

5822

1. Considered 4-6, 19leo
2. Name of Applicant Jolly Acres Country Club
3. Post Office Address Rapid City
4. Amount of water claimed 2.0
5. Source of water supply Cyclone Ditch - Rapid Co
6. Water to be used for irrigation - Club operation
Acres to be irrigated 131.88
7. Water to be diverted and used in Dakota County about
3-4 miles SE of R.C. V
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Transfer of lands to be irrigated.

500 578.2

No. 582.2

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

17 1960
8:00 A.M.

Change the point of diversion and the lands to be irrigated
To Appropriate Water within the State of South Dakota

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

1. Name of applicant ~~Jolly Iron Country Club~~ ELKS VALLEY HI
Postoffice address Rapid City County Pennington State South Dakota

I. If a corporation see water right

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract and direct labor

- (b) Cash on hand, \$ adequate (c) Treasury stock, \$
- (d) Bonds to be issued, \$ (e) Other resources, \$

- 2. Name of diversion work Existing Cyclone Ditch
- 3. Amount of water claimed 1.88 maximum allowable cubic feet per second
- 4. Source of water supply Rapid Creek
- 5. Location of point of diversion 1460' N 14° 20' W of the SE corner of Section 8 T. 14 N. R. 8 E BHM on South bank Pennington County
- 6. Annual period or periods during which water is to be used during irrigation season
- 7. To be used for:
 - I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? combination
 - (a) Number of acres to be irrigated 131.88 acres
 - (b) Legal subdivisions to be irrigated see attachment

(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.) none

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

- (a) Nature of use irrigation
Name any of the above uses claimed
- (b) Amount of power to be generated horse power
Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

Map No 545-2

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(c) Pumping, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures, \$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....

material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

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

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

Material.....

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....9.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Rapid City Journal

STATE OF SOUTH DAKOTA

County of Pennington

ss.

I, Fred Jolly, President Jolly Acres Country Club Inc.,

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

Signed

Fred H. Jolly, President

Subscribed and sworn to before me this

29th

day of

February

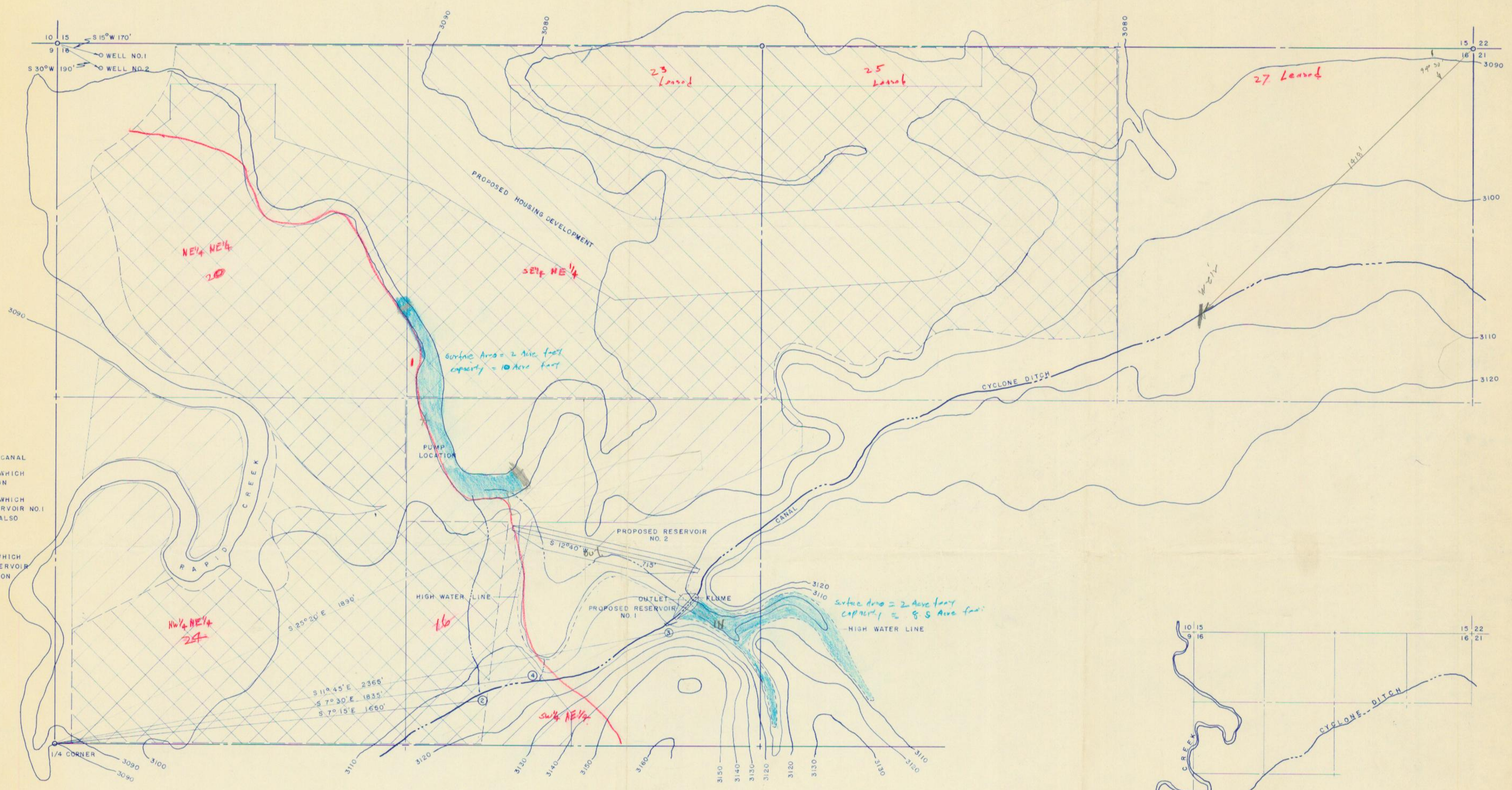
1961

Notary Public (or other qualified officer.)

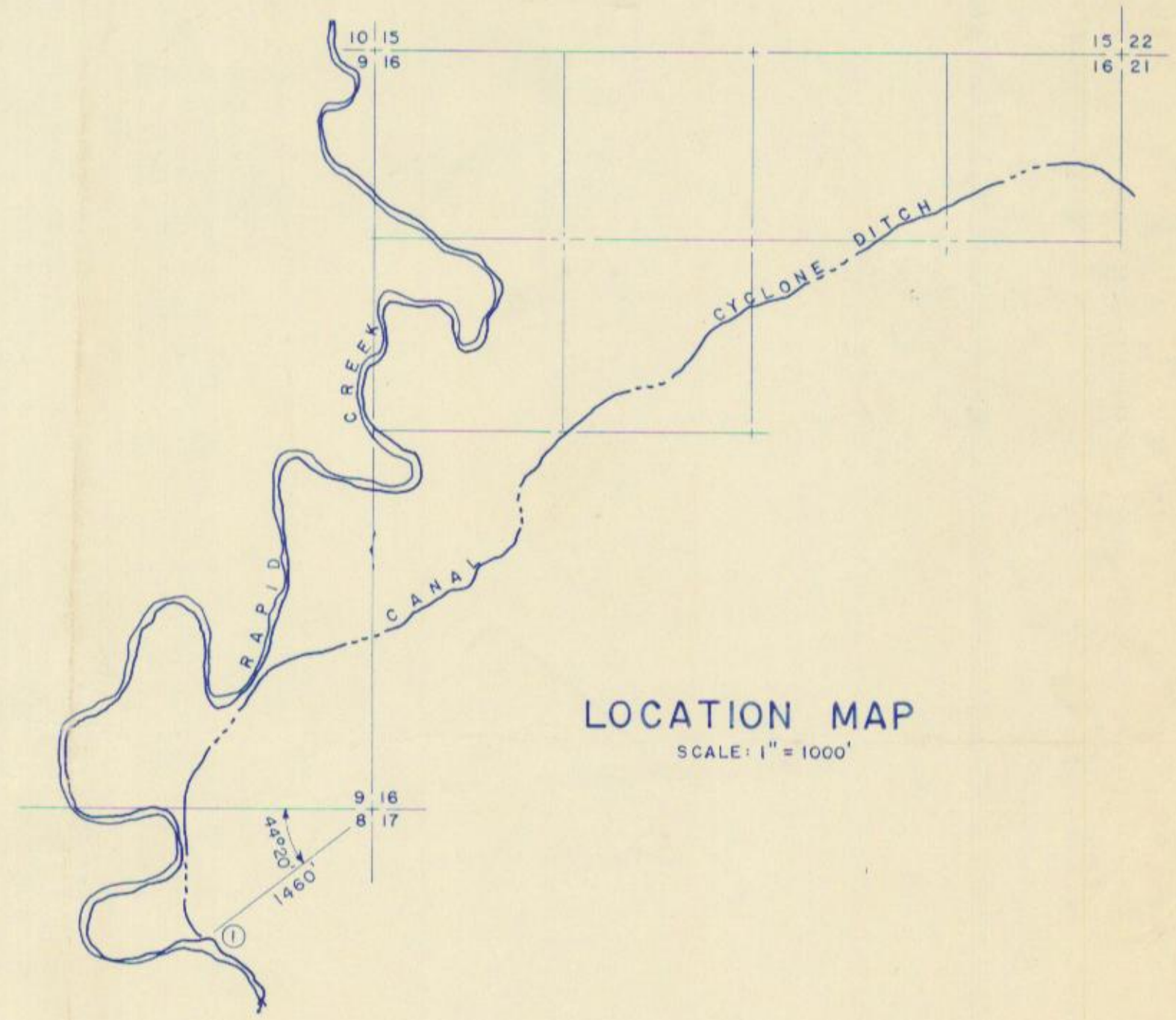
*Each diversion must have a headgate or measuring device.

LAND NOW IRRIGATED
 LAND PROPOSED FOR IRRIGATION
 3120 CONTOUR LINES
 WATERWAYS

- ① STA 0+00, DIVERSION POINT, RAPID CREEK TO CANAL
- ② STA 53+70, DIVERSION POINT, CANAL TO DITCH WHICH CARRIES WATER TO PUMPING STATION
- ③ STA 61+20, DIVERSION POINT, CANAL TO DITCH WHICH CARRIES WATER TO PROPOSED RESERVOIR NO. 1 DURING NON-IRRIGATION SEASON. ALSO THE NW END OF DAM
- ④ STA 55+75 DIVERSION POINT, CANAL TO DITCH WHICH CARRIES WATER TO PROPOSED RESERVOIR NO. 2 DURING NON-IRRIGATION SEASON



CONTOUR AND IRRIGATION MAP
 SCALE: 1" = 200'



LOCATION MAP
 SCALE: 1" = 1000'

SURVEYOR'S CERTIFICATE

I, VINAL C. FRANCIS, A DULY REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP SHOWS THE TRUE AND CORRECT LOCATION OF AREAS NOW UNDER IRRIGATION AND AREAS PROPOSED FOR IRRIGATION WITHIN THE PROPERTY DESCRIBED WITH WATER TAKEN FROM RAPID CREEK.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 15 TH DAY OF JANUARY, 1960

Vinal C. Francis
 REGISTERED PROFESSIONAL ENGINEER
 AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 26 TH DAY OF January, 1960

Notary Public
 MY COMMISSION EXPIRES AUG. 17, 1967

LOCATION	SECTION	TOWNSHIP	RANGE	ACREAGE NOW IRRIGATED	ACREAGE PROPOSED FOR IRRIGATION
SE 1/4 SE 1/4	16	T1N	R8E	0.00	0.00
NE 1/4 SE 1/4	"	"	"	33.48	25.40
NW 1/4 SE 1/4	"	"	"	0.00	0.69
SE 1/4 NE 1/4	"	"	"	40.00	24.62
NE 1/4 NE 1/4	"	"	"	29.39	27.04
NW 1/4 NE 1/4	"	"	"	25.06	31.82
SW 1/4 NE 1/4	"	"	"	6.38	22.31
TOTALS				134.31	131.88

A NOTE: THIS AREA IS NOT A PART OF THE ORIGINAL WATER RIGHT BUT IT IS SHOWN HEREON BECAUSE IT HAS BEEN IRRIGATED. IF DEDUCTED THE IRRIGATED LAND TOTALS 127.93 ACRES

Map No 545-2
 (App 1 No 579-2
 580-2
 582-2)



TOTAL NO. OF LOTS IN REVISED AREA 89
 AVERAGE LOT SIZE 100' X 120'
 LINEAL FT. OF 50' R.O.W. 1,700
 TOTAL ACREAGE OF REVISED RESIDENTIAL AREA (GROSS) 32.7
 TOTAL ACREAGE OF REVISED GOLF COURSE AREA (NET) 172.2

TOPOGRAPHY BY: DEPT. OF INTERIOR
 BUREAU OF RECLAMATION, REGION 6
 MISSOURI RIVER BASIN PROJECT
 TRACED FROM 494 PT-602-58
 494 PT-602-91

JOLLY ACRES COUNTRY CLUB	DATE 7/2/58
RAPID CITY	SCALE 1" = 400'
SOUTH, DAKOTA	REVISION
Harman, O'Donnell & Henninger	
PLANNING CONSULTANTS	
SECOND AND DETROIT DENVER 8, COLO.	
Associates, Inc.	

Remarks by State Water Resources Commission:

The quantity of water and priority date for this permit are transferred from Water Right 578-2. ~~From the point of diversion and the lands to be irrigated were~~ changed from the 578-2 permit

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

April 20, 1960

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a

m. upon the

1st

day of

March

1960

State Water Resources Commission

By:

Burtin Jones
for Chief Engineer, Executive Officer

Number of permit 582-2

Date of first receipt of application

March 1

1960

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

May 25, 1881

19

Approved

April 6

1960

Recorded in Book

6

Page

30

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

October 6, 1962

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

April 6

1965

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

April 6, 1969

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

irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 1.88 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before April 6, 1969; said water to be used during the following described annual period:

During irrigation season

Witness my hand this

20th

day of

April

1960

State Water Resources Commission

By:

C. W. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 29

1971

Water License Issued

JUNE 29

1971

Attachment 7 I(b)

LOCATION	SECTION	TOWNSHIP	RANGE	ACREAGE NOW IRRIGATED	ACREAGE PROPOSED FOR IRRIGATION
SE 1/4 SE 1/4	16	T1N	R8E	0.00	0.00
NE 1/4 SE 1/4	"	"	"	33.48	27.04
NW 1/4 SE 1/4	"	"	"	0.00	0.69
SE 1/4 NE 1/4	"	"	"	40.00	24.62
NE 1/4 NE 1/4	"	"	"	29.39	27.04
NW 1/4 NE 1/4	"	"	"	25.06	31.82
SW 1/4 NE 1/4	"	"	"	6.38 [*]	22.31
TOTALS				134.31	131.88

* NOTE: THIS AREA IS NOT A PART OF THE ORIGINAL WATER RIGHT BUT IT IS SHOWN HEREON BECAUSE IT HAS BEEN IRRIGATED. IF DEDUCTED THE IRRIGATED LAND TOTALS 127.93 ACRES

WATER LICENSE NO. 582-2

(1) WHEREAS, On the 1st day of March A. D. 19 60
the Jolly Acres Country Club, now Elka Valley Hi

made Water Right Application No. 582-2 for a permit to use 1.88 cubic feet per second of the waters
 of Rapid Creek through the Cyclone Irrigation Ditch
 County of Pennington State of South Dakota, for irrigation purposes

_____ purposes and
 (2) WHEREAS, On the 6th day of April A. D. 19 60
 Permit No. 582-2 with a date of priority of May 25, 1881
 was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 6th day of April A. D. 19 65 and for the
 application to beneficial use of said water on or before the 6th day of April A. D. 19 69

Water Permit No. 580-2, priority date of February 15, 1960, authorized the construction
 of two storage reservoirs, total capacity 15.8 acre feet and the filling of these
 two reservoirs with water from Rapid Creek through the existing Cyclone Ditch during
 the non-irrigation season. The intent was that this stored water could also be used
 to irrigate the acreage described in 582-2. One of the reservoirs was constructed and
 has been used on a standby basis. To the extent that the works, authorized in Water
 Permit No. 580-2 have been constructed, they are incorporated into and included in
 Water license No. 582-2,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 0.87 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent.

Before April 6, 1965 a system was constructed and before April 6, 1969 the following
 lands were irrigated as indicated, all in Section 16, T1N, R8E

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	24 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1 acres
Total	61 acres

In addition as described above, Water Reservoir No. 1 was constructed before April 6, 1965
 and has been filled during the non-irrigation season and held as a standby water supply.

Water Reservoir No. 1 has a surface area of two acres and a capacity of 8.5 acre feet.

(5) 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 Elks Valley M1

of Rapid City, South Dakota
the holder _____ and owner _____ of said permit No. 582-2 a water right, dating from May 25, 1881
to use of 0.87 cubic feet per second of the waters
of Rapid Creek through the Cyclone Ditch

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1460 feet North 44° 20' West of the SE
Corner of Section 8, T1N, R8E, Reservoir No. 1, South 11° 45' East, 2365 feet from
the N½ Corner of Section 16, T1N, R8E

and conduct to and upon the lands as indicated in Section 16, T1N, R8E, NE½ NE½, 20 acres,
NW½ NE½, 24 acres; SW½ NE½, 16 acres and SE½ NE½, 1 acre.

for the purpose of irrigation.

The right to fill Water Reservoir No. 1, Surface area 2 acres, capacity 8.5 acre-feet,
priority date February 15, 1960, during the non-irrigation season is also granted and
confirmed.

Subject to any limitations listed in Water Right Permit No. 582-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of June A.D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

582-2

Permit No. _____

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Elks Valley Hl

_____ the holder _____ of
 Permit No. 582-2, issued upon Application No. 582-2, bearing date of priority of May 25, 1891
 _____ authorizing the diversion of 1.88 cu. ft. per second of the waters of _____
Rapid Creek County of Pennington, State of South Dakota at _____
a point 1460 feet North 44° 20' West of the SE Corner, Section 8, T1N, R8E,
Reservoir No. 1, South 11° 45' East, 2365 feet from the N½ Corner, Section 16,
T1N, R8E _____, for irrigation

_____ has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use _____ cu. ft. per second of water.
1.23

Date June 29, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(First Publication on or before March 10, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak. March 1 1960

Notice is hereby given that the Jolly Acres Country Club whose postoffice address is Rapid City S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to transfer lands irrigated under existing water rights to lands listed under this application. The point of diversion remains the same, and is to be located on the South bank of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8 Twp. 1N Range 8E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec 16 T 1N R 8D

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April 1960 at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

Burton F. Jones
Water Right Specialist

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

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

City of Rapid City County of

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

March 5

March 12

March 19

March 26

in each and every issue of the full number thereof, the first publication being made on the 5th day of March

1960 and the last publication on the 26th day of

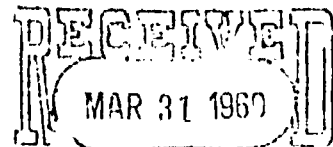
March 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Business Manager the printer and publisher of the said newspaper.

E. H. Lighter

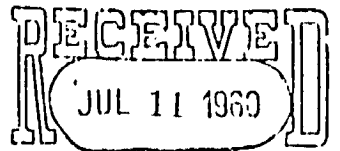
Subscribed and sworn to before me this 26th day of March A. D. 19 60

Notary Public Pennington County, S. D.



STATE WATER RESOURCES COMMISSION
 PIERRE SOUTH DAKOTA

Mar. 5, 12, 19, 26 1960
 APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. D., March 1, 1960.
 Notice is hereby given that the Jolly Acres Country Club, whose post office address is Rapid City, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to transfer lands irrigated under existing water rights to lands listed under this application. The point of diversion remains the same, and is to be located on the South bank of said stream in the SE 1/4 of the SE 1/4 of Section 8, Twp. 1N, Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4 & NE 1/4, Sec. 16, T. 1N, R. 5E.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 State Water Resources Commission
 By Burton F. Jones
 Water Right Specialist

Permit No. 582-2

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Jolly Acres Country Club, Inc. Rt. #2
Rapid City, So. Dak.

(Date) July 7, 1960

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.88

_____ cu. ft. per second of the waters of the state from Rapid Creek
through the existing Cyclone Ditch
for irrigation purposes

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

1. The name of the person or corporation holding said permit is Jolly Acres Country Club, Inc.

2. The postoffice address of such person or the place of business of such corporation is Rt. #2 Rapid City
County of Pennington State of South Dakota

3. The number of such permit is 582-2 and the date set for the completion of such work is
completed and using existing cyclone ditch

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.88 cubic feet per second.

6. The amount of land for which said water is available is 131.98 acres,
particularly described as follows: NE 1/4 SE 1/4 16 Tin RBE-25.40, NE 1/4 SE 1/4 16 Tin RBE-26.62,
SE 1/4 NE 1/4 16 Tin RBE-26.62, NE 1/4 NE 1/4 16 Tin RBE-27.00, NE 1/4 NE 1/4 16 Tin RBE-31.82
SW 1/4 NE 1/4 16 Tin RBE-22.31

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

(Signature of Owners)

Jolly Acres Country Club Inc.
Frank H. Jolly, President
2722 Pine Street, Rapid City, S.D.

786-2
✓ 582-2
580-2

December 12, 1962

Mr. John R. Buckholder
Northwest Realty Company
17 Neptune Drive
Rapid City, South Dakota

Dear Mr. Buckholder:

This letter is to confirm the results of discussions in your office on December 7, 1962, which concerned your water right application No. 786-2 covering enlargement of a reservoir to be built on the golf course of the Jolly Acres Country Club. A smaller reservoir was approved in water right Permit No. 582-2.

Water supplies in Rapid Creek are available during the non-irrigation season for diversion into the proposed larger reservoir as requested in application No. 786-2. During reconsideration of your application by the Water Resources Commission in Pierre, South Dakota, on January 15, 1963, I shall recommend approval of your application with the following restrictions:

- (1) Diversions of water from Rapid Creek into your storage reservoir may be made during the non-irrigation season only;
- (2) Water withdrawn from the reservoir for irrigation of the golf course may not be replaced in the reservoir until after the irrigation season;
- (3) When this reservoir is used to distribute irrigation water diverted under Permit No. 582-2, such diversions may be delivered to the reservoir in amounts which do not exceed the then current irrigation use;
- (4) Water may be transferred during the irrigation season from reservoir No. 1 (Permit 580-2) into the reservoir provided herein but such water may

John R. Buckholder

2.

December 12, 1962

not be replaced in reservoir No. 1 by diversion from Rapid Creek until after the irrigation season;

- (5) Diversions of water shall not interfere with water use under prior water rights.

The above restrictions will create some fluctuation of the water level in your reservoir during the irrigation season each year.

This Permit, if granted by the Commission, does not cover use of the Cyclone Ditch to carry the water from Rapid Creek to your proposed reservoir. Such arrangements should be made with the Cyclone Ditch Company.

I shall appreciate any comments which you may wish to make concerning the above summary or other factors of your water right application.

Sincerely,

J. W. GRIMES

JWG:ls

cc Mr. Sheldon F. Reese, 14 Cherry Hills Drive, Englewood, Colorado
Mr. Marvin Jopson, 525 Main Street, Rapid City, South Dakota
Mr. Walter Taylor, R. R. 2, Rapid City, South Dakota
Mr. Raymond Johnson, R. R. 2, Rapid City, South Dakota

March 4, 1963

Mr. Richard M. Bielsky
1412 S. Williams
Sioux Falls, South Dakota

Dear Mr. Bielsky:

You have requested information concerning the water rights covering use of the waters of Rapid Creek to irrigate the Jolly Acres golf course.

The South Dakota Supreme Court in Lone Tree Ditch Co. et al. v. Cyclone Ditch Co. et al. (15 S. D. 519) ruled concerning the water rights of Joseph Jolly to irrigate the land now being used for the Jolly Acres golf course. In this case the Court decided in effect that water rights vested in Joseph Jolly in the amount of 100 miners inches to irrigate his land with priority date of February 3, 1879. However, upon rehearing by the Supreme Court (26 S. D. 307), the Court decided that the water rights to 100 miners inches of water with priority date of February 3, 1879, applied as against the plaintiff ditch company only, but as against other riparian irrigators, the rate of diversion of water by Jolly was that amount needed by him to irrigate his land with no priority over such other riparian irrigators.

On February 5, 1960, Mr. Fred H. Jolly initiated action to establish a record of his "vested rights" (578-2) under provisions of Sections 61.0102 (7) (a) and 61.0106, SDC 1960 Supp. This record was established under statutory provisions in the amount of 2.00 cubic feet per second (100 miners inches) to irrigate 134.31 acres. On March 1, 1960, Mr. Fred Jolly transferred a portion of this water to lands which were not formerly irrigated but which were to be irrigated as part of the golf course and removing a portion from lands upon which irrigation was abandoned. This latter action conformed to the provisions of Section 61.0128, SDC 1960 Supp. As now recorded, this water right provides for 1.88 cubic feet per second of the waters of Rapid Creek to irrigate 131.88 acres of the Jolly Acres Country Club, Fred H. Jolly, President, with priority date of May 31, 1881.

Richard M. Bielsky

2.

March 4, 1963

I suggest that this water right be transferred to the new owner of this property. Also, the Water Resources Commission should be requested to re-examine the priority date as recorded since it may be in error.

I hope that this information is helpful.

Sincerely,

J. W. GRIMES

June 17, 1969

Mr. Walter Taylor
R.R. 2
Rapid City, South Dakota 57701

Dear Walt:

Re your letter of June 13, 1969, records here do not show a water right for irrigation on the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16, T 1 N, R 8 E.

Under date of Feb. 5, 1960, Fred Jolly made a record with the Water Resources Commission (W.R. No. 578-2) of his water rights as established in the court decision (Lone Tree Ditch Co. vs. Cyclone Ditch Co., 15 SD 519).

On Feb. 29, 1960, Fred Jolly transferred a portion of his "vested right" to land not then irrigated and in approximately equal amount removed this portion of his "vested right" from lands then irrigated. This change was made to conform to the golf course layout (W.R. No. 582-2).

In neither the original "vested right" record nor the adjustment made or the golf course was irrigation use on the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16 provided.

The two above water rights (578-2 and 582-2) concern the Jolly water rights under the court decision.

The attached sheet shows the land description for irrigation as covered by Water Rights 578-2 and 582-2. In addition Water Right No. 579-2 covers water use from two wells for suburban housing with priority date of Feb. 5, 1960. Also in addition, Water Rights Nos. 580-2 and 786-2 provide for storage of non-irrigation season flows for use on the golf course with

582-2

Walter Taylor

2.

June 17, 1969

priority dates of Feb. 11, 1960, and Oct. 11, 1962,
respectively.

None of these water rights (578-2, 579-2, 580-2,
582-2, or 786-2) cover water use on the SE¹/₄, SE¹/₄, Sec.
16.

I hope that this information is helpful.

Sincerely,

J. W. Grimes

JWG:ls

Enc.

LOCATION	SECTION	TOWNSHIP	RANGE	ACREAGE NOW IRRIGATED	ACREAGE PROPOSED FOR IRRIGATION
SE $\frac{1}{4}$ SE $\frac{1}{4}$	16	T 1 N	R 8 E	0.00	0.00
NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	33.48	25.40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	"	"	"	0.00	6.69
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	40.00	24.62
NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	29.39	27.04
NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	25.06	31.82
SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	"	"	6.38	22.31
Totals				134.31	131.88

COMMISSION

John M. Gorham, Spearfish
Lester Brue, Parker
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
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Richard Lomaten, Harneyburg
Clarence D. Mortenson, Hayes
Dick Fisher, Cresbard

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

578-2; 579-2; 580-2;
582-2 and 786-2

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

May 21, 1971

Mr. Robert Bock, Chairman
Board of Governors, Elks Lodge 1167
Post Office Box 2008
Rapid City, South Dakota 57701

Dear Mr. Bock:

The Staff of the Water Resources Commission has completed an inspection of the irrigation systems of the Elks Valley Hi, developed under water permits originally issued to Jolly Acres Country Club, Inc., and to the Northwest Realty Company.

Following are the reviews and proposals of the Commission Staff pertaining to these water permits.

Vested Right No. 578-2

This claimed and recorded the right of the Jolly Acres Country Club, Inc., to divert 2 c.f.s. of water from Rapid Creek through the Cyclone Ditch to irrigate 134.31 acres in the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T1N, R8E. This Vested Right No. 578-2 claimed the priority date of May 25, 1881 as decreed by the 7th Judicial Circuit on August 17, 1900, for the described land.

Water Permit No. 579-2

Water Permit No. 579-2, priority date February 5, 1960, approved the construction of two 32 foot deep wells to furnish water to an eventual housing development of 250 homes. The wells have not been constructed. South Dakota Water Laws provide that the water diversion system is to be completed within a five year period after the water permit is approved. The expiration date of the five year period for Water Permit No. 579-2 was April 6, 1965.

Therefore cancellation of Water Permit No. 579-2 will be considered by the Water Resources Commission at 3:30 P.M., D.S.T., on July 14, 1971 at its office in Pierre, South Dakota.

Water Permit No. 580-2

Water Permit No. 580-2, priority date February 15, 1960, approved the construction of two reservoirs, combined capacity of 15.8 acre-feet to be filled during the non-irrigating season from Cyclone Ditch. One reservoir, Reservoir No. 1, has been constructed, capacity 8.5 acre-feet, filled from Cyclone Ditch and runoff water and used as a standby source of water. This construction and water use will be incorporated into and become a part of Water License No. 582-2. Water Permit No. 580-2 can then be placed in a cancelled status. The dammed portion of the old creek bed is considered as a part of the work to transport water under Water Permit No. 582-2, rather than Reservoir No. 2, as authorized in Water Permit No. 580-2.

Water Permit No. 582-2

Water Permit No. 582-2 proposes to irrigate a different 131.86 acres than the 134.31 acres claimed in Vested Right No. 578-2. This was approved as a change of lands to be irrigated from Vested Right 578-2 and the May 25, 1881 priority date was transferred to Water Permit No. 582-2 and Vested Right No. 578-2 was placed in a cancelled status. When inspected on April 29, 1971, 61 acres of the golf course was found to be irrigated. Water License No. 582-2 can now be issued for this 61 acres and as stated above, the construction and water use accomplished under Water Permit No. 580-2 will be included.

This will leave 1.13 cubic feet per second of water of the Court decreed 2.0 c.f.s. "Jolley Water Right" which can be used in future development of the golf course, unless the right is terminated. It was reported that about 75 acres of land being leased out by the golf club is occasionally irrigated out of the Cyclone Ditch. Approximately 27 acres of this was land not included in any existing water permits, or the land described in the Court decree for the "Jolley Water Right". It is assumed this will be included in a later Water Right Application of the Elks Valley Hi.

Water Permit No. 786-2

Water Permit No. 786-2, of the Northwest Realty Company, priority October 12, 1962 proposed the construction of a reservoir to hold 93.5 acre-feet of storage by non-irrigation season, diversion from the Cyclone Ditch. This system was not constructed. The expiration date of the five year completion period was January 15, 1968. Therefore cancellation of Water Permit No. 786-2 will be considered by the Water Resources Commission at 3:40 P.M., D.S.T., on July 14, 1971 at its office in Pierre, South Dakota.

It is anticipated that when the Elks Valley Hi expands its golf course to a 18 hole course that a new water right application will be made. The existing maps on file in this office may be sufficient for such new application. If such new application is made, this office may be in a position to aid in the preparation of such application.

Mr. Robert Bock, Elks Lodge 1187

Page 3.

At an early date this office will be sending you notice that the inspection of Water Permits Nos. 582-2 and 580-2 have been completed and upon payment of the required fee of \$12.00, the Water License will be issued. Also a form to transfer the Water License to the name of Elks Valley Hi (fee \$1.00) will also be enclosed. Before this is done, I thought you might want to review the water right situation as outlined.

If you have any questions please so inform this office.

Sincerely,

J.W. GRIMES, Executive Officer
Water Resources Commission

JWG/DD/bw

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date June 25, 1971

This is to notify you that title to the lands described as follows:
Portions of Sections 16, T1N, R8E, described in Water Right Permit No. 582-2

formerly owned by Jolly Acres Country Club, Rapid City

has been transferred to Elks Valley Hi, Rapid City

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 582-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of DEWITT) ss.

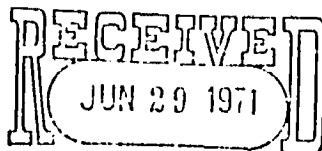
I, C. ROBERT BOCK, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

C. Robert Bock
BOARD CHAIRMAN (Signed) ELKS VALLEY HI

Suscribed and sworn to before me this 28 day of June, 1971

MY COMMISSION EXPIRES JAN 12, 1975
NELLHA ROSEY

Nellha Rosey
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 582-2Water Division 2 RAPID CREEK Water District

PUT COPY IN 580-2

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by previous owners and Elks Valley Hi ~~Water~~ of Rapid City, South Dakota holder's

of Permit No. 582-2, bearing date of priority of May 25, 1881, 19

authorizing the diversion of 1.88 cu. ft. per second of the waters of Rapid Creek

for irrigation purposes, in Pennington County.

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

The Water Use System consists of, Cyclone Ditch carrying water from Rapid Creek, 2' wide x 1' deep ditch 740' long leading to 2 acre pond

A. Works used to divert the water: constructed by damming dry creek channel (capacity approximately 12 acre-feet)

Berkeley Centrifugal pump-Mod. H2087, powered by G.E. 75 H.P. Type K C60EF electric Motor. Allis Chambers 15 H.P. electric motor-standby motor.

Reservoir #1 (Water Permit No. 580-2) area 2 acres, capacity 8.5 acre feet. filled from runoff and an extra filling from Cyclone Ditch once each year is a standby source of water to irrigate golf course. The pond constructed by damming the dry creek channel

B. Works used to transport water to place of use, is considered as a part of the works to transport water under Water Permit No.

Approximately 3500 yds, of underground plastic pipe.

582-2 rather than Reservoir #2, authorized in Water Permit No. 580-2.

C. Works used to apply water to beneficial use.

12 Rainbird 80-B Sprinkler - ten used at one time.

The system is in the following condition: Very good

The point of diversion is located 1460 ft. N. 44° 20' W. of SE Corner of Sec. 8, T1N, R8E.

Reservoir #1, S. 1/4 45' E., 2365 ft. from the N 1/2 Corner, Sec. 16, T1N, R8E

The works are capable of diverting and conveying to the place of use Ditch, several c.f.s. Pump produces 1.23

cu. ft. per second of water which is to be used for golf course irrigation

Water has been put to beneficial use to the maximum extent as follows: On the golf course all in Section 16, T1N, R8E

NE 1/4 NE 1/4 20 acres

NW 1/4 NE 1/4 24 acres

SW 1/4 NE 1/4 16 acres

SE 1/4 NE 1/4 1 acres

comprising a total of 61 acres of land. In addition the following lands are leased and irrigated from the Cyclone Ditch, from a diversion point located 1418 N. 44° 30' W. of the SE Corner of Section 16, T1N, R8E.

SE 1/4 NE 1/4, Section 16, T1N, R8E 23 acres

NE 1/4 SE 1/4, Section 16, T1N, R8E 25 acres

SE 1/4 SE 1/4, Section 16, T1N, R8E 27 acres

Total 75 acres

April 29, 1971

Date April 29, 1971
Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer
Water Resources Commission

South Dakota Department of
Water & Natural Resources

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

June 22, 1989

582-2

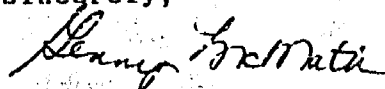
Rapid City Elks Lodge #1187
PO Box 3008
Rapid City, SD 57709

Dear Sirs:

Enclosed is a copy of the 1988 irrigation questionnaire summary. On your 1988 irrigation questionnaire you indicated you would like the results of the questionnaires when the report was completed.

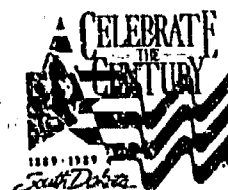
If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

582-2

Jim Walraven
President Cyclone Ditch
3333 E 39th ST
Rapid City, SD 57701

Dear Mr. Walraven:

I am writing this letter concerning the inspection of Cyclone Ditch that I performed on April 30, 1991. At that time I looked at irrigated lands covered by Vested Water Right Claim No. 1736-2, for Cyclone Ditch.

Enclosed is a listing of irrigated acreage covered under Vested Water Right Claim No. 1736-2. The acreage and diversion point which is listed in the enclosure is covered under the June 23 and 30, 1988 advertisement. I feel that we should proceed with the validation procedure of this vested right claim.

I have also enclosed a copy of Vested Water Right Claim 582-2. Based on the information that you gave me, there are more acres being irrigated than what is covered under this claim. I reviewed our files and found some documentation which is pertinent to this matter. The next time that I am going to be out in the Rapid City area, I will be in contact with you so that we can discuss the water rights for the golf course. Before that time if you would try to get together any information that you have concerning irrigation on the E1/2 of Section 16, I believe that it will be helpful.

If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Division of Water Rights
(605) 773-3352

enclosure

582-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 582-2 FOR IRRIGATION

Date of Receipt of Claim March 1, 1960.

Date of Validation October 1, 1991.

The Water Management Board validated Vested Water Right Claim No. 582-2 for irrigation purposes for Elks Lodge #1187, 3333 East 39th Street, Rapid City SD 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 582-2 appropriates 0.87 cubic feet of water per second from Rapid Creek via Cyclone ditch to irrigate 61 acres. The point of diversion is located in the SE1/4 SE1/4 section 8 (see note) and the irrigated acreage is located in the NE1/4 section 16; all in T1N-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is May 25, 1881.
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.

NOTE: Validation of Claim No. 582-2 does not affect nonvested portions of No. 582-2 for water reservoir No. 1 with a priority date of February 15, 1960. The location of the reservoir was included in the published notice of intent to validate but is omitted from this document since the reservoir does not qualify for vested status.

WATER MANAGEMENT BOARD

By: _____

Jo Lubbert
Chief Engineer

MAR 16 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

582-2



MAR 16 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

David A. Howard
Elks Lodge #1187
3333 East 39th Street
Rapid City, SD 57701

Dear Mr. Howard:

Enclosed are Validated Vested Water Right Nos. 582-2 and 2209-2, and Water Permit No. 2210-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, which appears to read "John Hatch".

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

Enclosures



582-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: RAPID CITY ELKS LODGE #1187, ARLIN FENHAUS, 3333 E 39TH ST, RAPID CITY, SD
57703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 582-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

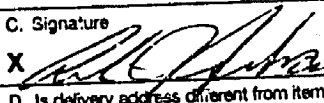
1. Amend Permit No(s) 582-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

582-2

SENDER COMPLETE THIS SECTION		ADDRESSEE COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-17-02</u>	
1. Article Addressed to: RAPID CITY ELKS LODGE #1187 ARLIN FENHAUS 3333 E 39TH ST RAPID CITY SD 57703		C. Signature <u>X</u>  ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Registered Mail ☐ Registered ☐ Insured Mail 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Identification Number 7001 2510 0004 4797 4845		16 17 18 19 20 21 22 23 24 25 26 27 28 JAN 2002 WATER RIGHTS PROGRAM Return Receipt for Merchandise U.S.O.D.	
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2002

582-2

Arlin Fenhaus
Rapid City Elks Lodge #1187
3333 Jolley Lane
Rapid City SD 57703

Dear Mr. Fenhaus:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 582-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 3, 2006

1736-2
582-2
2209-2
2210-2

Andrea Anderson
Cyclone Ditch
4555 Reservoir Road
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter is in reference to your request allowing diversion into Cyclone prior to the irrigation season. I checked Water Right No. 1736-2 and the annual use period for Cyclone Ditch is April 1 through October 31.

I also check the annual use period for the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2. The annual use period for all three is April 1 through October 31, the same as the Cyclone Ditch annual use period. Diversions into Cyclone Ditch are allowed at this time as authorized by these water rights/permits.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,
Natural Resources Engineering Specialist



March 20, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1736-2

582-2

2209-2

2210-2

Andrea Anderson
Cyclone Ditch
4555 Reservoir Road
Rapid City, SD 57703

Dear Ms. Anderson:

I am writing this letter in reference to your March 20, 2007 telephone request allowing diversion into Cyclone Ditch prior to the irrigation season. Flow today in Rapid Creek at the USGS gaging station at Rapid City is 24 cfs.

The Water Rights Program will grant your request to immediately begin diverting into Cyclone ditch under the Cyclone Ditch's Water Right No. 1736-2 and the Elks Club water permits/rights Nos. 582-2, 2209-2 and 2210-2.

If you have any questions, please contact me at the Water Rights Program at phone (605) 773-3352.

Sincerely,

Mark D Rath,
Natural Resources Engineering Specialist



582-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: RAPID CITY ELKS LODGE #1187, DARVIN POLSEAN, 3333 JOLLEY LANE, RAPID CITY, SD 57703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 582-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 582-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

582-2

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Track & Confirm

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Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 12:05 pm on January 24, 2011 in RAPID CITY, SD 57703. The item was signed for by S CRANDELL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 24, 2011, 12:05 pm, RAPID CITY, SD 57703
- Out for Delivery, January 22, 2011, 8:19 am, RAPID CITY, SD 57701
- Sorting Complete, January 22, 2011, 8:09 am, RAPID CITY, SD 57701
- Arrival at Post Office, January 22, 2011, 5:00 am, RAPID CITY, SD 57701

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United States Postal Service

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1192	RAPID CITY ELKS LODGE #1187 DARVIN POLSEAN 3333 JOLLEY LANE RAPID CITY SD 57703		mailing.
	Waiver of Signature ☐ YES ☐ NO		
	Postmark Here		
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811		
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2011

582-2

Darvin Polsean
Rapid City Elks Lodge #1187
3333 Jolley Lane
Rapid City SD 57703

Dear Mr. Polsean:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Vested Water Right No. 582-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2025

582-2

Rapid City Elks Lodge #1187
c/o Bill Anderson
3333 Jolley Ln
Rapid City SD 57703

Dear Mr. Anderson:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted online for Elks Valley Hi's Water Right No. 582-2.

Water Right No. 582-2 (copy enclosed) authorized diversion of 0.87 cubic feet of water per second (390 gpm) from Rapid Creek waters stored in a reservoir for irrigation of 61 acres located in the NE ¼ Section 16-T1N-R8E.

On this year's questionnaire you reported the irrigation of 93 acres. If an additional 32 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosure