonstrate to the GSA that this Association would be the most logical (and probably the only) "party or group" able to utilize the installation.

It struck me that this map could also serve a dual purpose; that the original, on linen, with a print of the same, might make a most suitable map to accompany the application of the Association for permit to divert a specific portion of the water granted in the original right from a different point, and conveyed by a different route, than those described in the old basic water right.

We have not forgotten your advice to us on that day of the conference at the Sioux San. The executive committee has felt that the primary objective was to get the new roof assured. With this assured, application would immediately be filed with your office in due form to divert a specified maximum amount of water, of the old original right, from the location of the present intake structure and conveyed by a pipeline located as shown in the map. The various members of the Association have not, as yet, signed over to the Association any of the water rights pertinent to their properties. Fortunately, all properties lie within the bounds of the original lands for which the old water right was granted.

We would appreciate your comment on whether or not the present individual water right holders must formally sign over, or convey, such rights to the Cleghorn Springs Water Users Association for the purposes of construction supervision and maintenance.

This has rambled on much longer than I had intended, but it does brief you on developments to date. With sincere personal regards, and thanks for past courtesies.

Very truly yours,

STAVEN ENGINEERING COMPANY

V. L. Rugg
V. L. Rugg

VLR:lmn

P.S. Enclosed is a print of the alternate roof plan referred to in this letter.

7/1/50

ARTICLES OF INCORPORATION

— II —

CLEGHORN SPRINGS WATER USERS ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, for ourselves, our associates and successors, have associated ourselves together for the purpose of forming a corporation under and by virtue of the statutes and laws of the State of South Dakota, and we do hereby certify and declare as follows:

I.

That the name of this corporation shall be CLEGHORN SPRINGS WATER USERS ASSOCIATION.

II.

That the purpose for which this corporation is formed shall be as follows:

To protect and insure continued use of water from Cleghorn Springs and what is sometimes referred to as the Sioux Sanatorium water line situated near Rapid Creek in Rapid City, South Dakota, and adjacent thereto in Pennington County, South Dakota;

To obtain, if possible, approval of said water supply from the South Dakota Department of Health;

To apply for and hold permits for as large a volume of said water from the State of South Dakota Water Resources Commission at the necessary and proper diversion points, and to apply for and obtain and hold such permits as may be necessary and expedient in connection with said water right from the United States of America;

To make such improvements, repairs and maintenance at the intake structure and source of said water as may be necessary to carry the

forementioned purposes, all for the benefit and use of the holders and users of water rights from Cleghorn Springs adjacent to Rapid Creek in Pennington County, South Dakota; and to do any and all things determined necessary for the furtherance of the purposes herein set forth

III.

The principal place of business of this corporation shall be Rapid City, Pennington County, South Dakota.

IV.

The term for which this corporation shall exist shall be perpetual.

V.

That the number of directors of this corporation shall be five, with a provision that said number of directors shall not be less than three and may be increased to seven or nine as may be provided by the by-laws of said corporation and the names and residences of those who are to serve until the election of their successors are as follows:

H. A. Yocum

1717 Fremont St.
Rapid City, S. Dak.

V. L. Rugg

3923 Sunset Drive
Rapid City, S. Dak.

E. I. Ingvalson

3539 Jefferson St.
Rapid City, S. Dak.

Carl F. Schaefer

3645 Washington
Rapid City, S. Dak.

L. William Melvin

3621 Jefferson
Rapid City, S. Dak.

whose terms shall expire on the first Tuesday in November of 1958, or until their successors are elected and qualified. That thereafter the directors shall be elected for a period of one year or until their successors are elected and qualified.

VI.

No member shall be liable for the debts of the association in any amount greater than his unpaid subscription for said membership.

VII.

That the amount of property that said corporation may own shall not exceed \$50 per member and in no event more than \$25,000, and shall be limited to improvements, repairs and maintenance to property used to protect and maintain what is known as the Cleghorn Springs water right in-take structures and distribution system connected therewith. In the event of dissolution, all of the revenues and monies remaining in the Treasury and other property belonging to the corporation, shall, after payment of all debts and liability of every kind be equally divided among such members in good standing of record on the books of said corporation at that time.

VIII.

No assessments shall be made, other than the \$50 membership charge, except such as may be made on a voluntary basis by said members and approval by two-thirds of the membership of said corporation, and as provided by the by-laws of said corporation.

IX.

That no stock shall be issued in said corporation, however, on payment of \$30, there shall be issued to only the owners and holders of water rights from Cleghorn Springs under authority derived from provisions contained in certain deeds to the government of the United States of America, and being said water line known as the Sioux Sanatorium water line situated in Rapid City and adjacent thereto, all in Pennington County, South Dakota, membership cards.

That each member shall be entitled to only one vote and such membership can be transferred only on the books of the corporation, and then only to owners of real property entitled to such voting rights. Said membership cards shall be signed by the President and Secretary of the said association, a record of which shall be kept by the corporation as may be prescribed by the by-laws of said corporation.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this 31st day of October, 1957.

s/H. A. Yocam (SEAL)
s/E. L. Ingvalson (SEAL)
s/V. L. Rugg (SEAL)
s/Carl F. Schaefer (SEAL)
s/L. Wm. Melvin (SEAL)

State of South Dakota
County of Pennington 98.

On this 31st day of October, 1957, before me, the undersigned a Notary Public in and for said county and state, personally appeared H. A. Yocam, V. L. Rugg, E. L. Ingvalson, Carl F. Schaefer, and L. William Melvin, known to me to be the persons who are described in, and who executed the foregoing instrument and severally acknowledged to me that they executed the same.

J. F. Liller
Notary Public, South Dakota

My commission expires Aug. 29, 1960.

STATE OF SOUTH DAKOTA

SS.

COUNTY OF PENNINGTON

H. A. Yocam, V. L. Rugg, E. L. Ingvalson, Carl F. Schaefer and L. William Melvin, being duly sworn, each for himself, deposes and says: That at a regularly called meeting of the Cleghorn Springs Water Users Association of Rapid City, South Dakota, on the 14th day of October, 1957, at 8:00 P. M., on due and proper notice to members of intention of said association to incorporate, a quorum of said members being present, it was voted by over two-thirds of said members present that affiants, who are and were the duly elected directors of said association, be authorized to take immediate action to incorporate the same under the laws of the State of South Dakota.

s/ H. A. Yocam
s/ E. L. Ingvalson
s/ V. L. Rugg
s/ Carl F. Schaefer
s/ L. W. Melvin

Subscribed and sworn to before me this 31st day of October,
1957.

- s/ J. F. Siler
Notary Public, South Dakota

My commission expires Aug. 29, 1960.

State of South Dakota
County of Pennington us.

H. A. Yocum and E. L. Ingvalson, being first duly sworn, each for himself, and not one for the other, deposes and says: That he is one of the persons described in, and who signed the foregoing articles of incorporation as a member of said association; that he has read said articles of incorporation, and knows the contents thereof; that the incorporators intend in good faith to form a corporation for the purpose of a lawful business, as set forth in said articles, and not for the purpose of enabling any corporation or corporations to avoid the provisions of Chapter 13.18 of the 1939 South Dakota Code, relating to unlawful trusts and combinations, and any and all laws amendatory thereto.

S/H. A. Yocum
S/E. L. Ingvalson

Subscribed and sworn to before me this 31st day of October, 1957.

S/J. F. Sieler
Notary Public

(SEAL)

My commission expires Aug. 29, 1960.

BY-LAWS
OF
CLEGHORN SPRINGS WATER USERS ASSOCIATION

ARTICLE I.

Section 1. Requirements for membership.

a. Any person, firm, association, or corporation may become a / member of the Cleghorn Springs Water Users Association, who is a owner of water rights derived from deeds to the government of the United States in connection with the use of water from what is known as Cleghorn Springs and also what is known as Sioux Sanatorium water line adjacent to Rapid City, South Dakota.

b. By payment of Fifty Dollars.

c. By agreeing to comply with and by the Articles of Incorporation and by-laws of this association and any rules and regulations adopted by the Board of Directors.

Section 2. Membership. Membership in the corporation shall be evidenced by a card designated membership card no. ____ This is to certify that _____ is a member in good standing in the Cleghorn Springs Water Users Association of Rapid City, South Dakota, and that he has paid the \$50 membership fee. Dated this ____ day of _____, 19 ____.

Cleghorn Springs Water Users Association, by _____ President,
by _____ Secretary.

Section 3. Joint membership. A husband and wife as such or as such in joint tenancy may hold one membership and the term member as used in these by-laws shall be deemed as one membership.

Section 4. Conversion of membership.

a. A membership may be conveyed to a new owner by assigning the same on the reverse side thereof, and filing the same with the Secretary of the corporation, who shall issue a new card to the assignee named therein, provided such assignee qualifies for such membership.

b. Upon the death of either husband or wife or ownership in joint tenancy transfer may be made to the survivor or surviving joint tenants on proof of death and provided that said survivor or said surviving joint tenants continue to qualify as members.

Section 5. Assessments. No assessments shall be made other than the original membership fee of \$50 except on a voluntary basis and then only after a vote of two-thirds of the members present at a regular meeting of said corporation.

ARTICLE II.

Rights and Liabilities of Members.

Section 1. Property interest of members upon dissolution. After all debts and liabilities of the corporation shall have been paid, the remaining property and assets of the corporation shall be distributed equally among the members of record.

Section 2. Non-liability of the debts for the corporation. No member or his property shall be liable for the debts of the corporation except for any unpaid portion for his subscription for said original membership of \$50.

ARTICLE III.

Meetings of Members.

Section 1. Annual meetings. The annual meetings of the members shall be held on the first Tuesday in November of each year, beginning with the year

1958, at such meeting place in Rapid City, South Dakota, as shall be designated in the notice of the meeting, for the purpose of electing directors, passing upon reports and transacting such other business as may come before the meeting. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

Section 2. Special meetings. Special meetings of the members may be called by the President, Vice-President or Secretary, or upon the written request signed by 25 members, which request shall be in writing and filed with the Secretary, and it shall thereupon be the duty of the secretary to cause notice of such meeting to be given as hereinafter provided.

Section 3. Notice of members meetings. Written notice stating the place, day and hour of the meeting, in the case of a special or annual meeting, shall be given by mail at least ten days before said meeting by depositing said mail in the United States Post Office addressed to the member at his or her address as appears on the records of the corporation with postage prepaid thereon.

Section 4. Quorum. A Quorum shall constitute 10% of the members of record.

Section 5. Voting. Each member shall be entitled to only one vote upon each matter submitted at a meeting of the members. All questions shall be decided by a vote of the majority of the members voting thereon, except as otherwise provided by law or Articles of Incorporation or these By-Laws.

Section 6. Order of business. The order of business at the annual or special meetings shall essentially follow the Roberts rules of order.

ARTICLE IV.

Directors.

Section 1. General Powers. The business and affairs of the corporation shall be managed by a board of five directors, which may be changed by a

majority vote at any regular annual meeting. In no event shall there be less than three nor more than nine directors, who shall exercise all of the powers of the corporation except as are by law, the Articles of Incorporation and these By-Laws conferred upon or reserved to the members.

Section 2. Election and tenure of office. The persons named as directors in the Articles of Incorporation shall compose the Board until the first annual meeting on the first Tuesday of November, 1958, at which time new directors shall be elected for one year or until their successors shall have been elected and shall have qualified.

Section 3. Qualifications. No person shall be eligible to become or remain a director of the corporation who is not a member and is not presently residing in the area serviced or to be served by the corporation.

Section 4. Nominations. Nominations for the Board of Directors shall be made on the floor at each annual meeting commencing with the first Tuesday in November, 1958.

Section 5. Vacancies. Subject to the provisions of these By-Laws, should any director become deceased, resign or no longer be qualified as a member, such vacancy shall be filled by the affirmative vote of the majority of the remaining directors for the unexpired portion of the term.

Section 6. Compensation. Directors shall not receive any salary for their services as directors, nor shall any officer of the corporation receive any salary or remuneration. Any expenditures for expenses or otherwise shall be approved at any annual or special meeting before being paid.

ARTICLE V.

Meetings of Directors.

Section 1. Regular and special meetings of the Board of Directors may follow the annual meetings or may be called by any two directors on ten days written notice. A majority of the board of directors shall constitute a quorum.

ARTICLE VI.

Officers.

Section 1. The officers of the corporation shall be a President, Vice-President, Secretary and Treasurer. The office of Secretary-Treasurer may be held by the same person, and he or she need not be a member.

Section 2. Election and term of office. The officers shall be elected annually at the annual meeting of the members in such manner as may be determined by a majority at said meeting. Such officers shall hold office on an annual basis or until his or her successor shall have been elected and qualified. Any vacancy may be filled by a majority of the Board of Directors for the unexpired portion of such term.

Section 3. President. The President shall be the principal executive officer and shall preside at all meetings and shall sign, with the Secretary, all membership cards, and may sign contracts, applications for permits or any other instruments authorized by the Board to be executed; and shall in general perform all duties incident to the office of President.

Section 4. Vice-President. In the absence of the President or in the event of his inability or refusal to act, the Vice-President shall perform the duties of the President and when so acting shall have all of the powers of the President.

Section 5. Secretary. The Secretary shall keep the minutes of the meetings and the books provided for that purpose, see that all notices are duly given in accordance with the By-Laws or as required by law, be the custodian

of the corporate records and the seal of the corporation, and affix the same on all documents, the execution of which, on behalf of the corporation, under its seal, is duly authorized in accordance with the provisions of these by-laws, and keep a register of the names and post office addresses of all of the members, sign, with the President, the membership cards, and in general perform all of the duties incident to the office of Secretary.

Section 6. Treasurer. The Treasurer shall have custody and charge and be responsible for all of the funds and securities of the corporation, and shall be responsible for the receipt of and the issuance of the receipts of all monies due and payable to the corporation, and for the deposit of all monies in the name of the corporation, in such bank or banks as may have been determined at any meeting of the corporation, and shall co-sign all disbursements of any funds of the corporation, along with the President, or in his absence with the Vice-President, and in general perform all duties incident to the office of Treasurer.

Section 7. Compensation. No compensation shall be paid to any of the officers of the corporation. Any expenses incurred by them shall be paid only on approval of the majority of the members at any special or annual meeting.

Section 8. Reports. The officers of the corporation shall submit at each annual meeting of the members reports covering the business of the corporation for the previous fiscal year.

ARTICLE VII.

Non-profit Operation

Section 1. Services to be performed. In carrying out the purposes of this association, for all amounts received from the membership fee or any subsequent assessments, such funds will be used only in the making of improvements and repairs and obtaining of water rights and permits that may be incident and used in connection with what is known as the in-take structure of Cleghorn Springs and distribution system in connection therewith, and what is known as the Sioux Sanatorium water line and only then insofar as funds from which members or voluntary assessments as provided for herein shall be forthcoming, and said corporation shall be strictly a non-profit corporation expending such sums as it receives only for the purposes herein set forth and as set out in the Articles of Incorporation.

ARTICLE VIII.

Disposition of Property

Section 1. The corporation may not sell, mortgage, lease or otherwise dispose of or encumber any portion of its property as a result of such improvements, repairs and maintenance to said Cleghorn Springs water right in-take structure or distribution system.

ARTICLE IX.

Seal.

Section 1. The corporate seal of the corporation shall be in the form of a circle and shall have subscribed therein the name of the association which may be abbreviated and the words "Corporate Seal, South Dakota".

ARTICLE X.

Financial Transactions.

Section 1. Contracts. Except as otherwise provided in these by-laws, the Board may authorize any officer or officers to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to special instances.

Section 2. Checks, drafts, etc. All checks, drafts or other orders for payment of money shall be signed by the President, in his absence by the Vice-President, and the Treasurer, or the Secretary-Treasurer.

Section 3. Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such bank or banks as the Board may select.

Section 4. Fiscal year. The fiscal year of the corporation shall be from November 1st to November 1st, although such year is immaterial for the reason that said corporation is a non-profit corporation.

ARTICLE XI.

Amendments.

These by-laws may be altered, amended, or repealed by a two-thirds vote of the members voting at any regular or special meeting, provided the notice of such meeting shall have contained a copy of the proposed alteration, amendment or repeal.

CERTIFICATION

Comes now the undersigned, being the duly elected, qualified and acting directors of Cloghorn Springs Water Users Association, a corporation of Rapid City, South Dakota, and do hereby certify that the within and foregoing Articles of Incorporation and By-Laws is a true copy of said Articles of Incorporation and By-Laws of said corporation as duly adopted by said corporation at a meeting called for that purpose on the 14th day of October, 1957.

S/H. A. Yocum

S/E. L. Ingraham

S/V. L. Rugg

S/Carl F. Schaefer

S/L. Wm. Melvin

Subscribed and sworn to before me this 31st day of October, 1957.

S/J. F. Sieler
Notary Public, South Dakota

My commission expires Aug 29, 1960.

(SEAL)

The undersigned notary public does hereby certify that the within and foregoing is a true and correct copy of the original on file in the Office of the Secretary of State in Pierre, South Dakota.

(SEAL)

J. F. Sieler
Notary Public, South Dakota

My commission expires Aug. 29, 1960.

AFFIDAVIT

WHEREAS, the Cleghorn Springs Water Users Association, a non-profit corporation existing under the laws of the State of South Dakota, in the City of Rapid City, South Dakota, did acquire from the United States of America under a quitclaim deed dated June 2, 1959, all the estate, right, title and interest of the United States of America in and to the Cleghorn Springs collecting basin, spring-house, right-of-way-easements, with all rights and obligations pertaining thereto; and

WHEREAS, the above transfer of title was preceded by an instrument entitled "OFFER TO PURCHASE", wherein the various properties, rights, easements and interests to be transferred, and the consideration to be paid therefor, were specifically described; and

WHEREAS, the said "OFFER TO PURCHASE", as originally drafted, included in the specification of such properties, rights, easements and interests, the following stipulation, to wit:

"4. A quitclaim conveyance of such water rights in or to the flow of water from said Cleghorn Springs, now held in the name of the United States of America, in such quantity as is now and/or has been used by members of the Cleghorn Springs Water Users Association under the terms of a prior easement agreement for domestic purposes only, as defined by the present laws of the State of South Dakota; such quantity being in the maximum amount of 500 gallons per minute"; and,

WHEREAS, a conference was held in the City of Rapid City, South Dakota, on April 25, 1959, by and between Mr. Ruby, attorney, representing the General Services Administration, and the undersigned Mr. Yocum and Mr. Ingvalson, representing the Cleghorn Springs Water Users Association, at which conference the final draft of the said "OFFER TO PURCHASE" was agreed upon and prepared, wherein the aforesaid stipulation relative to quitclaim conveyance of water rights in a portion of the flow from Cleghorn Springs, as described above, was deleted; now,

THEREFORE, WE, the undersigned, representatives of the Cleghorn Springs Water Users Association present at the above described conference held on April 25, 1959, do hereby certify that the above described stipulation relative to the conveyance of water rights in a portion of the flow from Cleghorn Springs was deleted from the list of specified properties, rights, easements and interests to be transferred from the Government to the Association and that such deletion was made at the request, and by the advice, of Mr. Ruby, representing the General Services Administration, who stated that the reason for such deletion was as follows:

The use of water for domestic purposes by the owners of lands crossed by the pipe line was a reservation in the acquisition of water rights in the springs and easement rights for the pipe line by the United States of America and, as such, became an appurtenance of the lands so crossed. Therefore, the United States of America could not quitclaim or transfer right or title to such water which

they held to be an appurtenance of said lands and, as such, not a property or right subject to disposal by the United States Government.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 16th day of June, 1959.

H. A. Yocum
PRESIDENT, CLEGHORN SPRINGS WATER
USERS ASSOCIATION

E. L. Ingvalson
MEMBER, BOARD OF DIRECTORS,
CLEGHORN SPRINGS WATER USERS ASSOCIATION

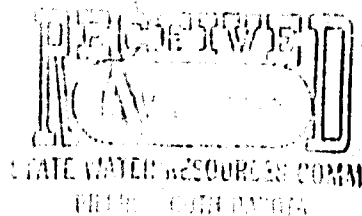
STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON) SS

ON THIS DAY, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared H. A. Yocum and E. L. Ingvalson, known to me to be the persons who executed the above instrument and acknowledged to me that they executed the same.

WITNESS my hand and seal this 16th day of June, 1959.

E. L. Rugg
NOTARY PUBLIC

My Commission Expires: June 27, 1961



432-2

November 7, 1958

Area Medical Officer in Charge
Indian Health Area Office
Aberdeen, South Dakota

SUBJECT: Final Inspection of New Roof on
Cloghorn Springs Intake Structure
Rapid City, South Dakota

Dear Sir:

In conformity with Article II of the approved Specifications for the contract covering the above work we, acting as Engineer for the Constructor (The Cloghorn Springs Water Users Association), hereby advise you that a final inspection of the work will be made on the job site at 2:00 p.m. PST on November 12, 1958.

If found by the Engineer to have been completed in satisfactory accordance with the approved plans and specifications covering the work, a Certificate of Completion will be issued by him as a prerequisite to final payment to the Contractor by the Constructor. A copy of such Certificate of Completion will be mailed, for the purpose of record, to the Indian Health Office at Aberdeen, South Dakota, and the office of the General Services Administration at Kansas City, Missouri.

After the above final inspection the Engineer will, unless advised otherwise, deliver the keys to the premises to the office of the Administrator, Sioux Sanatorium, at Rapid City, South Dakota.

Very truly yours,

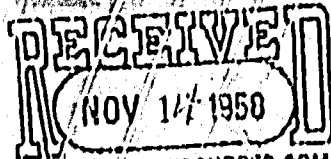
STAVEN ENGINEERING COMPANY

By

V. L. Kagg
V. L. Kagg

VLR:lmm

CC: General Services Administration, Kansas City, Missouri
Mr. Melvin Nelson, District Engineer, Dept. of Health,
Rapid City, South Dakota
S.D. Water Resources Commission, Pierre, South Dakota
H.A. Yocam, 1717 Fremont Street, Rapid City, South Dakota



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

November 13, 1958

TO: The President and Board of Directors of
Oleghorn Springs Water Users Association
Rapid City, South Dakota

SUBJECT: Certificate of Completion

PROJECT: New steel roof on existing intake structure
at Oleghorn Springs

CONTRACTOR: Davies Construction Co., Inc.
Rapid City, South Dakota

A joint final inspection of the above installation was made at 2:00 p.m. on November 12, 1958, by representatives of the Indian Health Area Office, State Department of Health, Sioux Sanatorium staff, the Contractor herein, and the undersigned, representing the Engineer for the above Association. Pursuant to the findings at this inspection,

I HEREBY CERTIFY that the above project has been completed in satisfactory accordance with the plans and specifications covering the same; that the Contractor herein is entitled to payment in full of the contract price therefor, and that the keys to the project premises were delivered to a representative of the staff of the Sioux Sanatorium.

STAVEN ENGINEERING COMPANY
Engineer

By:

V. L. Ruge
V. L. Ruge



INTER-DEPARTMENT CORRESPONDENCE

State of South Dakota



*Cleghorn
Springs W/R*

From ~~Dept. of Water Resources Commission~~ To Dept. of Max Witcher
Office of the Governor
Subject ~~Cleghorn Springs water rights~~ Date ~~August 1, 1960~~

The water rights record, covering use of water from Cleghorn Springs by the Cleghorn Springs Association, Rapid City, is substantially complete. Documents have not been issued pending clarification of technical details with the Association's engineer, Mr. Vic Rugg. Mr. Rugg is being contacted.

It is not anticipated that any serious complications will be encountered and the water right documents can be issued soon.

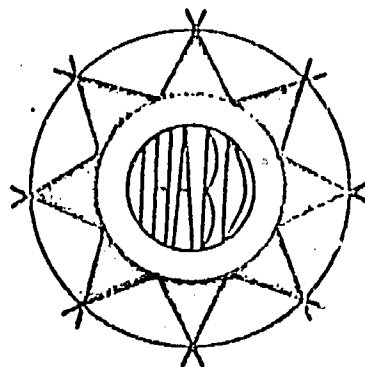
J. W. GRIMES, Chief Engineer

12

INDIAN HEALTH ADVISORY BOARD
OF DIRECTORS

RAPID CITY, SOUTH DAKOTA 57701

April 25, 1973



RESOLUTION NO. 73-10

- WHEREAS, the Bureau of Indian Affairs did acquire two springs situated in Section 8, Township 1 North, Range 7 East, Black Hills Meridian, South Dakota, known as "Cleghorn Springs" in the year of 1906, AND
- WHEREAS, the United States has not made any disposition of the two springs since they were acquired, AND
- WHEREAS, it appears that the State of South Dakota and various private landowners known as the "Cleghorn Springs Water Users Association" may be illegally using the water from these springs, AND
- WHEREAS, the United States acquired these springs for the use of Indian people in conjunction with the Sioux Sanatorium Hospital and surrounding lands,
- THEREFORE, BE IT RESOLVED, that the Rapid City Indian Health Advisory Board goes on record as opposing the use of these springs by the State of South Dakota and private landowners.

"This resolution was proposed and adopted by a vote of 5 for, 0 against, 2 not voting, at a regularly scheduled meeting of the Indian Health Advisory Board of Directors on this 24th day of April, 1973, during which time a necessary quorum was present."

ATTEST:

Harold Janis
HAROLD JANIS, CHAIRMAN

Cecelia Montgomery
CECELIA MONTGOMERY, SECRETARY



INTER-DEPARTMENT CORRESPONDENCE

State of South Dakota



Natural Resource Development
Div. of Water Rights

State Engineer

From Dept. of _____
Cleghorn Springs Water Users Association
Subject _____

To Dept. of _____
August 21, 1973
Date _____

No. 504-2

Mr. Everett Quam
State Engineer

Dear Mr. Quam:

This office has received a letter from Mr. E. L. Ingvalson, copy enclosed, which indicates the Cleghorn Springs Water Users Association has a water shortage caused by the construction of the Department of Game, Fish and Parks Cleghorn Springs Fish Hatchery Facility.

The Cleghorn Springs Water Users Association has valid Water License No. 504-2 which authorizes the diversion of up to 0.89 c.f.s. of water from Cleghorn Springs for suburban use. Their pipeline is the only source of water for about fifty homes.

If a shortage of water does exist during the construction period, arrangements should be made so that the Cleghorn Springs Water Users Association has an adequate water supply.

Sincerely,

DONALD DRISCOLL
Chief Engineer

cc: John Popowski
Mr. E. L. Ingvalson

RECEIVED

AUG 20 1973

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Rapid City, S.D.
Aug. 18, 1973

Water Resources Commission
State Office Building #2
Pierre, S.D.

Dear Sirs:

Directors of the Cleghorn Springs Water Users Association charge that construction at the site of the state-owned Cleghorn Fish Hatchery has deprived Association members of their rightful share of Cleghorn Springs water and we request your assistance in correcting a dangerous situation.

Engineer Vinal C. Francis has agreed the low water level in the Association springhouse represents an emergency condition. However, neither state engineers, Game, Fish and Parks officials, nor the contractors in charge of construction at the hatchery have made any attempts to rectify this condition. Rather, the opposite has been the story since construction started. The construction crews have repeatedly torn up markers placed by the Association to protect our eight-inch main.

The most recent abuse by the contractors has been removal of a temporary block placed by the Association at the end of one of the collection gallery pipes in the hope that back pressure might raise the water level in the springhouse. Francis secured permission to try this--workmen ripped it out!

We have found a total lack of cooperation from the contractors and Game, Fish and Parks officials. Neither State Engineer Everett Quam, nor GF&P Secretary John Popowski have replied to our letters of protest.

Our Association directors have agreed that, if necessary, we will take legal steps to halt construction unless the situation is corrected immediately. Copies of this letter will be forwarded to the Game, Fish and Parks Department, and others. A preliminary conference with an attorney indicated that, in addition to halting construction at the hatchery, damages and compensation might be sought. The low water level in the springhouse is serious and our chlorinating plant has been rendered inoperative. We urged our members in June to hold sprinkling to a minimum.

We ask your advice and prompt assistance in this matter.

It is obvious that the state agencies and contractors involved have no intentions of altering construction plans, nor have they taken any steps to correct this situation.

Respectfully Yours,

E. L. Ingalson

E. L. Ingalson
Director, Cleghorn Springs Water Users Association

3639 Jefferson
Rapid City, S.D. 57701
Phone 342-5385

NOTICE
from
CLEGHORN SPRINGS WATER USERS ASSOCIATION

To:

Directors of the Cleghorn Springs Water Users Association at a meeting Feb. 3, 1974, decided that a flat payment of \$120 should be made by non-paying or delinquent water users to make up for past assessments and include the 1973-74 assessment— or, the lines will be cut.

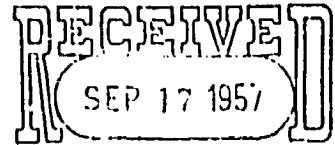
This notice, of March 5, 1974, announces the intention of the Association to take such action in your case, and the cut-off may be ordered at any time after 60 days from this date.

This action will be taken in accordance with Section 5 of the Association's By-laws which are on file with the Secretary of State and the South Dakota Water Resources Commission. Section 5 reads:

"Each user of water supplied from the Cleghorn Springs, via the pipeline owned and maintained by the Association, shall be liable to the Association for any dues and/or assessments legally adopted by a vote of the Association to finance the operation, maintenance, repair and/or future replacements in its water supply system. Water users whose payments of such dues or assessments are more than one year past due shall be notified by a notice mailed to the user's address of record, stating the delinquent amount due and payable. Failure of a water user to pay such delinquent amount within 60 days after the date of such notice will be deemed sufficient justification for terminating or severing the supply of water from the pipeline of the Cleghorn Springs Water Users Association to the property of such delinquent user. The right to enter upon private property to perform such severance is held to be a concomitant right appurtenant to the pipeline easement conveyed to the above Association by the United States Government."

Signed this Fifth Day of March, 1974, by

E.L. Ingvalson
President, Cleghorn Springs
Water Users Association



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

SPECIFICATIONS AND SPECIAL PROVISIONS FOR
NEW STEEL ROOF ON EXISTING INTAKE STRUCTURE
AT CLEGHORN SPRINGS

Staven Engineering Company
Rapid City, South Dakota

September 1957

1. SCOPE OF WORK:

The work included in this contract shall be as follows:

- (1) The demolition and removal of the present wood-framed roof over the existing intake structure at Cleghorn Springs.
- (2) The installation of a new roof on the existing concrete foundation and sidewalls of that intake structure in accordance with the plans and specifications herein.

2. OWNERSHIP OF STRUCTURE AND RIGHTS OF ENTRY:

The existing structure is presently owned by the United States Government and custody of the property is presently administered by an agency of the U. S. Government. A permit to enter upon the property for the purpose of completing the construction described above will be granted to the Constructor by the appropriate Federal agency currently charged with custody of the property as a pre-requisite to any work done under this contract. Duly authorized representatives of said Federal agency shall have the right to enter upon the property for the purpose of inspecting the materials, progress and general conduct of the work at any time. No work included in the contract herein shall be undertaken until the above permit has been issued by the appropriate Federal agency currently having custody of the property.

3. CONSTRUCTOR:

The Constructor shall be the Cleghorn Springs Water Users Association of Rapid City, South Dakota, acting through its duly authorized representatives. The Constructor shall assume, and be responsible for, all costs of the construction, proposed herein, until such construction is completed to the satisfaction of the Engineer.

4. CONTRACTOR:

The term "Contractor" shall be taken to mean any person, group or firm engaged by the Constructor to perform the work outlined herein.

5. ENGINEER:

The term "Engineer" shall be taken to mean the Staven Engineering Company of Rapid City, South Dakota, retained by the Constructor to design, inspect and supervise construction of, the above proposed work, acting through its duly authorized representatives.

6. REMOVAL OF PRESENT ROOF:

Prior to engaging in demolition operations, the Contractor shall install a screen of fine copper or bronze mesh over the present outlet pipe to safeguard against the possible entry into the pipe of any debris incidental to demolition of the roof which might obstruct the outlet pipe, or service lines extending therefrom. Obstructing trees, or branches thereof, may be cut back to allow room for succeeding operations.

The existing roof shall not be removed until all essential materials for the new roof are stored adjacent to the site, or at some other site where they will be readily available for use. The present roof shall be removed as expeditiously as feasible by the use of power equipment. All lumber, chips or other debris incidental to demolition shall be removed from the spring pool immediately after removal of the existing roof. It shall be the Contractor's responsibility to haul all from the site, and dispose of all debris resulting from such demolition.

7. PREPARATION OF WALL:

Anchor bolt holes shall be drilled in the wall to take the anchor bolts of the trussed roof beams. A template shall be used to position the holes exactly. Intermediate holes shall be drilled for anchor bolts to secure the base angle, using the appropriate section of base angle itself, as a template to secure proper bolt spacing in the event of slight variation in spacing of punched holes.

8. NEW ROOF:

The new roof shall be furnished by the Constructor. It shall be of all steel construction similar, and equal, to the standard pre-fabricated steel roof manufactured by the Butler Manufacturing Co. for installation on masonry or concrete walls; this roof being designated as Type 40-RF-3 for a building 40'x60'.

The structural members shall be assembled by bolting and/or field welding in strict accordance with the erection manual issued by the manufacturer of that particular structure. If any portion of the erection manual shall appear to be ambiguous, or susceptible of more than one interpretation, the Engineer shall decide which interpretation to follow and his decision shall be final.

Anchor bolts shall be grouted into the wall with an expanding Portland cement grout. The expansion admixture shall be "Embecco" or other similar commercial product approved by the Engineer and used in accordance with the manufacturer's instructions.

The top of the existing concrete wall shall be checked for

having a true plane surface over the area which will receive the roof beams and base angle. Slight bulges may be dressed off with a power chipper. Slight depressions may be built up by alternate applications of 90-lb. roofing embedded in a pitch-base caulking compound similar, and equal, to "Barrett's P-B Caulking Compound", a mastic, non-hardening material. Such build-up shall not exceed 3/8-inch in thickness at any one place.

The top of that portion of the concrete wall under structural members shall be given a heavy coating of the caulking mastic, into which shall be pressed a layer of 90-lb. roofing. A heavy coating of mastic shall be given the top of the roofing and the under side of the structural steel members which shall then be bolted down snugly to the wall. The coat of mastic should be sufficiently heavy that it will extrude from under the steel under bolting pressure, so that moisture from condensation cannot collect under any steel member.

The galvanized metal sheeting shall be attached to the completed steel frame with special care to use the lead or neoprene washers furnished by the manufacturer for this purpose.

9. PAINTING:

Galvanized sheet metal need not be painted. The structural steel framing shall be thoroughly cleaned of rust, dirt, grease or welding scale before painting, and shall be completely free from moisture or frost. Painting shall not be done until the framing is fully assembled, so that exposed bolt threads will be coated. Structural steel shall be given one prime coat of Inertol Primer No. 626, or equal, and one finish coat of Inertol No. 55, or equal; these coatings conforming to A.W.W.A. Specifications for painting interior surfaces of steel reservoirs.

10. CLEANUP:

The Contractor shall clean up the job site after completion, removing and disposing of all rubbish and debris incidental to construction.

11. FINAL INSPECTION:

A final inspection of the completed construction shall be made by the Engineer and, if the same is found by him to have been completed in satisfactory accordance with these plans and specifications, a "Certificate of Completion" will be issued by him as a pre-requisite to final payment to the Contractor by the Constructor.

The Engineer shall give due notice of the proposed date of such final inspection to the Federal agency currently having custody of the property, State and County Health Departments and the State Water Resources Commission.

Cleghorn Springs Water Right

Original point of diversion on Bennett right was the "Point of Rocks," located approximately $S 70^{\circ} W$ 350' from the $E \frac{1}{4}$ Corner Sec 8, T 1 N, R 7 E, which was the confluence of the flows from Cleghorn Springs with Rapid Creek. In 1912 or 1913 a low dam was built and inundated the "Point of Rocks," resulting in the moving of the headgate of the Bennett ditch to a point approximately $S 74^{\circ} E$ 800' from the $W \frac{1}{4}$ Corner Sec 9, T 1 N, R 7 E. In 1927 or 1928 the dam was reconstructed to form Canyon Lake and the headgate was installed at its present site this point being $N 82^{\circ} E$ 1450' from the $W \frac{1}{4}$ Corner Sec 9, T 1 N, R 7 E. Water is delivered through ditch to members of the Cleghorn Springs Water Users Association.

The Association also has acquired from the U.S. Government an 8" pipeline formerly used to deliver water to the Soo Sanitarium. Intake for the pipeline is at the site of Cleghorn Springs, a point $N 6^{\circ} 46' E$ 780' from the SW corner of the $NW \frac{1}{4} SE \frac{1}{4}$, Section 8 T 1 N R 7 E.

Water Right Lic No 504-2
contains a part claim deed
(photo copy) of the land, the
G. S. A. transfer to the
C. O. of the Water Users Assoc.
it interest in pipeline building
etc. and maybe transfer
the water right to the
State of South Dakota.
(Transfer of WR to S. D. is
certainly the intent)

Johnny Springs Water Users Assoc

Designed priority date

Water License No. 504-2

Diversing rate 0.89 c. f. s.

1877

State of South Dakota

Department of Game and Fish Parks

Water License No 388-2

Diversing rate 6.18

Priority date

Doing irrigation system 1877

Remainder of year 1878



F-SD-444
 Pennington County
 South Dakota

QUITCLAIM DEMD

WHEREAS, on July 23, 1906, the UNITED STATES OF AMERICA acquired from George P. Bennett and his wife, Alma L. Bennett, an undivided $\frac{3}{4}$ interest, and on September 20, 1906, the UNITED STATES OF AMERICA acquired from Lucinda C. W. Cleghorn, a single person, an undivided $\frac{1}{4}$ interest in and to 2 certain springs, one known as the "Big Spring" on the south side of Rapid Creek, near where the Hooker House formerly stood, and the spring just west of the Lucinda C. W. Cleghorn Residence in the old bed of Rapid Creek, being known as the Cleghorn Springs, situate in Section 8, in Township 1 North of Range 7 East of the Black Hills Meridian in Pennington County, South Dakota, together with certain right-of-ways for the purpose of laying and constructing a line of conduit pipes from said 2 springs to such place as may be determined by the UNITED STATES OF AMERICA, and also the right to go on said right-of-ways at any time to repair said pipe lines or renew the same when necessary and to erect walls and fences on said right-of-ways around said springs and the pools into which they flow for the protection of said springs; and

WHEREAS, there was reserved in the above conveyance of September 20, 1906, that Lucinda C. W. Cleghorn shall have the privilege of tapping any pipes or mains that may be so constructed by the UNITED STATES OF AMERICA or its assigns, from said springs or either of them, and to use the water therefrom for domestic purposes only on the irrigated lands owned by Lucinda C. W. Cleghorn lying adjacent to the lands upon which the said springs are located, and this reservation shall be a perpetual charge upon said water and forever pass with and be appurtenant to the lands owned by Lucinda C. W. Cleghorn; and

WHEREAS, the UNITED STATES OF AMERICA constructed certain buildings, enclosures, and improvements in and around said springs and a conduit pipe line leading from the springs to the boundary of the Sioux Sanatorium; and

WHEREAS, it is now desired that the UNITED STATES OF AMERICA sell and convey its rights and interest in and to said property and improvements by conveying all its water rights to the State of South Dakota and by selling and conveying all of its remaining property and interest therein to the Cleghorn Springs Water Users Association;

NOW, THEREFORE;

THIS INDENTURE, made the 2nd day of June, 1959, by and between the UNITED STATES OF AMERICA, acting by and through the Administrator of General Services, under and pursuant to the powers and authority contained in the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), and regulations and orders promulgated thereunder, party of the first part, and Cleghorn Springs Water Users Association, a non-profit corporation existing under the laws of the State of South Dakota, in the City of Rapid City, South Dakota, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Seven Hundred Fifty and 00/100 Dollars, (\$750.00), to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, hereby conveys and quitclaims to the said party of the second part, its successors and assigns, all of its interests in the following described property situate in the County of Pennington, State of South Dakota, to-wit:

Those certain appurtenances of Cleghorn Springs situated in and upon the NW¹/₄ of the SE¹/₄ of Section 6, Section 9, Section 4, Township 1 North, Range 7 East of the Black Hills Meridian in said county and state being:

All of the Government's interest in the existing Spring-house No. 37, Collecting Basin, and the pipe line leading from the springs to the boundary of the Sioux Sanatorium; also the right-of-way upon which the existing line of conduit pipe is located and also the right to go on said land and premises to repair, remove or renew said pipe line when necessary and to erect walls and fences on said land around said springs and the pools into which they flow for the protection of said springs including no more land within said walls or fences than is necessary for the protection of said springs, subject to the rights of others and reservations herein mentioned.

The property transferred hereby is transferred subject to all taxes lawfully accrued and unpaid and all special taxes and assessments, which party of the second part further assumes and agrees to pay, and subject to all, if any, existing easements, licenses, permits and grants for roads, streets, highways, rights-of-way, public utilities, pipe lines, water lines, sewers, ditches, transmission lines, coal or mineral rights, reserved to or outstanding in third parties in, on, over or across said property.

The property is further subject to all reservations reserved in deed dated September 20, 1906, by Lucinda C. W. Cleghorn and deed dated this date to the State of South Dakota.

The party of the second part agrees to hold the Government harmless from any liability arising from use for human consumption of the water from the water facility herein conveyed.

The property transferred hereby was duly determined to be surplus and was assigned to the General Services Administration for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), and applicable rules, orders and regulations.

TO HAVE AND TO HOLD, the foregoing described premises, with the appurtenances therunto belonging, and all the estate, right, title and interest of the party of the first part therein unto the said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA has caused these presents to be executed in its name by Thomas G. Jay, Regional Commissioner, General Services Administration, Region 6, Kansas City, Missouri, and the seal of General Services Administration to be hereunto affixed as of the day and year first above written.

WITNESSES:

UNITED STATES OF AMERICA
ACTING BY AND THROUGH THE
ADMINISTRATOR OF GENERAL SERVICES

BY

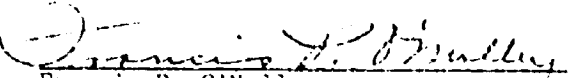
Thomas G. Jay
Regional Commissioner
General Services Administration

ACKNOWLEDGMENT

STATE OF MISSOURI)
)SS
COUNTY OF JACKSON)

I, Francis P. O'Malley, a Notary Public in and for said State and County aforesaid, do certify that on the 2nd day of June, 1959, before me appeared Thomas G. Jay, who executed the foregoing deed, to me personally known, and known to me to be the Regional Commissioner, General Services Administration, Region 6, Kansas City, Missouri, who being by me duly sworn, did say that he is such Regional Commissioner, and that he signed his name and affixed the seal of the General Services Administration to said deed in pursuance of proper authority, and that said deed was signed and sealed by him as such Regional Commissioner on behalf of the UNITED STATES OF AMERICA; and that said Thomas G. Jay acknowledged the execution of said deed to be his free act and deed as such Regional Commissioner and free act and deed of the UNITED STATES OF AMERICA by the Administrator of General Services, and the free act and deed of the General Services Administration, acting for the UNITED STATES OF AMERICA and that the seal affixed to said deed is the official seal of the General Services Administration.

IN WITNESS WHEREOF, I hereunto set my hand at Kansas City, Missouri, in the County and State aforesaid, on the date last above written.


Francis P. O'Malley
Notary Public

My Commission Expires:
10/31/60

3329

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON)SS
Filed for record this 8 day of
June A.D. 1959 at 3 o'clock
and 30 minutes P.M., and recorded in
Book 123 page 513 of Deeds
Records Madell F. Scott
Register of Deeds
By..... Deputy

-3-

RECORDED
INDEXED

Fee \$ 2.40

SOUTH DAKOTA

VESTED WATER RIGHT NO. 504-2

Date of Receipt of Claim October 31, 1958.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 504-2 for the Cleghorn Springs Water Users Association, 2109 Monte Vista, Rapid City, South Dakota 57702 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 504-2 appropriates 0.89 cubic feet per second of water from Cleghorn Springs located in the NW1/4 SE1/4 Section 8, T1N, R7E.
2. The appropriated water is used for supplying water for the members of the Cleghorn Springs Water Users Association and may not exceed the amount of water needed for beneficial use for suburban domestic purposes.

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

3. The priority date of the Vested Water Right is: January 1, 1877
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAR 16 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

504-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 16 1993

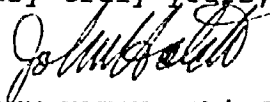
Cleghorn Springs Water Users Association
2109 Monte Vista
Rapid City SD 57702

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 504-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,


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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 2004

504-2

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

Dear Mr. Wagner:

I am writing in regard to Vested Water Right No. 504-2 listed in the name of Cleghorn Springs Water Users Association. I have included a copy for your records.

Mark Rath, with our program, indicated he would be working with the city towards filing an application for a change of use from rural water system to municipal use. Prior to that process, the vested right should be transferred to the city.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with us.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 504-2
Date: Sept. 7, 2004

I/We request that Vested Water Right No. 504-2

formerly owned by: Cleghorn Springs Water Users Association

be transferred to: (name & address) City of Rapid City, 300 6th Street,
Rapid City, SD 57701
Telephone No. 605-394-4162

Title to the following described land(s)/property has been transferred as described above:

(diversion point location) NW ¼ SE ¼ Section 8, T1N, R7E

I/We understand that the validity of Vested Water Right No. 504-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

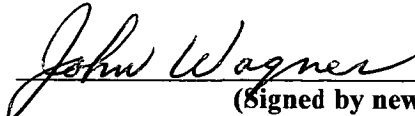
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We City of Rapid City, the new owner, certify that the above information is true and correct.

RECEIVED

SEP 22 2004

WATER RIGHTS
PROGRAM

 Water Superintendent
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date SEPTEMBER 22, 20 04

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>504-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

11402

By

Darlene E. Eide

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 2004

504-2

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

RE: Vested Water Right No. 504-2 – Cleghorn Springs

Dear Mr. Wagner:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee for Vested Water Right No. 504-2. The transfer has been completed and the vested right formerly listed in the name of Cleghorn Springs Water Users Association is now held by the City of Rapid City.

Enclosed is Receipt No. 001422 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please get in touch with us.

Sincerely,

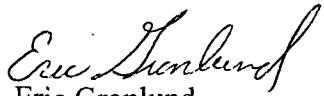
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOTE:

504-2

Water Permit No. 504A-2 effectively incorporated Vested Water Right No. 504-2 while retaining the 1877 priority date at a new diversion location and for municipal use by the city of Rapid City.

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program, DENR
April 28, 2010