

653-2

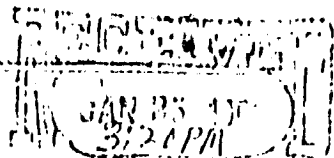
1. Considered 3-15, 1961
2. Name of Applicant Little Bear and Associates
3. Post Office Address Rapid City
4. Amount of water claimed 8.00
5. Source of water supply Rapid River
6. Water to be used for 779.77
Acres to be irrigated _____
7. Water to be diverted and used in Pennington County about
5 miles SE of R.R.
8. Proof of Publication Received 12
Not Received _____
9. Application Approved ✓
Subject to P.D.
Not approved 1
Action deferred 1

10. Remarks:

Change in Division

No. 653-2Water Division No. 2 RAPID CREEK

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

WATER RESOURCES DIVISION
DEPT. OF THE INTERIOR

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Little Giant Ditch Company
 Postoffice address Rapid City, County _____, State South Dakota

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of ^{owners:} Bessie Morris, Ruth L. Anderson, Arthur Jones, Charles & Addeline Morris, Irene Bausch, Eugene Holcomb Dunn,
Northwestern Eng. Co., a corp., and United Corporation, a corp.

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

2. Name of diversion work Little Giant Ditch Company
 3. Amount of water claimed 400 miners inches or 8 cubic feet per second
 4. Source of water supply Rapid Creek
 5. Location of point of diversion see map S 44° 55' E 327' from NW corner Sec 15 T14 R2E R1M on south bank Rapid Creek County _____
 6. Annual period or periods during which water is to be used during summer months
 7. To be used for:

I. Irrigation or domestic use. Gravity, overhead sprinkling or combination system? combination

- (a) Number of acres to be irrigated 779.77 acres.

- (b) Legal subdivisions to be irrigated see sheet #1 of map Attached at _____

(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.) _____

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 _____

MAP NO 585-2

LOCATION OF LAND TO BE IRRIGATED

OWNER	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SERVED BY LITTLE GIANT					
UNITED CORP	SW ¹ SW ⁴	14	1N	8E	36.88
UNITED CORP	SE ¹ SW ⁴	14	1N	8E	23.29
UNITED CORP	NW ⁴ NW ⁴	23	1N	8E	10.39
UNITED CORP	NE ⁴ NW ⁴	23	1N	8E	31.72
UNITED CORP	NW ⁴ NE ⁴	23	1N	8E	40.07
UNITED CORP	NE ⁴ NE ⁴	23	1N	8E	38.57
UNITED CORP	SW ⁴ NE ⁴	23	1N	8E	40.00
UNITED CORP	SE ⁴ NE ⁴	23	1N	8E	39.30
BESSIE MORRIS	SE ⁴ NW ⁴	23	1N	8E	55.35
BESSIE MORRIS	NW ⁴ SW ⁴	23	1N	8E	67.10
BESSIE MORRIS	NE ⁴ SW ⁴	23	1N	8E	28.14
UNITED CORP	NW ⁴ SE ⁴	23	1N	8E	35.40
UNITED CORP	NE ⁴ SE ⁴	23	1N	8E	27.56
UNITED CORP	SW ⁴ SE ⁴	23	1N	8E	27.53
RUTH L. ANDERSON	SE ⁴ SE ⁴	23	1N	8E	22.42
NORTHWESTERN ENG. CO.	NW ⁴ NW ⁴	24	1N	8E	124.00
NORTHWESTERN ENG. CO.	SW ⁴ NW ⁴	24	1N	8E	737.12
RUTH L. ANDERSON	NW ⁴ SW ⁴	24	1N	8E	435.87
RUTH L. ANDERSON	SW ⁴ SW ⁴	24	1N	8E	11.17
ARTHUR JONES	NE ⁴ SW ⁴	24	1N	8E	123.21
ARTHUR JONES	SE ⁴ SW ⁴	24	1N	8E	99.55
SUB TOTAL					520.97

-LOCATION OF LAND TO BE IRRIGATED

OWNER	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SERVED BY RAPID VALLEY DITCH					
ARTHUR JONES	NE ⁴ SW ⁴	24	1N	8E	211.83
CHARLES E. AND ADDALINE MORRIS	NE ⁴ NW ⁴	24	1N	8E	9.26
CHARLES E. AND ADDALINE MORRIS	NW ⁴ NE ⁴	24	1N	8E	9.07
CHARLES E. AND ADDALINE MORRIS	SE ⁴ NW ⁴	24	1N	8E	38.68
CHARLES E. AND ADDALINE MORRIS	SW ⁴ NE ⁴	24	1N	8E	32.21
IRENE BAUSCH	NE ⁴ NE ⁴	24	1N	8E	9.26
IRENE BAUSCH	SE ⁴ NE ⁴	24	1N	8E	31.40
DUNN, EUGENE HOLCOMB ETAL	NW ⁴ SE ⁴	24	1N	8E	32.79
DUNN, EUGENE HOLCOMB ETAL	SE ⁴ SE ⁴	24	1N	8E	28.30
DUNN, EUGENE HOLCOMB ETAL	LOT 3	19	1N	9E	228.94
DUNN, EUGENE HOLCOMB ETAL	LOT 4	19	1N	9E	21.26
DUNN, EUGENE HOLCOMB ETAL	LOT 1	30	1N	9E	32.79
SUB TOTAL					256.85
TOTAL					779.77

8. Estimated cost of work:
additional
Diversion
(a) ~~Steel~~ Gates, \$1,470.00
(c) Fluming, \$.....
(e) Other structures Siphon.....\$2,030.00

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

9. Description of diversion works:

- I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) Diversion is from existing dams of South Side Canal & Rapid Valley Canal - proposed works are diversion structure in South Side Canal and inverted siphon to Little Giant Canal.
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	ACRE-Feet CAPACITY

- (c)* Head gate: Width two feet; height two feet;
Material Armco or equal H-10 Steel Slide Gate
(d) Canal: Total length 2.51 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>0.19</u> Miles	<u>1.2</u> feet	<u>6.0</u> feet	<u>9.6</u> feet	<u>5.28</u> feet
At <u>0.56</u> Miles	<u>1.1</u> feet	<u>4.0</u> feet	<u>8.4</u> feet	<u>18.4</u> feet
At <u>1.60</u> Miles	<u>1.5</u> feet	<u>2.0</u> feet	<u>8.0</u> feet	<u>12.67</u> feet
At.....Miles	feet	feet	feet	feet
At.....Miles	feet	feet	feet	feet
At.....Miles	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work two years.
11. Time required for complete application of water to the proposed beneficial use two years.

Choice of newspaper for publication of notice of intention to appropriate State City Guide
Rapid City, South Dakota

STATE OF SOUTH DAKOTA } ss.
County of.....

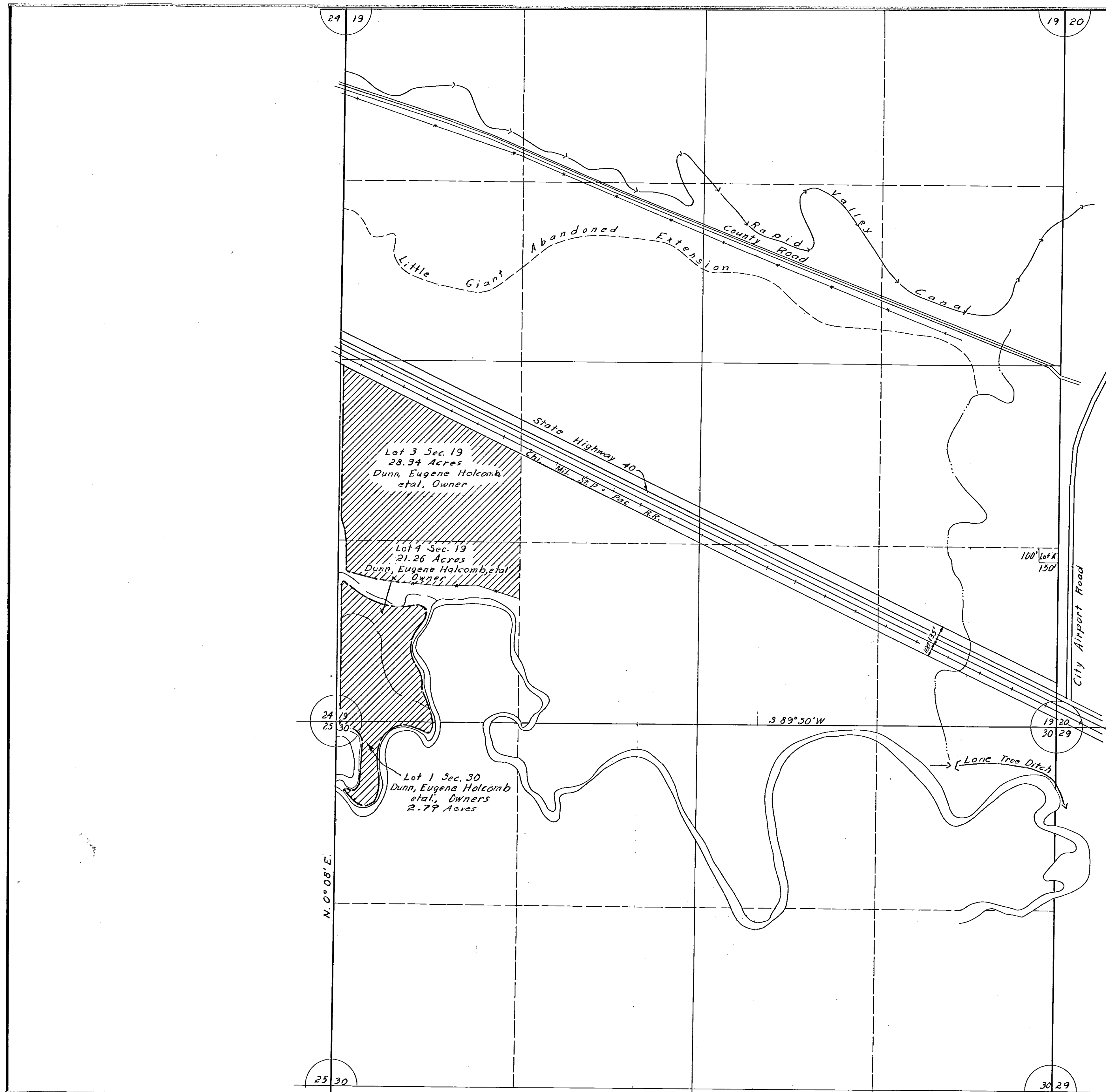
I,.....being first duly sworn
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have
read the above foregoing statement, examined the map accompanying the same, and that I know of my own
personal knowledge that the matters therein stated and shown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

Signed.....

Subscribed and sworn to before me this.....day of.....19.....

Nctary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



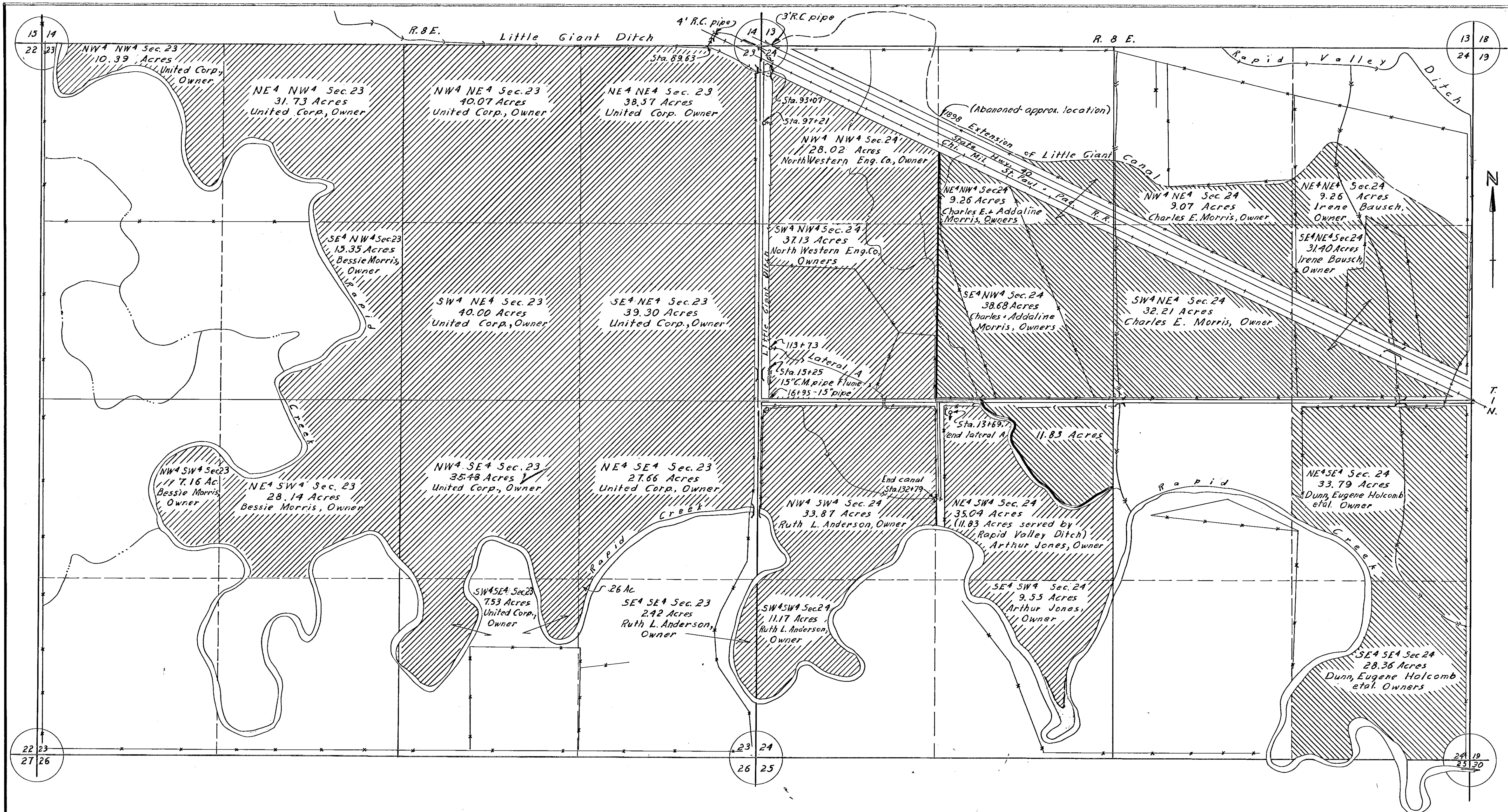
SURVEYOR'S CERTIFICATE
I, Harlan G. Collins, DO HEREBY CERTIFY THAT THIS
MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND
OF THE Little Giant Ditch Irrigation Project
AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE
FOR THE Pennington SOIL CONSERVATION DISTRICT.
SIGNATURE: Harlan G. Collins
TITLE: Civil Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SUBSCRIBED AND SWORN TO, BEFORE ME, THIS 11th DAY OF
October, 1966, A.D.
Thomas R. Hood
NOTARY PUBLIC
MY COMMISSION EXPIRES May 16, 1966.

Scale: 1" = 400'

**LITTLE GIANT DITCH
IRRIGATION PROJECT**
Pennington County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed <u>H. G. Collins</u>	Date <u>9/13/60</u>	Approved by <u>Harlan G. Collins</u>
Drawn _____		Title <u>Civil Engineer</u>
Traced _____		Title _____
Checked _____		Sheet <u>4</u> of <u>4</u>
		Drawing No. _____



SURVEYOR'S CERTIFICATE

I, Harlan G. Collins, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Little Giant Ditch Irrigation Project AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Pennington SOIL CONSERVATION DISTRICT.

SIGNATURE: Harlan G. Collins
 TITLE: Civil Engineer
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF October, 1969 A.D.

Herna R. Wood
 NOTARY PUBLIC
 MY COMMISSION EXPIRES May 16, 1969

Scale: 1" = 400'

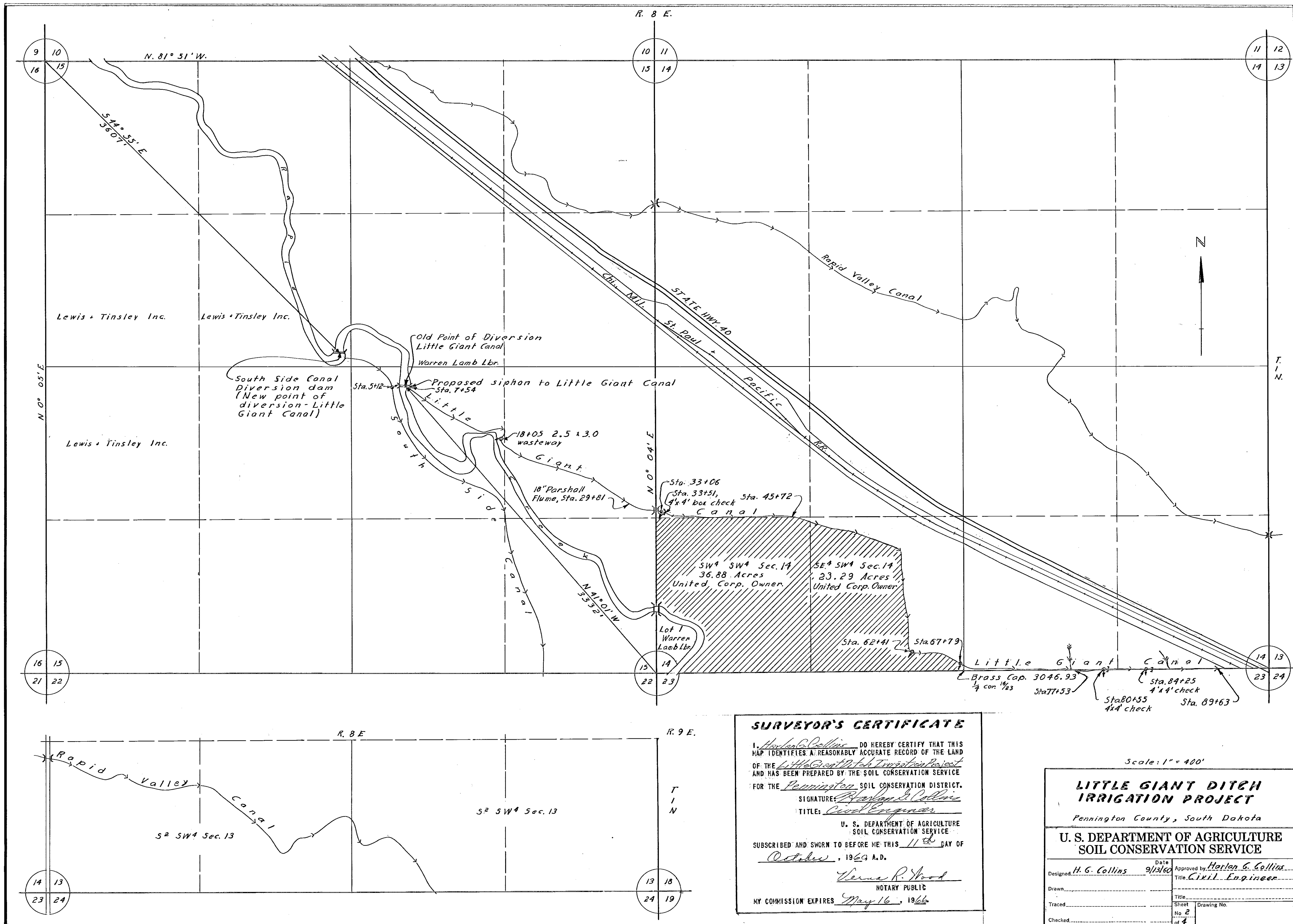
LITTLE GIANT DITCH IRRIGATION PROJECT

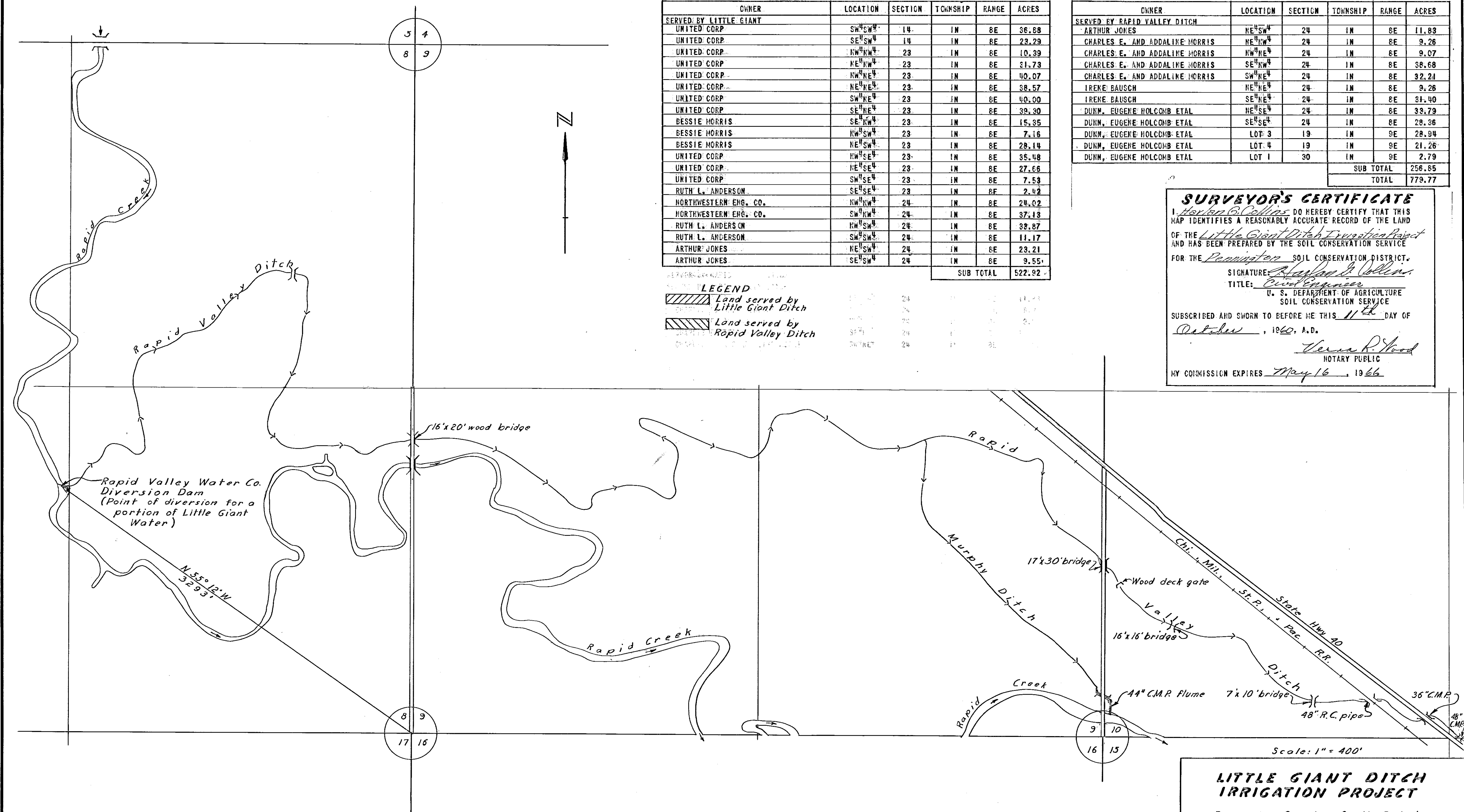
Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Date 9/13/69
 Designed H. G. Collins
 Drawn H. G. Collins
 Traced H. G. Collins
 Checked H. G. Collins

Approved by Harlan G. Collins
 Title Civil Engineer
 Title Civil Engineer
 Sheet 3
 Drawing No. 3
 of 4





LOCATION OF LAND TO BE IRRIGATED

OWNER	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SERVED BY LITTLE GIANT					
UNITED CORP.	SW ¹ SW ⁴	14	1N	8E	36.88
UNITED CORP.	SE ¹ SW ⁴	14	1N	8E	23.29
UNITED CORP.	NW ¹ NW ⁴	23	1N	8E	10.39
UNITED CORP.	NE ¹ NW ⁴	23	1N	8E	31.73
UNITED CORP.	NW ¹ NE ⁴	23	1N	8E	40.07
UNITED CORP.	NE ¹ NE ⁴	23	1N	8E	38.57
UNITED CORP.	SW ¹ NE ⁴	23	1N	8E	40.00
UNITED CORP.	SE ¹ NE ⁴	23	1N	8E	39.30
BESSIE MORRIS	SE ¹ NW ⁴	23	1N	8E	15.35
BESSIE MORRIS	NW ¹ SW ⁴	23	1N	8E	7.16
BESSIE MORRIS	NE ¹ SW ⁴	23	1N	8E	28.14
UNITED CORP.	NW ¹ SE ⁴	23	1N	8E	35.48
UNITED CORP.	NE ¹ SE ⁴	23	1N	8E	27.66
UNITED CORP.	SW ¹ SE ⁴	23	1N	8E	7.53
RUTH L. ANDERSON	SE ¹ SE ⁴	23	1N	8E	2.42
NORTHWESTERN ENG. CO.	NW ¹ NW ⁴	24	1N	8E	24.02
NORTHWESTERN ENG. CO.	SW ¹ NW ⁴	24	1N	8E	37.13
RUTH L. ANDERSON	NW ¹ SW ⁴	24	1N	8E	38.87
RUTH L. ANDERSON	SW ¹ SW ⁴	24	1N	8E	11.17
ARTHUR JONES	NE ¹ SW ⁴	24	1N	8E	23.21
ARTHUR JONES	SE ¹ SW ⁴	24	1N	8E	9.55
SUB TOTAL					522.92

LEGEND
Land served by Little Giant Ditch
Land served by Rapid Valley Ditch

LOCATION OF LAND TO BE IRRIGATED

OWNER	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SERVED BY RAPID VALLEY DITCH					
ARTHUR JONES	NE ¹ SW ⁴	24	1N	8E	11.83
CHARLES E. AND ADDALINE MORRIS	NE ¹ NW ⁴	24	1N	8E	9.26
CHARLES E. AND ADDALINE MORRIS	NW ¹ NE ⁴	24	1N	8E	9.07
CHARLES E. AND ADDALINE MORRIS	SE ¹ NW ⁴	24	1N	8E	38.68
CHARLES E. AND ADDALINE MORRIS	SW ¹ NE ⁴	24	1N	8E	32.21
IRENE BAUSCH	NE ¹ NE ⁴	24	1N	8E	9.26
IRENE BAUSCH	SE ¹ NE ⁴	24	1N	8E	31.40
DUNN, EUGENE HOLCOMB ETAL	NE ¹ SE ⁴	24	1N	8E	33.79
DUNN, EUGENE HOLCOMB ETAL	SE ¹ SE ⁴	24	1N	8E	28.36
DUNN, EUGENE HOLCOMB ETAL	LOT 3	19	1N	9E	28.94
DUNN, EUGENE HOLCOMB ETAL	LOT 4	19	1N	9E	21.26
DUNN, EUGENE HOLCOMB ETAL	LOT 1	30	1N	9E	2.79
SUB TOTAL					256.85
TOTAL					779.77

SURVEYOR'S CERTIFICATE

I, Harlan G. Collins, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE Little Giant Ditch Irrigation Project AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Pennington SOIL CONSERVATION DISTRICT.
SIGNATURE: Harlan G. Collins
TITLE: Civil Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF October, 1960, A.D.
Verna R. Wood
NOTARY PUBLIC
MY COMMISSION EXPIRES May 16, 1966

LITTLE GIANT DITCH IRRIGATION PROJECT

Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by <u>H. G. Collins</u>	Date <u>9/13/60</u>	Approved by <u>Harlan G. Collins</u>
Drawn		Title <u>Civil Engineer</u>
Traced		Sheet <u>No. 1</u>
Checked		Drawing No. <u>of 4</u>

Remarks by State Water Resources Commission

THIS PERMIT IS FOR A CHANNEL DIVERSION POINT FOR 200 FEET INCHES UNDER THIS PERMIT WATER DELIVERED THROUGH THE LITTLE GIANT DITCH ARE DIVERTED AT THE SOUTH SIDE BIRCH DIVERSION POINT, THENCE INTO THE LITTLE GIANT DITCH. THE REMAINING 200 FEET INCHES UNDER THIS PERMIT WILL BE DELIVERED THROUGH THE RAPID WAVEY DITCH. PRIORITY FOR THIS PERMIT IS ESTABLISHED UNDER FILING 0458-2
STATE OF SOUTH DAKOTA
County of HUGHES

Pierre, South Dakota, MARCH 21, 1961

This is to certify that the foregoing application was received by the Commissioner at 1:15 o'clock p.m. upon the 16TH day of NOVEMBER, 1962.

State Water Resources Commission

By: *Burton J. [Signature]*
Chief Engineer, Executive Officer

Number of permit 653-2
Date of first receipt of application November 16, 1960
Date of receipt to applicant for correction, amendments or changes required as follows: 10
Date of receipt of corrected application JANUARY 25, 1961
Date from which applicant may claim right JUNE 14, 1878
Approved MARCH 15, 1961, Recorded in Book 6, Page 208

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

MARCH 15, 1962

2nd. The whole of said work is to be completed on or before MARCH 15, 1963.

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

MARCH 15, 1963

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 400 MILLION INCHES OR 8 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 MARCH 15, 1963; said water to be used during the following described annual period:

during summer months

Witness my hand this 21ST day of MARCH, 1961

State Water Resources Commission

By: *[Signature]*
Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License Issued 19

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 653-2

(1) WHEREAS, On the 25th day of January, A. D. 1961
the Little Giant Ditch Company

made Water Right Application No. 653-2 for a permit to use 8.0 cubic feet per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 21st day of March, A. D. 1961
 Permit No. 653-2 with a date of priority of June 14, 1878

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 15th day of March, A. D. 1963 and for the application to beneficial use of said water on or before the 15th day of March, A. D. 1963

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 8.0 c.f.s. 6.27 cubic feet per second of water for beneficial use and 1.73 c.f.s. transferred to Permit No. 1101-2

(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, The new diversion point was constructed in 1961. See list for acres irrigated:

relating to the application of water to beneficial use of the following extent, all 1981: See List of Acres in figure 1				
Section 14, T1N, R8E	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37	Lot 3, Section 19, T1N, R9E	29 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23	Lot 4, Section 19, T1N, R9E	21 acres
Section 23, T1N, R8E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10	Lot 1, Section 30, T1N, R9E	3 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32		
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	Total 650 Acres	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39		
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40		
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15		
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8		
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28		
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	35		
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28		
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2		
	Section 24, T1N, R8E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	24	
SW $\frac{1}{4}$ NW $\frac{1}{4}$		37		
NW $\frac{1}{4}$ SW $\frac{1}{4}$		34		
SW $\frac{1}{4}$ SW $\frac{1}{4}$		12		
NE $\frac{1}{4}$ SW $\frac{1}{4}$		23		
SE $\frac{1}{4}$ SW $\frac{1}{4}$		9		
NE $\frac{1}{4}$ SE $\frac{1}{4}$		12		
NW $\frac{1}{4}$ SE $\frac{1}{4}$		34		
SE $\frac{1}{4}$ SE $\frac{1}{4}$		28		

confirm to the Little Giant Ditch Company

_____ of _____ **Rapid City, South Dakota**

the holder _____ and owner _____ of said permit No. 653-2, a water right dating from June 14, 1878

_____ (consist of) 8.0 cubic feet per second of the waters

(1)

of Rapid Creek

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 Little Giant Ditch, a point South 44° 55' East,

3607 feet from the NW Corner, Section 15, T1N, R8E. Rapid Valley Ditch, a point 1935 feet

North and 2700 feet West of the SE Corner of Section 8, T1N, R8E

and conduct to and up on Land described on face of this License

for the purpose of irrigation

A portion of the water of this Little Giant Water Right may be delivered through the Rapid Valley Ditch. The increase of this Little Giant Water Right is subject to revision. The applicable portions of the Water Filing No. 6538-2 are incorporated into and made a part of Water License No. 653-2.

[illegible]

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 21st day of May A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION.

138:

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

Form 15.

Permit No. 653-2

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Little Giant Ditch Company

the holder 5 of
Permit No. 653-2, issued upon Application No. 653-2, bearing date of priority of June 14,
1878 authorizing the diversion of 8.0 cu. ft. per second of the waters of
Rapid Creek County of Penningson, State of South Dakota at
Little Giant Ditch, a point South 44° 55' East, 3607 feet from the NW Corner,
Section 15, T1N, R8E. Rapid Valley Ditch, a point 1935 feet North and 2700 feet
West of the SE Corner of Section 8, T1N, R8E
, for irrigation

purposes, has VC 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 12 cu. ft. per second of water.

Date May 21, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA)

) ss.

County of Pennington.)

We, Bessie Morris, Ruth L. Anderson, Arthur Jones, Charles & Addeline Morris, husband and wife, Irene Bausch and Eugene Holcomb Dunn, each being first duly sworn, on oath depose and say: That our relation to the above described undertaking is that of owner, that we have read the above foregoing state, examined the map accompanying the same, and that we know of our own personal knowledge that the matters therein stated and shown are true.

Ruth L. Anderson

Arthur Jones

Charles E. Morris

Addeline Morris

Irene Bausch

Eugene Holcomb Dunn

Subscribed and sworn to before me this 30th day of December 1960.

(SEAL)

J. F. Siller
Notary Public

* * *

STATE OF SOUTH DAKOTA)

) ss.

County of Pennington.)

I, S. F. Myron, being first duly sworn, on my oath depose and state: That I am the Sic. Treas. of United Corporation, a corporation of Rapid City, South Dakota. That the relation of the United Corporation to the above described undertaking is that of owner; that I have read the above foregoing statement on behalf of said corporation, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

UNITED CORPORATION, a Corporation of Rapid City, South Dakota,

(CORP. SEAL)

By S. F. Myron
Sic. Treas.
Title

Subscribed and sworn to before me this 30th day of December 1960.

(SEAL)

J. F. Siller
Notary Public

STATE OF SOUTH DAKOTA)
) ss.
County of Pennington.)

I, J. L. Mater
being first duly sworn, on my oath depose and state: That I am the
V. Pres. of Northwestern Engineering Company, a corporation
of Rapid City, South Dakota. That the relation of the Northwestern
Engineering Company to the above described undertaking is that of owner;
that I have read the above foregoing statement on behalf of said corpora-
tion, examined the map accompanying the same, and that I know of my
own personal knowledge that the matters therein stated and shown are
true.

NORTHWESTER ENGINEERING
COMPANY, a corporation of Rapid
City, South Dakota,

(CORP. SEAL)

By J. L. Mater
Vice Pres.
Title

Subscribed and sworn to before me this 30 day of Dec.
1960.

(SEAL)

J. F. Seiler
Notary Public

On or before first Publication February 16, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, South Dakota February 11, 1961

Notice is hereby given that the Little Giant Ditch Company whose postoffice address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a change in point of diversion for beneficial use 200 miners inches of water from Rapid Creek through the Little Giant Ditch, the point of diversion of which is to be located on the South bank of said stream in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Twp. 1N, Range 8E and the diversion of 200 miners inches through the Rapid Valley Ditch at a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Twp. 1N, Range 8E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 23; NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ And E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 24, all in Twp. 1N, Range 8E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1961, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: BURTON F. JONES
Water Right Specialist

CC: Theodore E. Werner-Publisher
Oate City Guide
Rapid City, South Dakota

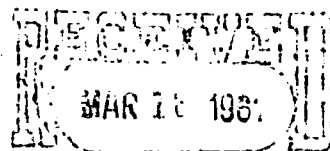
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Pennington } ss.Faye Crawford being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from theGate City Guide 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:

February 16, 1961February 23, 1961March 2, 1961 andMarch 9, 1961in each and every issue of the full number thereof, the first publication being made on the 16th day of Feb.1961 and the last publication on the 2nd day ofMarch 1961, 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 of the said newspaper.Faye CrawfordSubscribed and sworn to before me this 10th day of March A. D. 1961Notary Public Pennington County, S. D.

No. 653-2
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, South Dakota
February 1, 1961
Notice is hereby given that the Little Giant Ditch Company whose postoffice address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water law of South Dakota for a change in point of diversion for beneficial use 200 miners inches of water from Rapid Creek through the Little Giant Ditch, the point of diversion of which is to be located on the South bank of said stream in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Twp. 1N, Range 38 and the diversion of 200 miners inches through the Rapid Valley Ditch at a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, Twp. 1N, Range 38. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 23; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24, all in Twp. 1N, Range 38.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1961, at 2:00 P. M. All interested persons may appear and be heard.
Appropriate action will be taken by the State 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
Published March 10-61

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

LITTLE GIANT DIVISION STRUCTURE
PENNINGTON COUNTY, SOUTH DAKOTA
Part "A"

Materials Estimate

Item No.	Item	Unit	Quantity
1	Concrete (Class B)	c.y.	10.43
2	Reinforcing steel	lb.	579
3	36" x 30" steel slide gate with 5' frame and gate stem (Model 5-00 Armo or equal) and H-14 handwheel lift (Armo or equal)	ea.	2
4	24" x 24" steel slide gate with 4' frame and gate stem (Model 5-00 Armo or equal) and H-10 handwheel lift (Armo or equal)	ea.	1
5	Timber for walkway, pressure treated, construction grade Douglas fir (or equal)	b.f.m.	46

LITTLE GIANT SIPHON
PENNINGTON COUNTY, SOUTH DAKOTA
Part "B"

Materials Estimate

Item No.	Item	Unit	Quantity
1.	Concrete (Class B)	c.y.	4.04
2	Structural steel	lb.	93
3	Reinforcing steel	lb.	314
4	20" O.D. 12-ga. welded steel pipe (tar enamel coated)	l.ft.	140
5	18" O.D. 12-ga. side manhole with 3" drain coupling and plug (per detail)	ea.	1
6	Style No. 38 Dresser coupling (or equal) with 1/2" x 7" middle ring for 20" O.D. welded steel pipe	ea.	2
7	Vent pipe 1 1/2" dia. standard galv. pipe 3'-6" long with fittings	ea.	1

To: C. D. Brehm, State Conservation Engineer
SCS, Huron, South Dakota

August 1, 1956

From: Harlan G. Collins, Civil Engineer
SCS, Rapid City, South Dakota

Subject: South Side Diversion Dam
Little Giant Inverted Siphon

We are sending you the preliminary designs on the above structures. A meeting was held last night by a combined group of the two ditch companies to go over the preliminary plans and cost estimates. It was necessary to plan the two jobs together as they are interdependent. The results of the meeting were as follows by ditch companies.

South Side

1. As a group they disapproved the plan prepared by Vaudrey.
2. They desired to alter our proposal to substitute concrete cutoff walls for the steel sheet piling. Main reasons were the possible change in steel prices, and the large size limestone rock which they have dumped into the site through past years.
3. One of the shareholders owns a bulldozer and they desire to use it to excavate the structure site down to the bottom of the rear cutoff wall.
4. They have \$1,800.00 in their treasury. ASC has given assurances locally that a pooling agreement could be arranged to cost share in the structure. As such, they would like to install a structure which would not exceed a cost of \$3,000.00.
5. Final approval by the ditch company could not be made prior to having final bids on the job.
6. Voted to permit the Little Giant to make use of their diversion dam and canal to supply water to the inverted siphon, provided that the Little Giant installed a division structure and gates at the point which they would take water from the South Side Canal. This would destroy the present measuring box of the South Side Canal. The South Side would replace this with a Parshall flume.
7. They would like to proceed as soon as possible in constructing the diversion dam. The flow in the river is low at this time of the year and could be diverted entirely into their canal. Flows exceeding their right would be replaced in the river through a wasteway. We did not commit ourselves to a definite date at which we would have final plans completed on which they could obtain bids, other than to say that we would request that E & WPU handle this as a rush job. They would very much like to start construction during August.
8. The South Side has a right for 24 cfs. They are favorable to installing a structure which would permit diversion of 44 cfs. to meet the peak consumptive use of their crops. They do not desire to install a measuring device at the present time which would handle much above their right, as their canal in certain reaches would have to be enlarged. They feel this would come at a much later date. The present headgate is sufficiently large that a small change

August 1, 1956

in head would provide for the needed increase in flow required by themselves, as well as the Little Giant.

9. They wish us to complete the pooling agreement application and forward it to ASC.

Little Giant

1. As one major shareholder was not present, they did not take any final action. They desire to have the entire group vote on whether they should pay for the division structure in the South Side Canal.

2. They plan to go over the proposed plans and estimate with the absent shareholder prior to committing themselves. The group present were in favor of installing the siphon, and indicated they would do a portion of the work.

3. Upon approval of the entire group, they wish us to complete the pooling agreement and submit it to ASC.

4. The Little Giant has a right for 5.6 cfs. They are willing to install a structure with a capacity of 12 cfs. to meet the peak consumptive use of their crops.

5. October 1st would be a desirable date for them to begin construction on the siphon and division box. At this time, Deerfield Dam will stop selling water for the season. At that time water would be closed from the South Side Canal and permit construction of the division box.

The inverted siphon would not require approval of E & WPV but the two structures are tied together. The head required for the siphon is dependent upon the water surface elevation in the South Side Canal. We would like to have the completed plans for the diversion dam as soon as possible. Plans for the siphon could be completed at a later date if necessary.

Some information sheets are included, along with the preliminary plans.

COPY

Little Giant Water Right

2754

Know all men by these presents, that we the undersigned citizens of the United States and residents of Pennington County, Territory of Dakota, do hereby claim by right of location and appropriation according to the laws of the United States and Territory of Dakota, two thousand (2000) miners inches of the water of Rapid Creek for mining, manufacturing, agricultural, domestic, and other useful purposes and uses. To be taken from Rapid Creek at a point on Clark Lewis ranch, situate in the County of Pennington, Territory of Dakota, on the southeast quarter of the northwest quarter of section 15. To be taken or carried thence by ditch, or flume if necessary, on the north side of said Rapid Creek across or through section 14 and in a southeasterly direction to the east side of section 23. Said water right was located on the 14th day of June A. D., 1878. To be known as the Little Giant Water Right, date of certificate 24th day of May A. D., 1880.

T. H. Taylor
P. K. A. Chaffee
J. B. McComber
T. Parker
Gates & Blair
Charles Hunt

Filed for record the 24th day of May A. D., 1880 at 2:00 o'clock P. M.
Recorded in Book E on page 1, of Locations.

Wm. S. Maguire
Register of Deeds
By A. P. Sterling, Deputy

Book E Location Certificates Records

page 1

II.

LITTLE GIANT DITCH COMPANY -- Not Incorporated.

Filing: Filed in Volume E of Location Certificate Records, page 1.
May 24, 1880.

Location date: June 14, 1878.

Amount of Water Claimed: 2000 miner's inches.

Point of Diversion: $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 15 Township 1 North of Range 8 East of B. H. M.

Locaters: T. E. Taylor, P. K. A. Chaffee, J. B. McComber, T. Parker, Gates & Blair, and Charles Hunt.

This ditch has never been incorporated. There has been one or more extensions of this ditch. In 1896 the Little Giant was extended to a point near the Section line between sections 19 and 20 in Township 1 North of Range 9 East of the B. H. M.

Following a controversy between this ditch and the South Side Ditch Company, a contract was entered into between the two parties about 1900 (contract dated March 15, 1898) whereby it was agreed that the Little Giant should have 400 inches of water. Of this amount, 200 inches has been used by the area served by the Little Giant from the point of diversion to the road or section line between sections 23 and 24 in Township 1 North of Range 8 East. The other 200 inches have been set aside for that land served by the Little Giant located east of the aforementioned section line.

In 1909 the water users under this ditch, living east of the section line described in the foregoing paragraph, entered into individual contract or agreement with the Rapid Valley Water Company for water to be furnished through their ditch. For that reason there are now only three users, D. Birnbaum, Joseph Birnbaum, and Eldon Morris, who are served by the Little Giant Ditch. These three men share the expenses of O. & M. It is estimated that they irrigate somewhere between 300 and 340 acres with water from the Little Giant Ditch. Assessments are made according to the amount of water that each is assigned. The amount of the assessment varies with the year and according to the work that has to be done.

Those who operate on the lower end of the ditch all share in the Little Giant Ditch filings with respects to water rights although they receive water directly from the Rapid Valley Water Company. These owners, however, are not entirely satisfied with the arrangement because of the increase of assessments made by the Rapid Valley Water Company which is distributed as dividends among shareholders of that company, after O & M expenses are deducted. From 350 to 400 acres are represented in the area served by the lower end of this ditch.

For List of Water Users, see Exhibit IIA.
For Location Notice, see Exhibit IIB.

COP

Little Giant Ditch -- distribution of water.

United Corporation	177 7/9 inches
Bessie Morris	<u>22 2/9 inches</u>
Total	200

Those on the lower end of the Little Giant Ditch and receiving water from the Rapid Valley Water Company, share in the distribution of water as follows:

C. E. and Addeline Morris	33 1/3
Irene Bausch	16 2/3
Eugene Holcomb Dunn	66 2/3
Ruth L. Anderson	33 1/3
Arthur Jones	33 1/3
Northwestern Eng. Co.	<u>16 2/3</u>
Total	200

General Description of the Organization Type
of the South Side Group Requesting Cost-Sharing
Under a Pooling Agreement

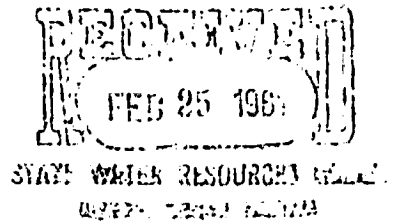
This Association was formed by a group of individuals applying together for a water right in 1880, as a ditch and water company, to supply irrigation water to their own lands for crop production. The group was called the South Side Ditch and Water Company for the purpose of supplying a name for the group in applying for a water right. Shares were distributed in proportion to the amount of land irrigated by each individual. Maintenance and improvements on the ditch are shared by the individuals in proportion to the amount of water each receives, but the cost-sharing is on a voluntary basis.

They have no power of taxation, and debts of the group or company cannot become liens against the land of individual members of the company. The use of the name company is a loose usage for want of some title. The word "group" would better describe their association and interest in the ditch.

(Rapid Valley Water Conservancy District)
SOUTH DAKOTA RECLAMATION ASSOC.
P. O. Box 372
Pierre, South Dakota

Adm 653

February 22, 1961



Julius F. Sieler, Attorney
Sieler and Brady
717 Kansas City Street
P. O. Box 1870
Rapid City, South Dakota.

Re: Little Giant Ditch Company

Dear Mr. Sieler:

I have been asked to reply to your letter of February 15th addressed to Raymond Johnson concerning the re-location of the Little Giant Ditch Company water right.

Consideration was given to the matter at a meeting of the Conservancy District held on September 3rd, 1960. At that time no official action was taken but an informal approval was given to a re-location of the Little Giant Ditch Company diversion point. However, at a recent meeting of the Board held on February 20th, the following resolution was adopted.

Concerning the application of the Little Giant Ditch Company for a re-location of its diversion point,
Holla Marsh moved the following resolution:

Whereas, the Little Giant Company seeks a re-location of its point of diversion under its existing water right;

Now, Therefore Be it Resolved that the Rapid Valley Water Conservancy District finds no objection to such re-location, subject to the approval of the State Water Resource Commission.

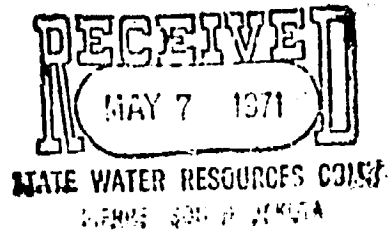
This was seconded by Wayne Anderson and carried.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond F. Lund".

RAYMOND F. LUND
Secretary

RF1:hzm



LITTLE GIANT DITCH & WATER CO.

A List of the People and Their Acreages in
the Rapid Valley Water Conservancy District

May 5, 1971

<u>Name</u>	<u>Acreage</u>
William Anderson	92.05
Holcomb Ranch (W. W. Walton)	115.14
Bessie Morris	50.65
Northwestern Engineering Company	61.15
United Corporation	330.90
Total	649.89

Permit No. 653-2Water Division 2 RAPID CREEK Water District

**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 Little Giant
Ditch Company of Rapid City, South Dakota holder
of Permit No. 653-2, bearing date of priority of June 14, 1878,
authorizing the diversion of 8.0 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:

A. Works used to divert the water:

Existing South Side Ditch Concrete Dam in Rapid Creek in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T1N, R8E, about the first 450 feet of South Side Ditch. Two foot sliding headgate on the South Side Ditch. Approximately 100 ft. siphon, 2 ft. diameter under Rapid Creek to north side of Rapid Creek.

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

2.51 miles of main canal for Little Giant Ditch. Approximately 3' x 3'

C. Works used to apply water to beneficial use.

Checks, siphons, laterals, and land leveling

The system is in the following condition: very good

The point of diversion is located Little Giant Ditch, S. 44° 55' East 3607 feet from the NW
Corner of Section 15, T1N, R8E. Rapid Valley Ditch, 1935 ft. North and 2700 feet
West of SE Corner of Section 8, T1N, R8E

The works are capable of diverting and conveying to the place of use 12cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows. see attached statement

comprising a total of 650 acres of land.Date April 29, 1971

Donald P. Collins
(Signature)
Chief Engineer

LOCATION OF LAND TO BE IRRIGATED

<u>Location</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Acres</u>
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	1N	8E	37
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14	1N	8E	23
NW $\frac{1}{4}$ NW $\frac{1}{4}$	23	1N	8E	10
NE $\frac{1}{4}$ NW $\frac{1}{4}$	23	1N	8E	32
NW $\frac{1}{4}$ NE $\frac{1}{4}$	23	1N	8E	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	1N	8E	39
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	1N	8E	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23	1N	8E	39
SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	1N	8E	15
NW $\frac{1}{4}$ SW $\frac{1}{4}$	23	1N	8E	8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23	1N	8E	21
NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	1N	8E	35
NE $\frac{1}{4}$ SE $\frac{1}{4}$	23	1N	8E	28
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23	1N	8E	8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	23	1N	8E	2
NW $\frac{1}{4}$ NW $\frac{1}{4}$	24	1N	8E	24
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24	1N	8E	37
NW $\frac{1}{4}$ SW $\frac{1}{4}$	24	1N	8E	34
SW $\frac{1}{4}$ SW $\frac{1}{4}$	24	1N	8E	12
NE $\frac{1}{4}$ SW $\frac{1}{4}$	24	1N	8E	23
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24	1N	8E	9
NE $\frac{1}{4}$ SW $\frac{1}{4}$	24	1N	8E	12
NE $\frac{1}{4}$ SE $\frac{1}{4}$	24	1N	8E	34
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24	1N	8E	28
Lot 3	19	1N	9E	29
Lot 4	19	1N	9E	21
Lot 1	30	1N	9E	3
Total:				650

WATER RIGHT APPLICATION NO. 653-2

Little Giant Ditch Company

Water Right Application No. 653-2 proposed a change of diversion point for the Little Giant Ditch. However as written, Water Right Application No. 653-2, in addition to proposing a change of diversion point actually is an application to modernize or up-date the Little Giant Water Right.

There now appears to be no formal organization of the Little Giant Ditch Company. The United Corporation of Rapid City is keeper of the books and passes on and collects the assessments levied by the Rapid Valley Conservancy District.

Water Right Application No. 653-2 proposes to irrigate 522.92 acres from the Little Giant Ditch after the diversion point is changed and proposes to continue to irrigate 256.85 acres under the Little Giant Water Right, but with the water being delivered by the Rapid Valley Ditch.

While some of the acreage is irrigated every year, it was reported to this examiner by one of the land owners that a large portion of the land is not irrigated during many years.

The acreage shown is that for which assessments were made by the Rapid Valley Conservancy District. Of the 650 acres listed 435 acres are irrigated from the Little Giant Ditch and 115 acres (last five entries on the list) are irrigated from the Rapid Valley Ditch. In addition there are 128 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 24, T1N, R8E reportedly irrigated from the Rapid Valley Ditch with half of the acreage being under the Little Giant Water Right and half under the Rapid Valley Water Right. This 128 acres was included in Water Right Application No. 653-2, but is not listed in the 1970 Little Giant Ditch acreage assessment list.

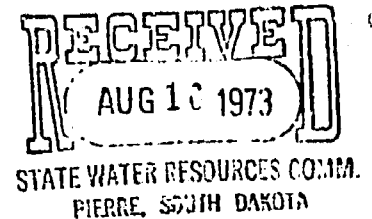
Law Offices of
Louis H. Freiberg

Post Office Box 1549
Telephone (605) 343-5157

August 14, 1973

Suite 203-204 Seltz Building
624 - 6th Street
Rapid City, South Dakota 57701

State Water Resources Commission
Capitol Building
Pierre
South Dakota 57501



Re: Land Development Specialists

Dear Sirs:

I certainly thank you for the map on Water Rights on the Little Giant Ditch and these maps show that the United Corporation are the owners of the following water rights to property all located in Township 1 North, Range 8 East of the Black Hills Meridian, to-wit:

<u>Section 14:</u>	
S1/4SW	35.88 acres
SESW	23.29 acres
<u>Section 23:</u>	
NW1/4	10.39 acres
NENW	31.73 acres
NWNE	40.07 acres
NENE	38.57 acres
SWNE	40.00 acres
SENE	39.30 acres
NWSE	35.04 acres
NESE	27.66 acres
SWSE	<u>7.53 acres</u>
Total acres	330.46 acres

These acreages are taken from the map which you sent me dated in 1960.

State Water Resources Commission
Pierre, South Dakota
August 14, 1973
Page 2

The above water rights are all out of the Little Giant Ditch.

The United Corporation is the owner of the East half and the North half of the Northwest of Section Twenty-three and the South half of the Southwest of Section Fourteen, all in Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, and I would like to know if there are any other water rights on the above property under any other Ditches other than the Little Giant Company.

I believe that the United Corporation transferred part of the above water rights to the Rapid Valley Water Service Company, who requested the transfer in a change of use for their water company and a change of point of diversion which was granted and I would like to know which of the above water rights were transferred to the Rapid Valley Water Service Company and the date. This information will certainly be appreciated.

Sincerely,

Louis K. Freiberg
Louis K. Freiberg

LKF:lc

W.C.

*How many
acres per
section do they
have for each
acre under their water
right
W.C.*

Information to be used for...

on 8/16/73

BEFORE THE OFFICE OF THE STATE ENGINEER,
OF THE STATE OF SOUTH DAKOTA.

A P P L I C A T I O N

of

John Z. Reed, Charles Morris, William Strong and George Mentch parts of the appropriators of water from the Little Giant Ditch, to change the point of diversion and line of appropriation through the Hawthorne and (Murphy) Lower Rapid Valley Ditch.

APPLICATION.

To the Honorable Samuel H. Lea,

State Engineer of South Dakota;

Your petitioners John Z. Reed,

Charles Morris, William Strong and George Mentch being the owners of ten of the twenty four shares of the stock of the Little Giant Company would respectfully petition your office for the issuance of a permit to change the place of appropriation on one hundred sixty six and two thirds inches of the four hundred inches of water which has been heretofore appropriated through the Little Giant Ditch, in the manner and for the purposes hereinafter stated.

Your petitioners respectfully state and show;

That

for many years past, they have been appropriators of water from Rapid Creek for the beneficial use of their lands situated in Sections thirteen (13), fourteen (14) and twenty five (25) in Township one (1) North of Range Eight (8) East, of the B.H.M., a more particular description of which is hereinafter given, and that said appropriation for a beneficial use has continued to and until the date, hereof.

THE LITTLE GIANT DITCH COMPANY.

This company, a co-partnership is composed of your petitioners, Maurice Keliher and Christopher Birnbaum, and have been appropriating four hundred inches of water from Rapid Creek in

Pennington County, South Dakota, from a point of diversion which is north 84 degree 45 minutes west 2145 feet from the half section corner between sections fourteen (14) and fifteen (15) in Township one (1) north, Range eight (8) east, B.H.M. which ditch runs southeastwardly as shown by the plat marked "Exhibit A". attached hereto and made a part of this application. That this water right was located on ^{June 14th, 1878, and dated} May 24, 1880 and filed for record on that date and recorded in Book E on page one (1) of locations in the office of the Register of Deeds in Pennington County, South Dakota, a true copy of which location certificate is hereto attached marked "Exhibit B", and made a part of this application.

THE RAPID VALLEY DITCH COMPANY. (MURPHY DITCH).

The Murphy Ditch was located on April 9, 1878 and the location certificate was filed for record on said date in Book E. on page five hundred and ninety six (596), a true copy of which location certificate is hereto attached marked "Exhibit C", and made a part of this application. This company is a South Dakota corporation, part of the stockholders being Isaac Murphy and Freeman Lewis of Rapid City, South Dakota.

THE HAWTHORNE DITCH COMPANY.

Reference is made to the plat and filed in your office for information relative to this company.

Reference is hereby made to the map of the Hawthorne Ditch, the existing water rights of the Murphy and the Little Giant Ditch Companies, and the hydrographic survey of all the ditches on Rapid Creek in Pennington County, South Dakota, all of which aforesaid maps and information are on file in your office, and by this reference are made part of this application.

That the lands heretofore irrigated from said Little Giant Ditch to which land the right of appropriation is appurtenant is the land belonging to Charles Morris, described as the

Southeast quarter of Section thirteen (13) and the Northeast quarter of Section twenty-four (24); that belonging to John Z. Reed, described as the East half of the Southeast quarter of Section twenty-four (24), the East half of the Northeast quarter and Southeast quarter of Section twenty-five (25), and the Northwest quarter of the Southwest quarter of Section nineteen (19), Township one (1) North, Range nine (9) east; that belonging to George W. Montch being described as the North half of the Northwest quarter of Section twenty-five (25), and that belonging to William Strong, described as the Southwest quarter of the Southwest quarter of Section twenty-four (24), all of which land is in Township one (1) North, Range eight (8) east, B.H.M., except said forty (40) acres belonging to said John Z. Reed which is the identical land to be irrigated under the proposed change.

Arrangements and contracts have been made by your petitioners with the Hawthorne and Murphy Ditch Companies by which one hundred sixty-six and two thirds inches ($166 \frac{2}{3}$) inches of water, their porportion may be diverted at the Hawthorne head-gate in Section five (5), Township one (1) north, Range eight (8) east and carried through the Hawthorne Ditch, being carried through Sectionz fourteen into Section ten (10) and turned into the Murphy Ditch at a point which from the Northwest corner of the Southwest quarter of the Southwest quarter of Section ten (10), Township one (1) North, Range eight (8) east, the waste way of the Hawthorne Ditch under the C.M. & St. Paul R.R. track bears north three (3) degrees, thirty (30) minutes east, sixhundred fifty-six (656) feet. This cause is also the channel where the water from the Hawthorne Ditch runs into the Murphy Ditch as is more fully shown by the plat marked "Exhibit A", and thus carried through the Murphy Ditch through Sections fifteen (15), fourteen (14) and thirteen (13), and thus distributed over the lands of your petitioners. That laterals will be constructed on the section line between Sections twenty-four (24) and

twenty-eight (28), and twenty-four (24) and nineteen (19) to irrigate the land from the Murphy Ditch. That petitioners waive none of their previously required rights of appropriation in making this petition for the aforesaid change.

W H E R E F O R E .:

Your petitioners pray that a permit be granted by the State engineer permitting and authorizing your petitioners to appropriate one hundred sixty-six (166 $\frac{2}{3}$) and two thirds inches of water, the amount heretofore appropriated, through the head-gate of the Hawthorne Ditch in Section five (5), Township one (1) North, Range eight (8) east, R.M.M., carrying it through the Hawthorne ditch and turning it into the Murphy Ditch as heretofore described, thence carrying it through the Murphy Ditch to their laterals to be distributed upon their lands heretofore described and irrigated by water appropriated under the Little Giant Ditch.

Respectfully submitted,

John Greer
Charles S. Morris

William Strong
George W. Mendenhall

Petitioners.
Thomas R. Nelson
Rapid City, S. D.
Attorney for Petitioners.

State of South Dakota }
County of Pennington }

SS

We John L. Reed of Rapid City, S.D.,
Charles S. Morris, Wm Strong of Rapid City, S.D.,
and George W. Mentch of Rapid City, S.D.,
being first duly sworn each for himself and not one for the other
on our oaths depose and say:

That my relation to the above described application is that of one of the petitioners therein named. That I have made the foregoing statement and examined the map and location certificates accompanying the same, and that I know from my own personal knowledge that the statements made therein and shown are true.

John L. Reed

Charles S. Morris

William Strong
George W. Mentch

Subscribed and sworn to before me this 3rd day of May 1909.

Harriet R. Nelson
Notary Public.

LOCATION CERTIFICATE.

Pennington County, South Dakota.

2754

KNOW ALL MEN BY THESE PRESENTS:

That we the undersigned, citizens of the United States and residents of Pennington County, Territory of Dakota do hereby claim by right of location and appropriation according to the laws of the United States and the Territory of Dakota, Two thousand ~~inches~~ (2000) miners inches of the waters of Rapid Creek for mining, manufacturing, and agricultural domestic and other useful purposes and uses, To be taken from Rapid Creek at a point on Clark Lewis Ranch situated in the County of Pennington Territory of Dakota on the south east $\frac{1}{4}$ of the North west $\frac{1}{4}$ of Section fifteen, to be taken or carried thence by ditch or flume if necessary on the north side of said Rapid Creek across or through Section No. 14, and in a south easterly direction to the east side of Section 23. Said Water right was located on the 14th day of June, A.D. 1878, To be known as the LITTLE GIANT WATER RIGHT.

Date of certificate. May 24th day of May, A.D. 1880.

T. H. TAYLOR.
P. R. A. CHAFFEE.
J. B. McCOMBER.
T. PARKER.
GATES & BLAIR.
CHAS. HUNT.

Filed for record the 24th day of May, 1880 at 2 o'clock P.M. and recorded in book E, on Page 1 of Locations.

(S. S. 1880)

Wm. S. Maguire,

Register of Deeds,

By A. P. Sterling,
Deputy.

-;-

DATE MICROFILMED

CAMERA OPERATOR

No 129. LOCATION NOTICE.

The undersigned claim by right of location and prior appropriation a water ditch commencing on the north side of Rapid Creek about two and ~~one~~^a half miles east of Rapid City in Pennington County, Territory of Dakota running thence down the valley of the Rapid in a general easterly direction crossing the creek about one and a half miles from the place of beginning thence easterly on the south side a mile further, with right of extension at any time. Said ditch is to be used for irrigation of land of land for farming purposes, and is to be four feet wide by two feet deep, and the flume carrying said flume across the creek is to be of the same dimensions, and we claim the ~~same~~ water flowing in said creek, and have diverted in our said ditch to the extent of one thousand inches, measured under a four inch pressure.

This location was made on April 6, A.D. 1878, and location notice duly posted at the place of the diversion of the water, said notice stating the amount of the water claimed, and the purpose for which it is to be and we expect to begin the construction of said ditch within ten days and to continue the same diligently to completion.

Witness our hands this 6th day of April, A.D. 1878.

C. Lewis.
F. Lewis.
Thomas F. Ponisett.
I. T. Davis.

Filed for record in this office this 9th day of April, A.D. 1878 at the hour of 8 o'clock P.M.

J. R. Hanson,

Register of Deeds.

By
Wm. Inguire,
Deputy.

(Original.)

BEFORE THE OFFICE
OF THE STATE ENGINEER OF IRRIGA-
TION OF THE STATE OF SOUTH DAKOTA.

-:-

A P P L I C A T I O N
OF

John Z. Reed, Charles Morris,
William Strong and George Montch,
part of the appropriators of water
from the Little Giant Ditch, to
change the point of diversion
and line of appropriation through
the Hawthorne and (Murphy) Lower
Rapid Valley Ditch.

-:-

A P P L I C A T I O N .

RECEIVED

MAY 4 1909

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Thomas R. Nelson,
Attorney for petitioners.

March 9, 1909.

Mr. Thomas R. Nelson,
Attorney at Law,
Rapid City, South Dakota.

Dear Sir:-

Referring to your letter of the 3rd inst. and to the matter of the proposed change of the place of appropriation of water from the Little Giant Ditch to the Murphy Ditch on Rapid Creek, I have given considerable attention to this matter and am now prepared to advise you concerning the proper method of procedure.

In accordance with the provisions of the State Water Code, it is perfectly legal to transfer the location of headgate from one place on a stream to another place on the same stream. In the case under consideration, it will not be necessary to advertise this matter, since the water right has already been acquired and the same amount of water is to be used, the only change being that of the point of diversion of one of the water users. In the present instance, a formal notice may be sent to this office setting forth the particulars relating to the transfer of the point of diversion. This notice should be accompanied by a map showing both the present points of diversion, also the proposed point of diversion for both users and the proposed new construction for such ditches and flumes as may be necessary to convey the water to the lands that are to be irrigated. The map and notice should be accompanied by a filing fee of \$1.00 in each case and a duplicate map should be sent which upon approval by the State Engineer will be returned to the applicant, the original being retained in this office.

I saw Mr. Hartgering upon his recent visit here and told him

T.S.N. 42.

about the general requirements for such a map as is herein designated.
Should you require any additional information regarding this matter,
I shall be pleased to furnish you with same.

Yours very truly,

State Engineer.

PHONE:
OFFICE 273
RESIDENCE 332

OLIVE J. DVENTOV,
QUARTERMASTER

Thomas R. Nelson

LAWYER

ROOMS 13, 14 AND 17, SECURITY BLDG. BLOCK

RECEIVED

MAR 6 1909

OFFICE OF THE ATTORNEY GENERAL,
PIERRE, S. DAK.

M
RAPID CITY, S. D., March 3, 1909

Hon. Samuel H. Lea,
Pierre, S.D.

Dear Sir:-

Again referring to the proposed change of the places of appropriation of water from the Little Giant ditch to the Murphey ditch on Rapid Creek, I beg to state that several members of the Little Giant ditch desire immediate action in making the change of the appropriation. The Murphey water is the oldest water right below Rapid City, and the Little Giant being the next located. I believe that the complete plats and information of these water rights are on file in your office and you will notice that the Murphey ditch Company has appropriated 850 inches and are using the same for beneficial use.

The Little Giant Company, a co-partnership appropriated 400 inches and have used it for a beneficial use. This Little Giant Company consists of six individuals, four of which Messrs. Reed, Morris, Kentz and Strong hold 10/24th interest in the ditch, and as they find it impracticable to irrigate from the Little Giant. They being near the end of the ditch. They desire to transfer their right of appropriation to the Murphey ditch headgate and take their water from the Murphey ditch at several points. This is entirely satisfactory to the stockholders of the Murphey ditch ~~at several points~~ and if the right is granted to the four members of the Little Giant, arrangements will be made with the Murphey Company.

for which the land in this case is a headgate of the Little Giant appropriation, and no other land will be irrigated from water taken through the Murphey ditches proposed. Your assistant who was surveying on the Lower Rapid Creek the past summer is very familiar with all the conditions, and of the fact that the land belonging to the present applicants can be more easily and better irrigated by means of appropriating the water through the Murphey ditch, and I suggest that you confer with him in regard to the conditions.

In your letter of June 29th, 1908 you advised me that this change of diversion could be legally made by publication upon an application, you having sent me application form 3 which of course does not fill the requirements in many particulars in this particular case. Sections 20, 49 and 50 of Chapter 180 of the laws of 1907 seems to provide the means for this change of place of diversion.

The individual members of the Company desire that this matter be taken up by your office at once in order that the change of the place of appropriation of water from the Little Giant be granted and arrangements be completed with the Murphey

PHONES:
OFFICE 273
RESIDENCE 332

OLIVE J. OVERTON,
NOTARY AND STENOGRAPHER

Thomas R. Nelson
LAWYER

ROOMS 15, 16 AND 17, SECURITY BANA BLOCK

RAPID CITY, S. D.,

-P-

RECEIVED

MAR 6 1909

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

Company so that the water can be used the coming summer and to assist in pushing the matter would request you to advise me what the requirements will be in this particular case, as cases of this kind are subject to your judgement, and upon receipt of the proper application and requirements will immediately present our application and proceed to the publication of such notice as you decide necessary.

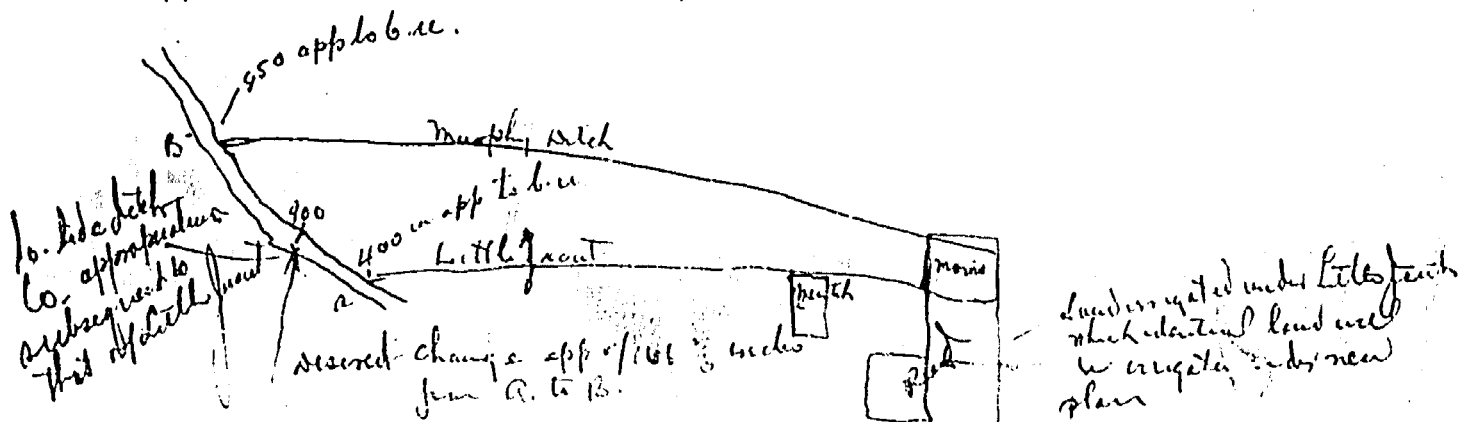
Kindly take this matter up at once and let me hear from you fully in regard to same in order to save as much time as possible.

Yours truly,

*Excuse the lack of the letter. My
regular stenographer is absent.*

Thomas R. Nelson

P. S. Below is a hasty sketch of the matter



March 31, 1909.

Mr. Thomas R. Nelson,
Rapid City, South Dakota.

Dear Sir:-

In reply to your inquiry of the 30th inst. will say that the maps of the hydrographic survey made last season on Rapid Creek have not yet been completed but work is now being done on same in the drafting department of this office. When completed blue print copies of this map can be obtained upon request and the payment of a fee prescribed in the State Water Code.

With regard to furnishing certified copies of the filings of the Murphy and Little Giant Water Rights, you are informed that no such filings are on record in this office. The Assistant Engineer, Mr. Huffman, while in Rapid City last season examined the records in the county court house of Pennington County and found a filing of the Rapid Valley Ditch which is some times called the Murphy Ditch. He states that he was unable to find any record of the Little Giant Water Right at that time. I am informed that the complete transcript of the water rights that have been filed in Pennington County Court House has not been forwarded to this office. I am therefore unable to furnish certified copies of the Little Giant and Murphy Water Rights as requested by you.

Yours very truly,

State Engineer.

BLACK HILLS
NATIONAL FARM LOAN ASSOCIATION
RAPID CITY, SOUTH DAKOTA

COUNTIES OF
PENNINGTON MEADE
LAWRENCE CUSTER
WASHINGTON WASHAUAUGH
SHANNON
SOUTH DAKOTA

A. S. HALLEY,
SECRETARY-TREASURER

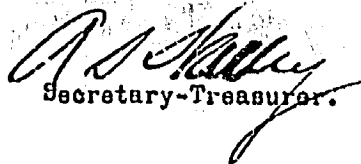
November 18, 1926.

Mr. H. F. Bastian, Deputy State Engr.,
Pierre, S. Dak.

Dear Sir:

Replying to your letter of November 16th, the Little Giant Ditch was located in 1879 or 1880, on the locaters being Tom Parker. The location certificate and water right were filed in the office of the Register of Deeds of Pennington County, then Dakota territory. Perhaps with this lead, you can locate the records in Pierre.

Yours very truly,


Secretary-Treasurer.

ASH:MHB

November 20, 1926

Mr. A. S. Halley, Sec'y-Treas.
Black Hills National Farm Loan Ass'n.
Rapid City, S. D.

Dear Sir:

On receipt of yours of the 18th. we again made search for the Little Giant Ditch Company Water Right.

In a document case of old Water Rights we have found some correspondence during the month of March 1909 between this Office and a Mr. Thomas R. Nelson, lawyer, Rapid City. At that time, I note from the above correspondence, four members of the Little Giant Company desired to change the point of diversion of this Water Right to the head gates of the Hawthorne and Murphy Ditches. Since this Office was informed that no change was to be made in the amount of water diverted, that the same acreage was to be irrigated and that this transfer was agreeable to the Owners of the above Diversion works, the only requirement made was that a formal notice, relating to the transfer of the point of diversion including an exact description of original and proposed points of diversions, be filed in this Office, with the proper fees required by law. At this point the matter appears to have been dropped, for no such statement of transfer is to be found in our files.

Regarding the Water Right of the Little Giant Company, this appears to have never been filed in this Office. The latest letter in our file of the Little Giant Company, that of the State Engineer to Mr. Thomas R. Nelson, Rapid City, S. D., of March 31, 1909, states that "no such filings are on record in this Office". He also states in this letter that at that time the Assistant Engineer, in examining the records in the Pennington County Court House, was unable to find any record of the Little Giant Water Rights.

Very truly yours,

Deputy State Engineer

HFB:ES

May 8, 1909.

Mr. Thomas R. Nelson,
Rapid City, South Dakota.

Dear Sir:-

Referring to the matter of the application of John Z. Reed et al, for a change of place of appropriation of the water from the Little Giant Ditch to the Hawthorne and Murphy Ditches, I hand you herewith a formal permit authorizing the proposed change. The fees for filing application and map and issuing permit are \$4.00; these can be forwarded to me upon receipt of this notice.

Yours very truly,

Enclosure:
Permit.

State Engineer.

STATE OF SOUTH DAKOTA

OFFICE OF STATE ENGINEER

State of South Dakota()
County of Hughes

This is to certify that John Z. Reed, Charles Morris, William Strong and George Menton have filed in this office evidence that they are entitled to the use for irrigation purposes of one hundred and sixty six and two-thirds (166 2/3) inches of water which has heretofore been appropriated through the Little Giant Ditch, the point of diversion of which is situated North 24 degrees, 45 minutes West, 3145 feet from the half-section corner between sections fourteen (14) and fifteen (15) in Township one (1) North, Range eight (8) East, B. H.M. in Pennington County, South Dakota.

The said John Z. Reed, Charles Morris, William Strong and George Menton have filed in this office a petition for a change in the point of diversion of the water appropriated by them, above designated, the proposed new point of diversion being at the headgate of the Hawthorne Ditch in Section five (5), Township one (1) North, Range eight (8) East; the water to be carried through the said Hawthorne Ditch and turned into the Murphy Ditch, and from thence distributed over the lands of the petitioners as shown on the plan accompanying their petition.

Now, therefore, in accordance with the provisions of Section Twenty of Chapter 130 of the Session Laws of 1907 of South Dakota, which reads as follows: "Provided, further, that a change in the proposed point of diversion of water from a stream shall be subject to the approval of the State Engineer, under the provisions of paragraph 46 hereof, and shall not be allowed to the detriment of the rights of others having valid claims to the use of water from said stream;" the petition herein set forth is hereby approved and the petitioners are duly authorized to make the proposed change in the point of diversion, as designated herein, without in any way affecting the prior rights to the waters appropriated by the .

Witness my hand and official seal this 8th day of May, 1908.

State Engineer.

RECORD

DATE MICROFILMED

CAMERA OPERATOR

No. 13-2

Office of State Engineer
DOCUMENT FILE

Name: Reed, John B.
Morris, Chas.
Strong, Wm.
McKib, George

Application to Change
Point of division.

659-2

Water Rights Division
605 773-3352

August 23, 1983

B.H. Dell
2710 Ivy Ave.
Rapid City SD 57701

Dear Mr. Dell:

For your information, I have enclosed documents of the original filings on South Side and Little Giant ditches. From the more recent records in the Division of Water Rights, it appears that the United Corporation owned a portion of the Little Giant Water Right No. 653-2 in the amount of 177 7/9 miners inches or 3.56 cubic feet per second and Bessie Morris owned 22 2/9 miners inches of water or 0.44 cubic feet per second both of which were carried through the Little Giant ditch. Other lands under the Little Giant priority are now being served by the Rapid Valley Water Company.

In 1972 a portion of the 3.56 cfs held by the United Corporation was transferred to the Rapid Valley Water Service Company in the amount of 1.73 cfs which would leave United Corporation with a total of 1.83 cubic feet per second. This is pursuant to permit No. 1101-2 for the Rapid Valley Water Service Co.

Please advise this office if you have any further questions regarding the Water Rights of United Corporation. Any transfer because of ownership change would require completing the enclosed "Notice of Transfer of Water Permit".

Very truly yours,

JAMES A WINTERTON
Water Resources Engineer

JEW:ks

enclosures

NOTICE OF TRANSFER OF WATER PERMIT

**TO: Water Rights
Foss Building
Pierre, SD 57501**

Date: September , 1983

This is to notify you that the title to the lands described as follows:

SW¹₄SW¹₄, SE¹₄SW¹₄, Section 14, Township 1 North, Range 8 East of B.H.M.; NW¹₄NW¹₄, NE¹₄NW¹₄, NW¹₄NE¹₄, NE¹₄NE¹₄, SW¹₄NE¹₄, SE¹₄NE¹₄, NW¹₄SE¹₄, NE¹₄SE¹₄, SW¹₄SE¹₄, Sec. 23, T1N, R8E of the B.H.M.

formerly owned by United Corporation

has been transferred to LLS, Inc., 27 Signal Drive, Rapid City, SD 57701
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 653-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, John T. Vucurevich, Pres. U.C. 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.

John T. Vaccaro
(Signed)

Subscribed and sworn to before me this 2nd Day of September, 1983

Doris L. Tustbough
(Notary Public)

NO. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September, 1983

This is to notify you that the title to the lands described as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T1N, R8E of the B.H.M.; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T1N, R8E of the B.H.M.

formerly owned by LDS, Inc.

has been transferred to B.H. Dail, 2710 Ivy Avenue, Rapid City, SD 57701

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 653-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF Colorado)
COUNTY OF El Paso) ss.
~~El Paso~~

I, Duane A. Ahlers 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.

LDS Inc

Duane A. Ahlers Vice President
(Signed)

Subscribed and sworn to before me this 6th Day of September, 1983.

My commission expires: 12/22/84

Phyllis M. Acute
(Notary Public)

Box 7800, Colorado Springs, CO 80933

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9614

Pierre, March 25, 1984

RECEIVED OF B. H. Dall, 2710 Ivy, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form two transfers for #653-2	5	00
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	5	00

By John Hatch
Chief Engineer JOHN HATCH (MS)

653-2

WATER RIGHTS DIVISION
(605) 773-3352

March 29, 1984

B. H. Dall
2710 Ivy
Rapid City, South Dakota 57701

Dear Mr. Dall:

Enclosed is receipt No. 4 9614 in the amount of \$5.00 which you paid
for the transfer of portions of Water Right No. 653-2.

The transfers have been filed with the Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms:
Enc.

Department of **Water & Natural Resources**

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

December 18, 1989

NOTICE OF REQUEST TO REMOVE TREES FROM DITCH

TO: Little Giant Ditch
 c/o Wayne Anderson
 Rt 5, Box 460
 Rapid City SD 57701

FROM: JOHN HATCH, Chief Engineer
 Water Rights Division 

SUBJECT: REQUEST To Remove Trees And Brush FROM LITTLE GIANT DITCH AND/OR RIGHTS OF WAY

Pursuant to SDCL 46-1-4, 46-2-17 and 46-7-3 Little Giant Ditch Company is REQUESTED to remove trees and brush from Little Giant Ditch, canals, laterals and/or rights of way prior to diverting water from Rapid Creek for the 1990 irrigation season. The roots of larger trees located within the ditches or on ditch embankments need to be removed and resulting holes backfilled with impervious material. Smaller trees and brush need to be trimmed to the ground and treated to prevent regrowth. Trees and brush consume water and contribute to water loss from a ditch. Decayed roots of trees located within ditches or on embankments can provide channels for water to leak or seep from the ditch. Where ditch embankments could fail and cause flooding, decaying tree roots provide channels ("piping") which can result in embankment failure.

All trees and brush that may be located within a ditch, or on ditch embankments, and/or within approximately five feet of the edge of the ditch need to be removed. Where wider rights of way exist, it may be prudent to leave older trees and shrubs that are important to adjacent property owners.

Please advise by February 2, 1990 if your Ditch Company intends to comply with this request or if you would like to have a hearing before the State Water Management Board. The Board will be meeting in Rapid City March 7 & 8, 1990.

If you have questions on this request, please contact Del Brosz (605 773-3352) or myself.

cc: Brian Dail, Vice-President
 Alvin Zietlow, Secretary/Treasurer

CERTIFICATION

I hereby certify that on December 18, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Request to Remove Trees From Ditch addressed as stated below:

Little Giant Ditch, c/o Wayne Andersen
Rt 5, Box 466
Rapid City, SD 57701

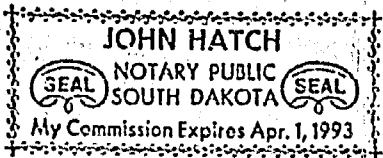
Vice President: Brian Dail
RR 1, Box 222
Eapid City, SD 57701

Secretary/Treasurer: Alvin Zietlow
1475 E. 27th str.
Rapid City, SD 57701

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of December, 1989.



John G. Felt
Notary Public

Jan. 15, 1990

653-62

S.D. Dept. of Water & Nat. Resources

The Foss Bldg.

523 East Capitol

Pierre, S.D. 57501

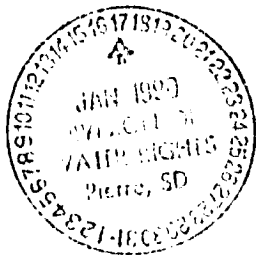
Attn: John Hatch
Chief Engineer

Dear Sir:

In regard to SDCB 46-1-4, 46-2-17, and 46-7-3, we
are taking the matter into consideration and request a
delay in compliance.

Sincerely,
Wayne Anderson
Pres. Little Heart Ditch
P.O. Box 460
Rapid City, S.D. 57701

Alvin Zettlow, Secretary





Department of Water & Natural Resources

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

January 18, 1990

NOTICE

TO: Little Giant Ditch
c/o Wayne Anderson
Route 5, Box 460
Rapid City SD 57701

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

SUBJECT: Hearing to Consider Request for Delay in Removal of
Trees and Brush from Little Giant Ditch and/or Rights
of Way

Pursuant to the Notice from the Chief Engineer dated December 18, 1989, the Little Giant Ditch Company was requested to remove trees and brush from the ditch, canals, laterals and/or rights of way prior to diverting water for the 1990 irrigation season. On January 17, 1990, your letter was received requesting a delay in the removal of trees and brush from the Little Giant Ditch.

The Water Management Board will consider your request for a delay during a hearing scheduled for 1:30 pm on March 7, 1990, in the Roosevelt/Jefferson Room, Howard Johnson's, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 1:30 pm due to prior agenda items.

After all evidence is taken at the hearing, the Board is authorized to: 1) grant the request for a delay, 2) order removal of trees and brush from the Little Giant Ditch as outlined in the Notice dated December 18, 1989, 3) amend Vested Water Right No. 653-2 to add qualifications, 4) defer action, 5) take no action or do some combination of the above. The Board has legal authority and jurisdiction to consider this matter and may amend Vested Water Right No. 653-2 pursuant to SDCL 46-1-4, 46-1-14, 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17 and 46-7-3.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided for by law.

cc: John Haak, Assistant Attorney General
Brian Dail, Vice President
Alvin Zietlow, Secretary/Treasurer

CERTIFICATION

I hereby certify that on January 18, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing to Consider Request to Delay Removal Trees From Ditch addressed as stated below:

Little Giant Ditch, c/o Wayne Anderson
Rt 5, Box 450
Rapid City, SD 57701

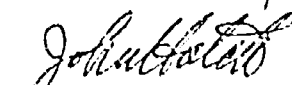
Vice President: Brian Dail
RR 1, Box 222
Rapid City, SD 57701

Secretary/Treasurer: Alvin Zietlow
1475 E. 27th str.
Rapid City, SD 57701


KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of January, 1990.


Notary Public

653-2

Bangs, McCullen, Butler, Foye & Simmons

Lawyers

George A. Bangs
W. A. McCullen (1943-1982)
Joseph M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter

818 St. Joe Street
Mailing Address P.O. Box 2670
Rapid City, South Dakota 57700
605-343-1040
Telecopier 605-343-1503

Allen C. Nelson
James P. Hurley
Michael M. Hickey
Mark F. Marshall
Terry L. Hofer
Rebecca A. McMahon
Patrick K. Duffy

January 25, 1990

Mr. John Hatch, Chief Engineer
Water Rights Division
SD Dept. of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Notice of Request to Remove
Trees from Ditch

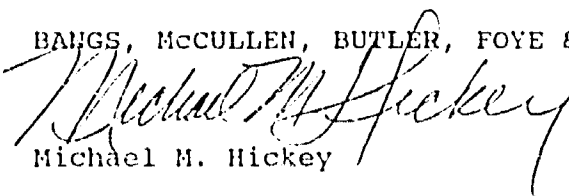
Dear Mr. Hatch:

Pursuant to your Notice dated December 18, 1989, this is to request a formal hearing before the State Water Management Board concerning your request to remove trees and brush from the various ditches, canals, laterals and rights of way prior to diverting water from Rapid Creek for the 1990 irrigation season. This request for hearing is made on behalf of Hawthorne Ditch, St. Germaine Ditch, South Side Ditch, Lonetree Ditch, Little Giant Ditch, Cyclone Ditch and Rapid Valley Ditch Co., Inc. Additionally, I would appreciate it if you would supply me with copies of any investigations, reports, memoranda or correspondence dealing with any of the issues raised by this Notice.

I thank you in advance for your anticipated assistance and cooperation, and if you have any questions or comments, please do not hesitate to contact me. Thank you.

Sincerely,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


Michael M. Hickey

MMH/dcc

cc: St. Germaine Ditch
South Side Ditch
Lonetree Ditch
Hawthorne Ditch
Little Giant Ditch
Cyclone Ditch
Rapid Valley Ditch Co., Inc.

653-21

March 6, 1992



Dept. of Water & Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

Attn: Mr. John Hatch

Dear Sir:

This letter is in answer to your request on what we are doing to facilitate use and better our Little Giant Ditch.

We have cleaned portions and have an annual maintenance program.

We are working with ASCS to reconstruct the remainder. Please see enclosed map. For any questions call Chairman Wayne Anderson at 393-0382 or Secretary Alvin Zietlow 343-5954.

We also have installed pipe in portions of the ditch and did cement work with ASCS help.

Sincerely,

Alvin Zietlow

Alvin Zietlow
Secretary
Little Giant Ditch
1475 E. 27th St.
Rapid City, SD 57701-4088

653-2

LAW FIRM OF

LESLIE JAMES ENGLAND

SUITE 100 WESTERN MUTUAL BUILDING

23 ST JOSEPH STREET

RAPID CITY, SOUTH DAKOTA 57701

LESLIE J. ENGLAND
ALSO ADMITTED IN COLORADO

TELEPHONE (605) 341-1100
FAX (605) 341-1101

March 18, 1992



Genny McMath, Natural Resources Analyst
Water Rights Division
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

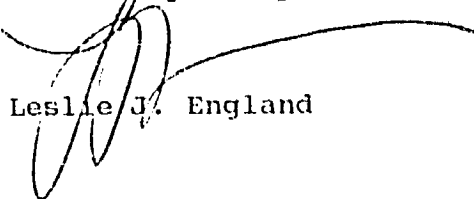
Dear Genny:

Last September you sent me a list of Pennington County vested right claims to validated with penciled in changes since the time it was originally prepared.

I was wondering, on behalf of the City of Rapid City, when permit no. 653-2 (Little Giant Ditch Co.) will be validated.

Thank you for your kind attention to this matter.

Yours very truly,



Leslie J. England

LJE/kmr

cc: Daniel L. Bjerke
Mark Rath

653-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 23, 1993

NOTICE

TO: Wayne Anderson
Little Giant Ditch Company
PO Box 648
Rapid City, SD 57709

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Failure to submit list of completed ditch repairs and
maintenance for the past year that was due August 1,
1993.

Our records indicate that Little Giant Ditch Company has failed to submit a list of repairs and improvements performed on the ditch since August 1, 1992 as required per the March 12, 1993 Notice. Please submit this list to the Division of Water Rights by September 10, 1993.

If you have any questions, please contact Mark Rath or Del Brosz, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: Rapid Valley Water Conservancy District
US Bureau of Reclamation

**SOUTH Dakota Department of
Water & Natural Resources**

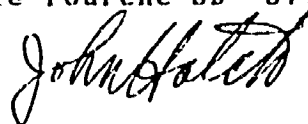
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

February 2, 1987

NOTICE

TO: Lyle Ruby, PO Box 351, Belle Fourche SD 57717

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



SUBJECT: Notice of Requirement to File Vested Right Claim

This notice is in regard to the Redwater Irrigation Association Ditch located in Butte County, South Dakota. Rassool Ahadi, Natural Resources Engineer with the Division of Water Rights is investigating water rights for irrigation ditches on Spearfish Creek and the Redwater River. On December 4, 1986 and January 22, 1987 you were contacted by Mr. Ahadi in regard to filing your vested right claim.

In order for a water right to be considered as a "Vested Right", under South Dakota law, the system would have had to been constructed prior to or under construction on or before March 2, 1955. South Dakota Water Law SDCL 46-5-49 states that if the chief engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file a vested right claim within 90 days. Any claim filed after 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee is \$15.00.

Enclosed is a partially completed set of application forms and the instruction sheet to claim vested rights. If your system does not qualify for vested right status and if a new permit could be approved, with the information we have on the acreage irrigated, the filing fee for your application would be \$2400. We will be glad to help you complete the applications and answer any questions you may have.

cc: Manuel Kindsfater, RR 1, Belle Fourche SD 57717

APPENDIX I

ANALYSIS OF PRIORITIES DIVERTING AT THE SOUTH SIDE DITCH HEADGATE

According to Mark Rath of the South Dakota Department of Environment and Natural Resources (Water Rights Division), 304 acres under the Little Giant Ditch priority receive water for irrigation from the Little Giant Ditch diverting at the South Side Ditch headgate.

Mr. Wayne Anderson, President of the Little Giant Ditch, was contacted on April 25, 1991 by Guy Warren of Wright Water Engineers and asked to provide the names of all remaining irrigators and the amount of land owned by each for parcels irrigated by water diverted under the Little Giant Ditch priority at the South Side Ditch headgate.

Table I-1 lists these farmers and the amount of land owned and irrigated by each:

TABLE I-1
LITTLE GIANT DITCH WATER RIGHTS
AT SOUTH SIDE DITCH HEADGATE

<u>Name</u>	<u>Acreage Owned</u> ¹	<u>Irrigated Acres</u> ²
Wayne Anderson ³ 393-0382	33	33
Lyle Morris ⁴ 393-2326	51	40
Brian Dale ⁵ DAIL 343-9573	115	115
Northwestern Engineering ⁶ 394-3310	61	0
Ruth Anderson ⁷ See Wayne Anderson	47	47
Total	307 ⁸	235

¹These amounts are to the nearest acre.

²These amounts are to the nearest acre.

Attachment A

Land located in T1N-R8E

Section 24	NE1/4 NW1/4	36
	NW1/4 NE1/4	32
	SE1/4 NW1/4	40
	SW1/4 NE1/4	34

38 of the total 142 acres

Section 24	NE1/4 NE1/4	31
	SE1/4 NE1/4	25

28 of the total 56 acres

Land located in T1N-R9E

Section 19	Lot 3 (NW1/4 SW1/4)	29
	Lot 4 (SW1/4 SW1/4)	21
Section 30	Lot 1 (NW1/4 NW1/4)	3

to 1
nature)

r

(title)

Signed)

6/23/88
6/20/88

0 per inch = \$524.48

1/1/1930. Source - Groundwater.
0.09 cfs water used. Priority Date -
5/1/1955. Source -
Meadowbrook Gallery
Permit #432 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
NW1/4SE1/4 Sec. 8, T1N, R7E, 7.75
cfs water used. Priority Date -
1/1/1944; Source - Groundwater
Jackson Springs Gallery
Permit #432 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
SW1/4NW1/4 Sec. 9, T1N, R7E, 0.84
cfs water used. Priority Date -
1/1/1935; Source - Groundwater.
Permit #434 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
NW1/4SW1/4 Sec. 9, T1N, R7E, 0.55
cfs water used. Priority Date -
1/1/1937; Source - Groundwater.
Permit #435 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
NE1/4NW1/4 Sec. 9, T1N, R7E, 1.78
cfs water used. Priority Date -
1/1/1936; Source - Groundwater.
Permit #436 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
SW1/4SE1/4 Sec. 4, T1N, R7E, 1.55 cfs
water used. Priority Date -
1/1/1936; Source - Groundwater.
Permit #437 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
SE1/4NE1/4 Sec. 32, T2N, R7E, 0.78
cfs water used. Priority Date -
1/1/1886; Source - Groundwater,
City Springs Gallery
Permit #438 2. City of Rapid City.
300 6th St., Rapid City, SD 57701:
Diversión Point Location -
SW1/4SW1/4 Sec. 34, T2N, R7E, 0.22
cfs water used. Priority Date -
1/1/1954; Source - Groundwater.
Permit #460 2. Willard Bloom, St.
Rt. 2, Box 1, Wall, SD 57790: Diversión
Point Location - SW1/4NW1/4
Sec. 7, T1S, R17E to NE1/4NW1/4
Sec. 24, T1S, R16E. Irrigated Land
Location - S1/2 Sec. 7, T1S, R17E,
S1/2NW1/4 Sec. 8, T1S, R17E,
NW1/4SW1/4 Sec. 8, T1S, R17E, NW1/4
NW1/4NE1/4 Sec. 15, T1S, R17E,
S1/2N1/4 Sec. 13, T1S, R16E, N1/2S1/2
Sec. 13, T1S, R16E, NW1/4NE1/4 Sec.
24, T1S, R16E; 605 acres; 8.74 cfs
water used; Priority Date -
1/1/1900; Source - South Fork,
Cottonwood Creek
Permit #461 2. Willard Bloom, St.
Rt. 2, Box 1, Wall, SD 57790: Diversión
Point Location - SW1/4SE1/4
Sec. 24, T1S, R16E. Irrigated Land
Location - S1/2SE1/4 Sec. 24, T1S,
R16E; 27 acres; 0.38 cfs & 40 af
water used. Priority Date -
1/1/1938; Source - Bloom Creek.
Permit #462 2. Willard Bloom, St.
Rt. 2, Box 1, Wall, SD 57790: Diversión
Point Location - SE1/4NE1/4 Sec. 32, T1S,
R16E, NE1/4SE1/4 Sec. 32, T1S,
R16E; Irrigated Land Location -
SE1/4NE1/4 Sec. 32, T1S, R16E,
NE1/4SE1/4 Sec. 32, T1S, R16E,
S1/2NW1/4 Sec. 33, T1S, R16E; 220
acres; 3.14 cfs & 40 af water used;
Priority Date - 7/31/1951; Source -
North Branch, Whitewater
Creek.
Permit #467 2. Montana Dakota
Utilities Co., 400 N. Fourth St.,
Bismarck, ND 58501: Diversión
Point Location - NW1/4NW1/4 Sec.
1, T1N, R7E; 0.089 cfs water used;
Priority Date - 4/2/1955; Source -
Groundwater.
Permit #474 2. Jean Larson, P.O.
Box A, Scenic, SD 57780: Diversión

Point Location -
NE1/4NE1/4 Sec. 24, T4N, R15E;
Water Used - 1; Priority Date -
1/1/1935, Pierce Lake.
Permit #479 2. Town of New
Underwood, P.O. Box 278, New
Underwood, SD 57761: Diversión
Point Location - NE1/4SE1/4 Sec.
31, T2N, R11E; 0.11 cfs water used;
Priority Date - 7/1/1950; Source -
Groundwater.
Permit #482 2. George F.
Sanders, Box 9, Caputa, SD 57725:
Diversión Point Location -
SE1/4NW1/4 Sec. 7, T1S, R10E; Ir-
rigated Land Location - SE1/4,
E1/2SW1/4 Sec. 7, T1S, R10E,
NE1/4NW1/4 Sec. 18, T1S, R10E,
N1/2NE1/4 Sec. 18, T1S, R10E,
SE1/4NE1/4 Sec. 18, T1S, R10E; 123
acres; 1.13 cfs water used; Priority
Date - 1/1/1900; Source - Rapid
Creek.
Permit #483 2. Little Giant Ditch
Co., c/o Wayne R. Anderson, Rt. 5,
Box 460, Rapid City, SD 57701:
Diversión Point Location -
SE1/4NW1/4 Sec. 15, T1N, R8E; Ir-
rigated Land Location - S1/2SW1/4
Sec. 14, T1N, R8E, NE1/4NW1/4 Sec.
23, T1N, R8E, N1/2SW1/4, SE1/4 Sec.
23, T1N, R8E, W1/2NW1/4 Sec. 24,
T1N, R8E, SW1/4, E1/2SE1/4 Sec. 24,
T1N, R8E, Lots 3 & 4 Sec. 19, T1N,
R9E, Lot 1 Sec. 30, T1N, R7E, 650
acres; 6.27 cfs water used. Priority
Date - 6/14/1878; Source - Rapid
Creek.
Permit #769 2. Gilbert L.
Shearer, Wall, SD 57790: Diversión
Point Location - NE1/4SW1/4 Sec.
21, T2N, R16E, NE1/4SE1/4 Sec. 21,
T2N, R16E; Irrigated Land Loca-
tion - NW1/4, S1/2NE1/4 Sec. 21, T2N,
R16E, SW1/4SE1/4 Sec. 21, T2N,
R16E; 285.2 acres; 4 cfs water us-
ed; Priority Date - 1/1/1935;
Source - Dry Draw
Permit #797 2. Melvin Kjerstad,
Box 572, Wall, SD 57790: Diversión
Point Location - SE1/4NW1/4 Sec.
12, T1N, R16E, SE1/4NE1/4 Sec. 12,
T1N, R16E; Irrigated Land Loca-
tion - SE1/4NW1/4 Sec. 12, T1N,
R16E, S1/2NE1/4 Sec. 12, T1N, R16E,
N1/2SE1/4 Sec. 12, T1N, R16E; 90
acres; 1.28 cfs water used; Priority
Date - 1/1/1948; Source - Dry
Draw
Permit #815 2. S. H. Cement
Plant, Drawer 360, Rapid City, SD
57701: Diversión Point Location -
NE1/4NE1/4 Sec. 33, T2N, R7E,
SE1/4NE1/4 Sec. 33, T2N, R7E, 0.98
cfs water used. Priority Date -
1/1/1923; Source - Groundwater,
0.5 cfs water used. Priority Date -
1/1/1924; Source - Groundwater,
JOS cfs water used. Priority Date -
1/1/1934; Source - Groundwater,
0.04 cfs water used. Priority Date -
1/1/1941; Source - Groundwater
Permit #868 2. Zoltan Stakacs,
Box 119, Caputa, SD 57725: Diversión
Point Location - SE1/4NW1/4
Sec. 16, T1S, R10E; Irrigated Land
Location - E1/2NW1/4 Sec. 16, T1S,
R10E; 20 acres; 0.28 cfs water us-
ed; Priority Date - 1/1/1932;
Source - Rapid Creek.
Permit #925 2. Lawrence R.
Kruze, Scenic SD 57780: Diversión
Point Location - NE1/4NE1/4 Sec.
15, T4S, R17E; Irrigated Land
Location - N1/2SW1/4 Sec. 14, T4S,
R17E, SE1/4NE1/4 Sec. 15, T4S,
R17E, SE1/4SE1/4 Sec. 15, T4S,
R17E; 120 acres; 1.7 cfs & 80 af/yr
water used; Priority Date -
1/1/1948; Source - Dry Draw
Permit #926 2. Birdall Sand &
Gravel, Box 767, Rapid City, SD
57709: Diversión Point Location -

cfs water used; Priority
1/1/1954; Source - Groundwater,
Permit #1044 2. Blaine
Box 265, Rapid City,
Diversión Point Loca-
SE1/4NE1/4 Sec. 8, T1N,
rigated Land Location -
Sec. 8, T1N, R8E, NE1/4S1/2
T1N, R8E; 15 acres; 0.2
used; Priority Date -
Source - Rapid Creek.
Permit #1727 2. Rapid
Water Company, Inc.,
722. Rapid City, SD 57701:
Diversión Point Location - S1/2
T1N, R8E; Irrigated Land
- portions of Sections 9,
13, 20 & 24, T1N, R8E, &
Sections 19, 20, 29 & 30,
1,425 acres; 17 cfs wa-
Priority Date - 1/1/1911
water used; Priority
1/1/1893; Source - Rapid
Permit #1777 2. Marjory
Cummings, Star Route,
57790: Diversión Point Loca-
SW1/4NE1/4 Sec. 4, T3N,
rigated Land Loca-
NW1/4SW1/4 Sec. 3, T3N,
NE1/4, N1/2SE1/4 Sec. 4, T3N,
127 acres; 1.81 cfs wa-
Priority Date - 1/1/1910,
Dry Draw.
Permit #1778 2. Marjory
Cummings, Star Route,
57790: Diversión Point Loca-
NE1/4SW1/4 Sec. 10, T3N,
SW1/4NE1/4 Sec. 10, T3N,
rigated Land Loca-
SE1/4NW1/4 Sec. 10, T3N,
SW1/4NE1/4 Sec. 10, T3N,
NE1/4SW1/4 Sec. 10, T3N,
NW1/4SE1/4 Sec. 10, T3N,
acres; 0.89 cfs water used
Date - 4/6/1952; Source -
Draw.
Permit #1780 2. Jerry L. D.
Olson, Rt. 5, Box 110, Rapid
SD 57701: Diversión Point
- SW1/4 Sec. 8, T1N, R8E
Land Location - SE1/4NE1/4
T1N, R8E, N1/2NE1/4 Sec.
R8E, 48.7 acres; 0.2 cfs wa-
Priority Date - 4/6/1878
Rapid Creek.
Permit #1805 2. Cow Creek
c/o Glendon E. Shearer,
57790: Diversión Point Loca-
NE1/4SW1/4 Sec. 5, T3N, R14E
Irrigated Land Loca-
NW1/4SW1/4 Sec. 5, T3N,
S1/2SW1/4 Sec. 5, T3N,
SE1/4SE1/4 Sec. 5, T3N,
acres; 0.84 cfs water us-
Date - 11/16/1954; Source -
Draw
Permit #1806 2. Cow
Ranch, c/o Glendon E.
Wall, SD 57790: Diversión
Location - NE1/4 Sec.
R14E; Irrigated Land Loca-
NW1/4, NW1/4 Sec. 18, T3N,
SE1/4 Sec. 13, T3N, R14E, NW1/4
24, T3N, R14E; 300 acres
water used; Priority Date -
1/1/1934; Source - Cow
River.
Permit #1810 2. Jerry H.
quist, Box 26, Caputa, SD
Diversión Point Location -
T1S, R10E; Irrigated Land
Location - NW1/4 Sec. 15, T1S,
84.2 acres; 1.08 cfs wa-
Priority Date - 5/29/1890,
water used. Priority Date -
1/1/1947; Source - Rapid
Permit #1823 2. Bennett
Association, 3907 Minnehaha
Rapid City, SD 57701: Diversión
Point Location - SW1/4NW1/4
T1N, R7E; Irrigated Land Loca-
- E1/2NW1/4 Sec. 9, T1N, R7E,
acres; 4.5 cfs water used; Priority

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: Wayne Anderson

ADDRESS:

COUNTY: PE

DATE: 1/4/91

TELEPHONE:

RE:

COMMENTS:

Mr. Anderson called the office on Friday 1/4/91 with questions regarding an application for a amendment to the current Little Giant Water Right. He wanted to know if the change in the diversion point would alter their priority claim date. I read SDCL 46-2A-12 regarding amendment of permit or license to Mr. Anderson. A change of diversion is considered an amendment if the change does not unlawfully impair existing rights, is for a beneficial use and in the public interest. Under this statute, if it was determined that this change did not impair existing right, then we would consider this an amendment that would retain its priority. But until such time as a report is prepared on an application, I could not tell Mr. Anderson if the application would impair existing rights.

Mr. Anderson asked if we found that the change in diversion point did impair existing rights could he withdraw the application before it came to the Water Management Board. I answer that he could withdraw his application at anytime.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hansen 1/7/91



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 18, 1991

Little Giant Ditch
Wayne Anderson
Rt 5, Box 460
Rapid City, SD 57701

Dear Mr. Anderson:

This is in regards to your phone call on March 18, 1991. Vested Water Right Claim No. 653-2 has not been validated by the South Dakota Water Management Board. As we discussed, there may be some problems with the location of some of the lands and amount of water claimed. Before we continue with the validation process, I believe that I should meet with you and complete an inspection of Little Giant Ditch. I will be in contact with you to set a time which will be convenient for you.

If you have any questions or comments feel free to contact me.

Sincerely,

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

cc: Mike Hickey, Attorney

Conversation or File Documentation

NAME OF PERSON OR FILE: LEROY BARNHARTADDRESS: RAPID CITY COUNTY PENNINGTONDATE: 4/29/91 TELEPHONE 342-5759RE: LITTLE GIANT WATER RIGHTS

COMMENTS:

I CALLED MR BARNHART AND ASKED HIM IF HE
IRRIGATED HIS LAND LOCATED IN SE 1/4 SE 1/4 and
NE 1/4 SE 1/4 SECTION 24- T1N-R8E WHICH IS LOCATED
JUST WEST OF EDDY RYAN'S PLACE. HE SAID
THAT HE DOES NOT IRRIGATE AND THAT HE
LOST HIS WATER RIGHTS BECAUSE SD STATE LAW
SAYS YOU MUST IRRIGATE ONCE EVERY 3 YEARS
AND HE HADN'T. SO HE DOES NOT CLAIM ANY
WATER RIGHTS UNDER LITTLE GIANT.

File in Perm't or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

COMMENTS:

LAS ENGLAND CALLED ME WHILE I AM IN RENO CITY.
HE WAS CONCERNED ABOUT MY LOOKING AT THE LITTLE GIANT
WATER RIGHT.

I TOLD HIM THAT I HAVE ONLY BEEN IN CONTACT WITH
WYNE ANDERSON, OF THE LITTLE GIANT. HE WAS WONDERING
HOW MUCH LITTLE GIANT WATER WAS BEING CARRIED BY
MURPHY PITCH. I TOLD HIM THAT LAND OWNED BY
HARRY MORRIS, WES WILKINSON & EDDY RYDKEBA WAS STILL
COVERED. LEROY BARNHART DOES NOT CLAIM ANY INTEREST.
HE ASKED IF THERE WAS ANY PROBLEMS WITH THE TULSA
PROPERTY. I TOLD HIM IT HAS NOT BEEN MENTIONED
CONCERNING LITTLE GIANT WATER.

HE SAID THAT THE CITY HAS OFFERED TO PURCHASE
ALL OF THE RENO VALLEY WATER COMPANY, WATER
RIGHTS BUT THEY HAVE NOT AGREED ON A PRICE
AS OF YET.

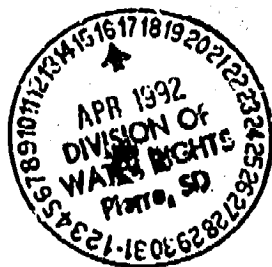
File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

4/82

NAME: Mal D. Bell



**HILLS
MATERIALS
COMPANY**



April 15, 1992

Division of Water Rights
ATTN: Mark Rath
Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Mr. Rath:

We have reviewed the Engineering Report prepared by Wright Water Engineers, Inc. dated March 1992 and find an incorrect statement concerning Northwestern Engineering on Page I-2.

Northwestern Engineering has irrigated the property covered by their Little Giant Ditch water right.

Sincerely,

HILLS MATERIALS COMPANY


Lynn R. Kading, P.E.
Vice President

LRK:gn

394-3300
CONTACT MR KADING ABOUT LITTLE GIANT
INSPECTION

P.O. BOX 2320
RAPID CITY, SD 57709
OFFICE 605-394-3300
Quarry 605-394-3320
FAX: 605-341-3448

DIVISION OF NORTHWESTERN ENGINEERING COMPANY

Permit No. 653-2
Upper Cheyenne River - Water District

COPY

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

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

I have this day made a thorough examination of the water use system constructed by Little Giant Ditch Company of Rapid City, SD holder of Vested Water Right Claim No. 653-2, bearing the priority of June 14, 1879 authorizing the diversion of 6.27 cu. ft. per second of the waters of surface water for irrigation purposes, in Pennington County.

The system is in the following condition fair. The points of diversion is located as follows:

SE1/4 NW1/4 Section 15 T1N-R8E, diversion point shared with South Side Ditch.

- * SW1/4 Section 8 T1N-R8E, water carried by Rapid Valley Water Company Ditch.

The Vested Water Right Claim appropriates 6.27 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

		On License No. 653-2	Found During Inspection

Land Located in T1N-R8E			
Section 14	SW1/4 SW1/4	37	18
	SE1/4 SW1/4	23	23
Section 23	NW1/4 NW1/4	10	0
	NE1/4 NW1/4	32	18
	SE1/4 NW1/4	15	15
	NW1/4 SW1/4	8	0
	NE1/4 SW1/4	28	28
Section 24	NW1/4 NW1/4	24	24
	SW1/4 NW1/4	37	37
	NW1/4 SW1/4	34	34
	SW1/4 SW1/4	12	12
	NE1/4 SW1/4	23	9
	SE1/4 SW1/4	9	9
	NE1/4 SW1/4	12	0
			227
Land located in T1N-R9E			
* Section 19	Lot 3 (NW1/4 SW1/4)	29	29
	Lot 4 (SW1/4 SW1/4)	21	21
* Section 30	Lot 1 (NW1/4 NW1/4)	3	3
			53

The following land was inspected on September 25, 26 and 27, 1990 in conjunction with the Rapid Valley Water Company (Murphy Ditch) inspection. At that time it was found these acreages were irrigated by both the Little Giant water right and the Murphy Ditch water right out of Murphy Ditch. It was later determined this land was included on the original Little Giant Water Permit No. 653-2, but was inadvertently omitted from the recognized vested water right and also from the June 23 and 30, 1988 Pennington County advertisement for Validation of Vested Water Right Claim.

On the Murphy Ditch Water Right No. 1727-2 the total acreage irrigated was listed with the proportionate share of Murphy Ditch acreage listed. This should be the same procedure followed on the Little Giant water right.

** 38 of the total 142 acres		On Permit No. 653-2	Found During 1990 Inspection
Section 24 T1N-R8E	NE1/4 NW1/4		36
	NW1/4 NE1/4		32
	SE1/4 NW1/4	40	40
	SW1/4 NE1/4	34	34
			142

** 28 of the total 56 acres

Section 24 T1N-R8E	NE1/4 NE1/4	31	31
	SE1/4 NE1/4	25	25
			56

* Indicates land listed on the 1988 advertisement, but diversion point is from the Rapid Valley Water Company (Murphy Ditch) diversion point.

** Indicates land and diversion point not listed on the 1988 advertisement. This land is irrigated from Rapid Valley Water Company (Murphy Ditch) diversion point SW1/4 Section 8 T1N-R8E.

The total acres irrigated under Little Giant Ditch comprise a total of 346 acres of land.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 8/1/92


 Mark D Rath
 Natural Resources Engineer
 DENR, Water Rights Division

9/1/92

S. Y
13. Y
18.5

	S 24	PERMITTED	DIGITIZED
NW ENG	NW NW	24	26 24
	SW NW	37	31 37
RUTH ANDREWS	NW SW	34	33 34
WATKINS	SW SW	12	11 12
ANDREWS	NESW	35	28 9
	SE SW	9	8 9
EDGE RYAN	S 19		
	NW SW		
	LOT 3	29	28 29
	SW SW		
	LOT 4	21	19 21
	S 30		
	NW NW		
	LOT 1	3	4 3

	S 14	PERMITTED		
	SW SW	37	18	18
	SE SW	23	22	23
	S 23			
	NW NW	10	0	0
9.8 22	NE NW	32	18	18
	SE NW	15	15	15
	NW SW	8	0	0
	NE SW	28	28	28
			<u>28</u>	
			279	

INSPECTION OF LITTLE GIANT DITCH COMPANY
(draft)

Land located in T1N-R8E

Section 14	SW1/4 SW1/4	37.8	37
	SE1/4 SW1/4	22.6	23
Section 23	NW1/4 NW1/4	11.3	10
	NE1/4 NW1/4	27.0	32
	SE1/4 NW1/4	13.0	15
	NW1/4 SW1/4	5.9	8
	NE1/4 SW1/4	25.5	28
Section 24	NW1/4 NW1/4	24.5	24
	SW1/4 NW1/4	36.0	37
	NW1/4 SW1/4	30.0	34
	SW1/4 SW1/4	10.5	12
	NE1/4 SW1/4	21.8	23
	SE1/4 SW1/4	9.0	9
	NE1/4 SW1/4	10.7	12
	* NE1/4 NW1/4	9.3	9
	* NW1/4 NE1/4	9.1	9
	* SE1/4 NW1/4	38.7	39
* SW1/4 NE1/4	32.2	32	
* NE1/4 NE1/4	9.3	9	
* SE1/4 NE1/4	31.4	31	

Land located in T1N-R9E

Section 19	Lot 3	29.0	29
	Lot 4	21.0	21
Section 30	Lot 1	3.0	3

The diversion points from Rapid Creek are:

- * SW1/4 Section 8 T1N-R8E, water carried by Rapid Valley Water Company Ditch.

SE1/4 NW1/4 Section 15 T1N-R8E, diversion point shared with South Side Ditch.

- * Indicates land and diversion point not listed on the 1988 advertisement.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1992

Wayne Anderson
Little Giant Ditch Company
Rt 5, Box 460
Rapid City, SD 57701

Dear Mr. Anderson:

This letter is in regard to our telephone conversation on September 29 concerning the vested water right claim for Little Giant Ditch. As I indicated to you, during my inspection and review of the file I found that the Public Notice for Vested Water Right Claim published in the Rapid City Journal in June of 1988 was not complete. The advertisement did not include one of the Little Giant Ditch Company diversion points and some irrigated acres in Section 24 T1N-R8E. As I advised you, there are two options to correct the deficiencies in the Little Giant Vested Right Claim. The first way is to readvertise the entire Little Giant water right claim to include the diversion point and acres. The Division of Water Rights would pay for the cost of advertisement, but this option would open the entire vested right claim to any possible opposition. The second option would be to validate the water right as is, then the Ditch Company would have make another vested water right claim for the diversion point and acres. There would be a \$15 fee associated with the claim in addition to the Ditch Company's responsibility to pay the advertisement charges.

If you decide to proceed with the readvertising option and let us know within a short time, barring any opposition to the claim, we can probably get it brought before the Water Management Board at the December meeting. If you have any questions, feel free to contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 2, 1992

Wes Wileman
RR 5, Box 510
Rapid City, SD 57701

Dear Mr. Wileman:

This letter is in reference to your request for a vested water right claim application. I am including an instruction sheet and a partially completed application to include the Murphy Ditch diversion point and any Little Giant land irrigated from that diversion point under the Little Giant water right. A single claim to include the diversion point and any land will require only one \$15 filing fee and advertisement fee. This includes land irrigated by you, Harry Morris and Eddie Rypkema. The legal description for Mr. Rypkema's land was correctly listed on the Little Giant Publication but was incorrectly listed as being irrigated from the Little Giant/South Side diversion point. To correct this, his land will need to be included in this claim.

With this vested right claim you should carefully review, complete, have signed by a ditch company officer before a notary public and submit along with a \$15 filing fee to this office. I will provide the map for this claim, so you can ignore Number 2 on the instruction sheet. An Affidavit of Water Use must also be completed and submitted with the claim. The priority date for Little Giant Ditch is June 14, 1878.

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

Sincerely,

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

cc: Wayne Anderson
enclosures

Procedure for Resolving Discrepancy of a Recognized Vested Right
Scheduled for Validation

December 1, 1992

1. VALIDATION OF RECOGNIZED VESTED RIGHT NO. 653-2, LITTLE GIANT DITCH

SDCL 46-2A-16 enacted by the 1986 Legislature directed that claims for vested rights accepted for filing by the chief engineer prior to July 1, 1986 be validated.

Recognized Vested Right Claim No. 653-2 for the Little Giant Ditch Company was filed in 1961 and pursuant to SDCL 46-2A-16 notice of validation was published along with other Pennington County recognized rights back in 1988. No petitions were received in opposition to validation at that time.

SDCL 46-2A-17 states that if no petition opposing validation of the recognized water right claim is filed, the Board shall issue an order validating the vested right claim.

2. No. 653-2 as published back in 1988

- 6.27 cfs from Rapid Creek to irrigate 650 acres - Priority
Claim Date - 6/14/1878

3. No. 653-2 as Mark Rath's inspection found:

- 6.27 cfs from Rapid Creek irrigating 478 acres

4. Discrepancy

- 66 of the 478 acres and one of their diversion points were not included in the 1988 notice.

5. How to Resolve Discrepancy

- Validate No. 653-2 for 6.27 cfs to irrigate 650 acres with the 6/14/1878 priority date as directed by SDCL 46-2A-17. The Water Right Division will then issue a water license for those acres being irrigated that were included in the 1988 notice. This would mean the water license would be issued for 412 acres (478 - 66 = 412 acres).
280 346
- The Little Giant Ditch Company has agreed to apply for a vested right to include the 66 acres and the additional diversion point that have historically been part of the operating system.



653-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

NOTICE

TO: Wayne Anderson
Little Giant Ditch Company
PO Box 648
Rapid City, SD 57709

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Request for Continued Sealing and Maintenance of Rapid Valley Irrigation Ditches.

Pursuant to SDCL 46-1-4, 46-2-17 and 46-7-3, I am contacting the Little Giant Ditch Company to remind the Ditch owners of the need to continue with irrigation ditch and lateral maintenance. The Water Management Board is concerned with water loss from and the maintenance of Rapid Valley Ditches. Targeted areas include: repair and sealing of identified high seepage areas within the ditch, small tree and brush removal, and ditch channel cleaning and shaping.

I am requesting that Little Giant Ditch Company submit, to the Division of Water Rights by August 1, 1993, a list of repairs and improvements performed on the ditch since August 1, 1992.

If you have any questions, please contact Mark Rath or Del Brosz, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cy: Rapid Valley Water Conservancy District
US Bureau of Reclamation

CERTIFICATION

I hereby certify that on March 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 1993, regarding Request for Continued Sealing and Maintenance of Rapid Valley Irrigation Ditches addressed as stated below, and the attached:

Jerry Hammerquist, Rapid Valley Water Conservancy District, Box 26, Caputa, SD 57725.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Belle Fourche, SD 57760.

Blind Copy Sent To:

John West, Pennington County Extension Office, 601 Centre, Rapid City, SD 57701.

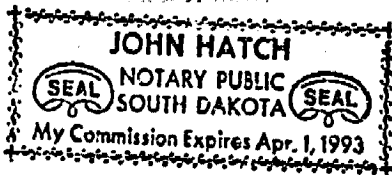
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of March, 1993.

John Hatch
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 1993

Eddie Rypkema
1106 Highland Drive
Rapid City, SD 57701

Dear Mr. Rypkema:

This letter is in regard to your September 8, 1993 telephone call concerning Little Giant Ditch. As I explained, I made an inspection on August 11, 1992 of the Little Giant Ditch vested water right claim. At that time I found some discrepancies between the developed irrigation and the irrigation claimed by the ditch company. The discrepancy specifically deals with the Little Giant land irrigated from the Murphy Ditch. The vested right claim listed only the Little Giant-South Side diversion point but not the Murphy Ditch diversion point. The vested right claim listed land located in Lots 3 and 4 of Section 29 and Lot 1 of Section 30 all in T1N-R9E as being supplied from the Little Giant Ditch, while the water is actually being supplied from Murphy Ditch. The Little Giant claim omitted 66 acres located in the N1/2 of Section 24 T1N-R8E. This land would also be Little Giant land with water supplied by the Murphy Ditch.

As I indicated to you I have been in contact with Wes Wileman and Wayne Anderson concerning these discrepancies. I suggested the ditch company file a new vested water right claim to make these corrections. I am enclosing a partially completed vested right application and instruction sheet for making a vested right claim. You can forward these to the appropriate people.

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1993

Wayne Anderson
Little Giant Ditch
PO Box 648
Rapid City, SD 57709

Dear Mr. Anderson:

This letter is in regard to our December 8, 1993 telephone discussion concerning possible damage to Little Giant ditch by Montana-Dakota Utilities Company (MDU). On September 29, 1993 I met with Tim Kretschmar, Gas Superintendent for MDU. I relayed your concerns about MDU possibly causing damage to the ditch during pipe line installation. Mr. Kretschmar indicated to me that if there is a leakage problem, MDU would repair ditch leaks that their excavation caused. Mr. Kretschmar's phone number is 342-0160.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 1994

Wayne Anderson
Little Giant Ditch
PO Box 648
Rapid City, SD 57709

Dear Mr. Anderson:

I am writing in reference to your December 19, 1993 letter. In that letter you asked whether utility companies have an obligation to receive permission to cross irrigation ditches for construction purposes. If MDU has an existing utility easement for crossing the property, no permission would need to be requested from the landowner.

Your question, however, appears to be one of whether MDU would also need to obtain another easement or permission from the ditch company. I cannot answer that question. The deed to the property concerned should set forth the legal descriptions for all easements. Also, the register of deeds should have the easements recorded. These documents should be reviewed, if that has not already been done. Second, you should consult private legal counsel if you believe your legal rights have been impaired by MDU. The state has no authority to arbitrate disputes between private parties regarding easements. Also, the state does not have authority to determine damages for construction undertaken by private parties. If Little Giant property was damaged, you or your private legal counsel should take that up directly with MDU.

If you have any additional questions, please feel free to contact Del Brosz or Mark Rath, phone (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 1996

Hills Material
attn: Lynn Kading
PO Box 2320
Rapid City, SD 57709

Dear Mr. Kading

I am responding to your November 13, 1996 telephone call concerning the Little Giant water right No. 653-2. Specifically you requested information concerning water rights on property owned by Hills Material located in the W1/2 NW1/4 of Section 24 T1N-R8E in the Rapid Valley.

I have enclosed copies of the vested water right, my August 1992 inspection write-up and the map I prepared based upon my inspection that list 24 acres in the NW1/4 NW1/4 and 37 acres in the SW1/4 NW1/4 all in Section 24 T81N-R8E as being irrigated. The Water Management Board validated the Little Giant's vested water right claim on December 2, 1992. As I indicated on the telephone that if there is a question of whether or not a water right is still valid, this issue must be addressed by the Water Management Board.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Roth
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 19 1998

Little Giant Ditch Company
c/o Wayne Anderson
7900 Morris Lane
Rapid City SD 57701

Dear Mr. Anderson:

Enclosed are Validated Vested Water Right Nos. 653-2 and 2383-2 and Water License No. 2383-2 for Little Giant Ditch Company.

As long as the ditch company uses the water beneficially, as stated in the Water License, the State Water Laws provide that the ditch company has a continuing right to use the water.

Very truly yours,

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

ks

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 653-2 FOR IRRIGATION

Date of Receipt of Claim January 25, 1961.

Date of Validation December 2, 1992.

The Water Management Board validated Vested Water Right Claim No. 653-2 for irrigation purposes for Little Giant Ditch, c/o Wayne Anderson, 7900 Morris Lane, Rapid City SD 57701 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 653-2 appropriates 6.27 cubic feet of water per second from Rapid Creek located in the SE 1/4 NW 1/4 Section 15-T1N-R8E to irrigate 650 acres located in the S 1/2 SW 1/4 Section 14; NE 1/4, NW 1/4, N 1/2 SW 1/4, SE 1/4 Section 23; W 1/2 NW 1/4, SW 1/4, E 1/2 SE 1/4 Section 24; all in T1N-R8E and Lots 3 & 4 Section 19; Lot 1 Section 30; all in T1N-R9E.
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. The water is to be used during the following annual period: April 15 - November 1.
3. The priority date of the Vested Water Right is June 14, 1878.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

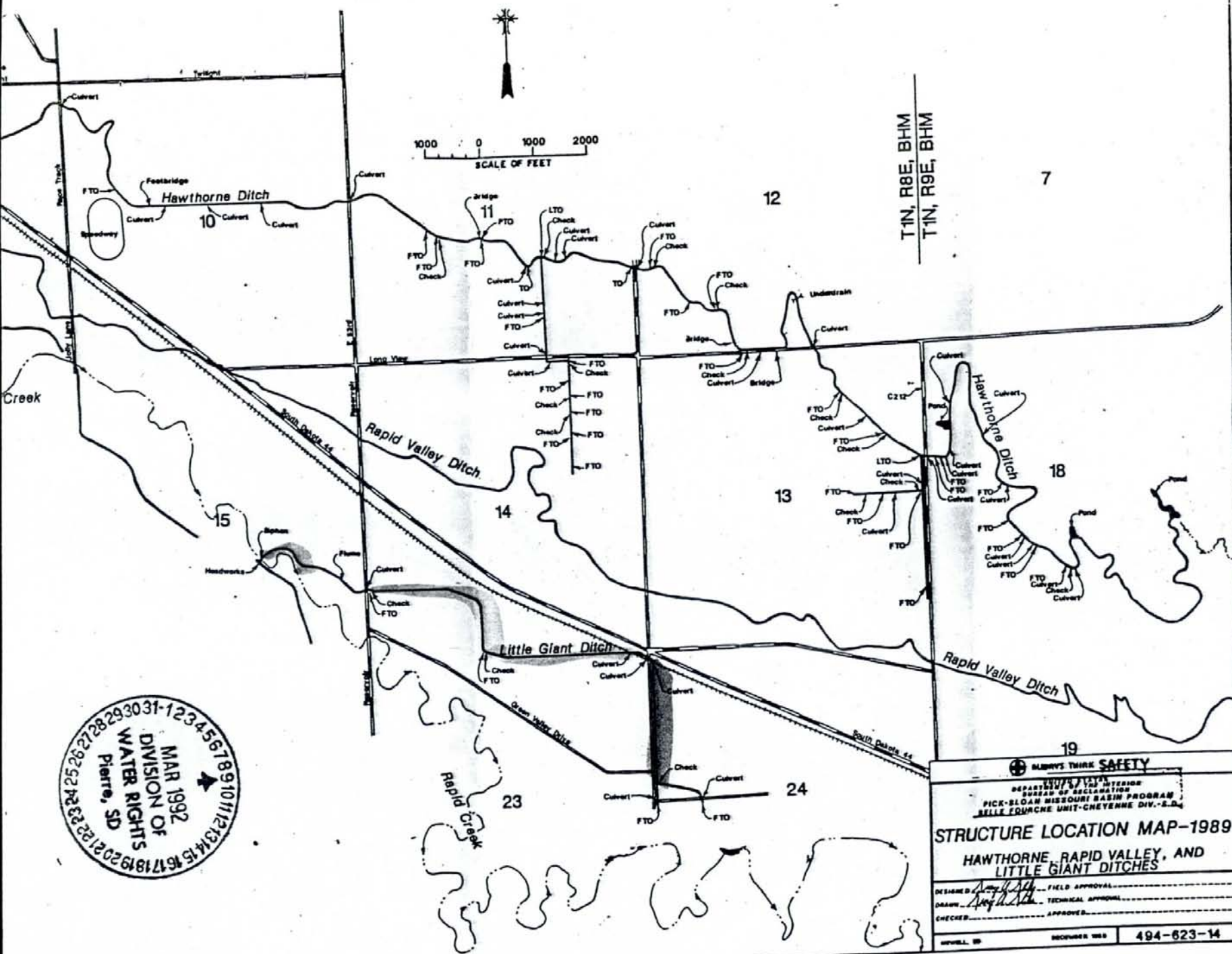
John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 19 1998

date

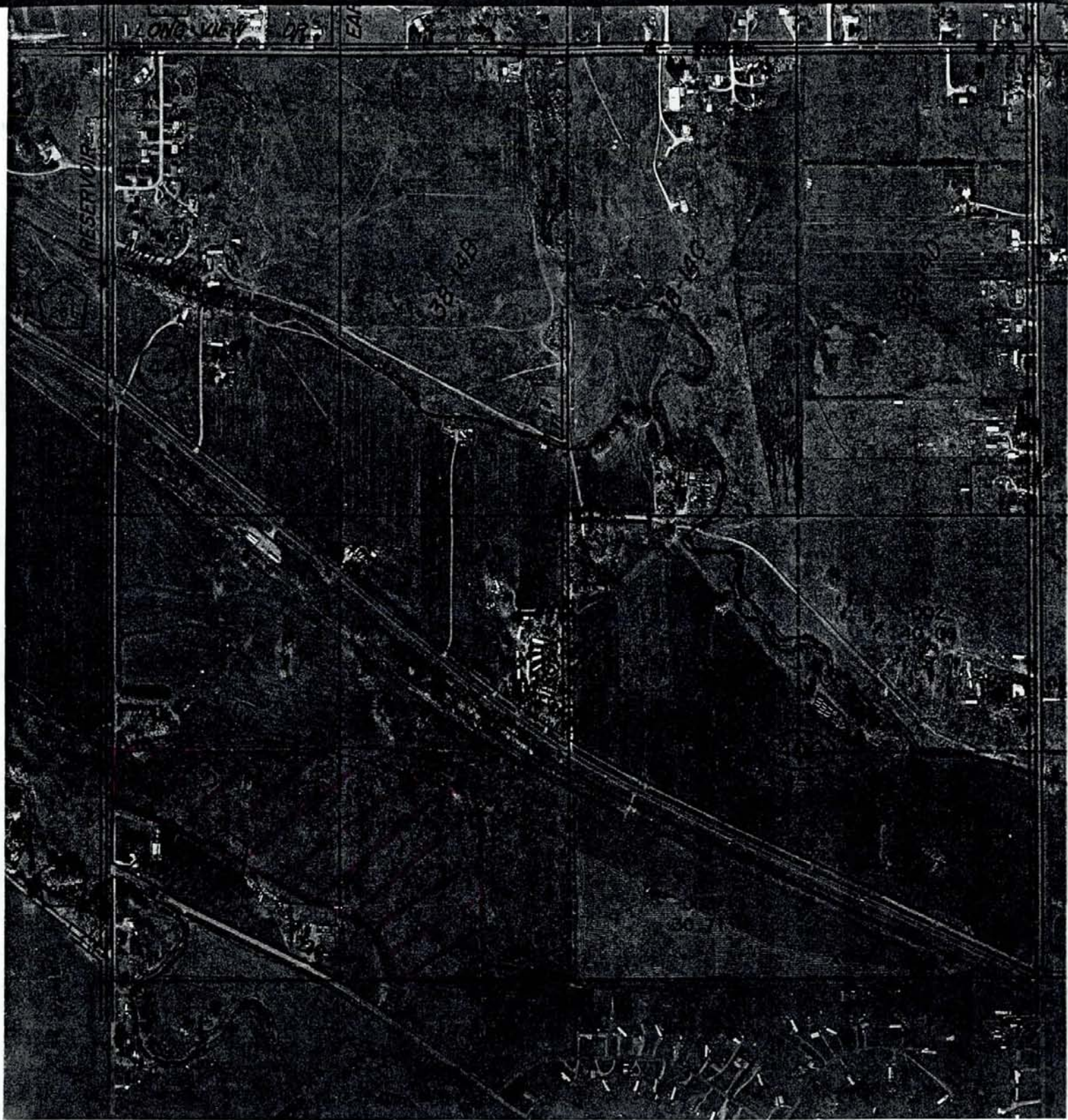


653-2



work done
to be done





"A"

MEADOW RIDGE SUB., PLAT OF LOTS 11 THRU 42
BLK. 5. LOTS 2, 3 & 4 BLK. 6 & BLKS. 7
THRU 10

"C"

MEADOW RIDGE SUB., SUB. OF LOTS 8 & 9 BLK.
7, BLK. 8 & BLK. 10.

VICTRA SUB.

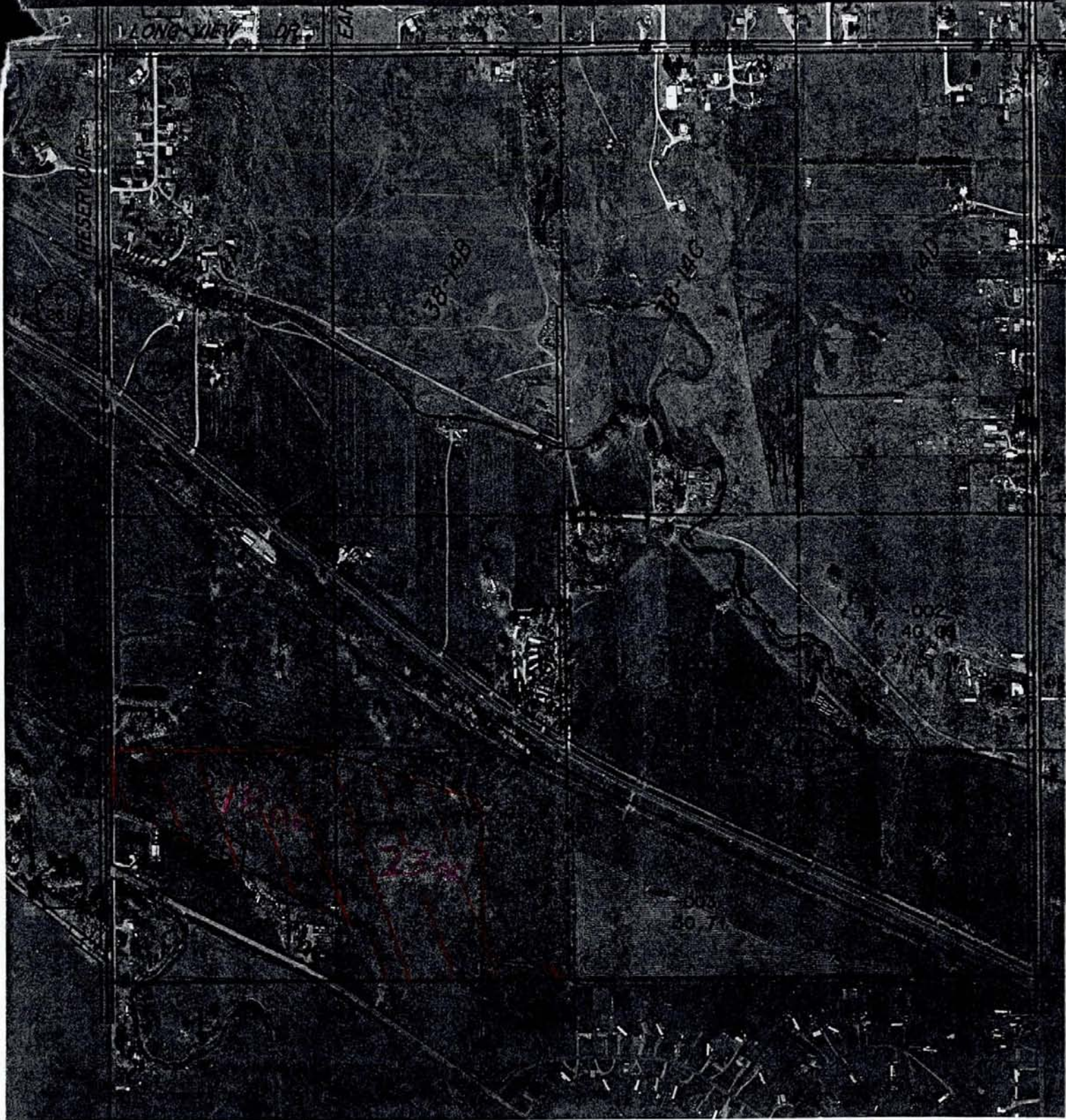
"D"

PLAT OF LOT 1 SE1/4 SW1/4 SEC



Mark D Rath
 Mark D Rath
 Natural Resources Engineer
 Division of Water Rights
 Date 9/1/92

LITTLE GIANT DITCH
SEC 23 - T1N - R8E



Mark D Rath

Mark D Rath
Natural Resources Engineer
Division of Water Rights

Date 9/11/92

"C"

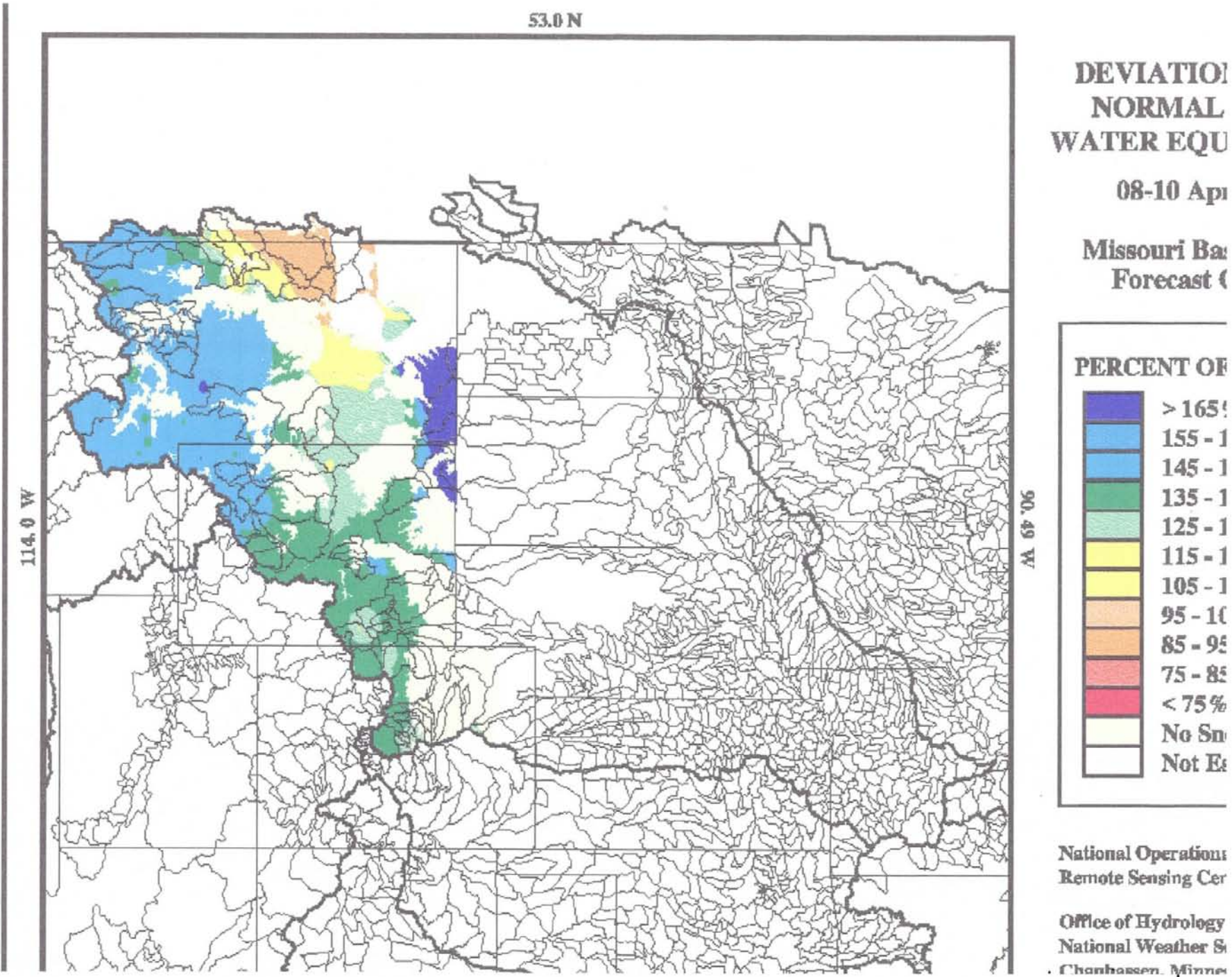
MEADSB. SUB., SUB. OF LOTS 8 & 9 BLK.
BLK. 10

VICTRA SUB.

"D"

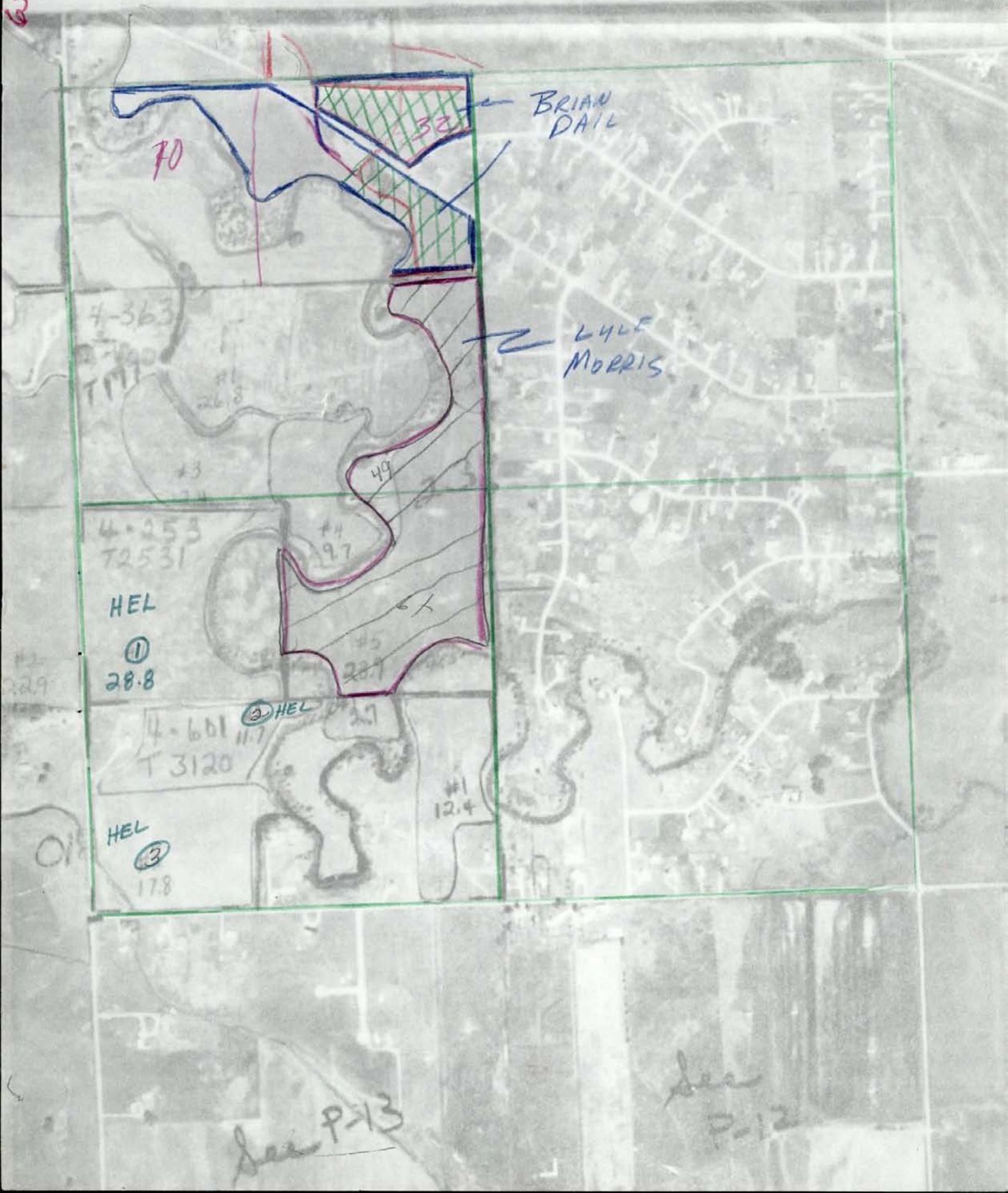
PLAT OF LOT 1 SE1/4 SW1/4 SEC

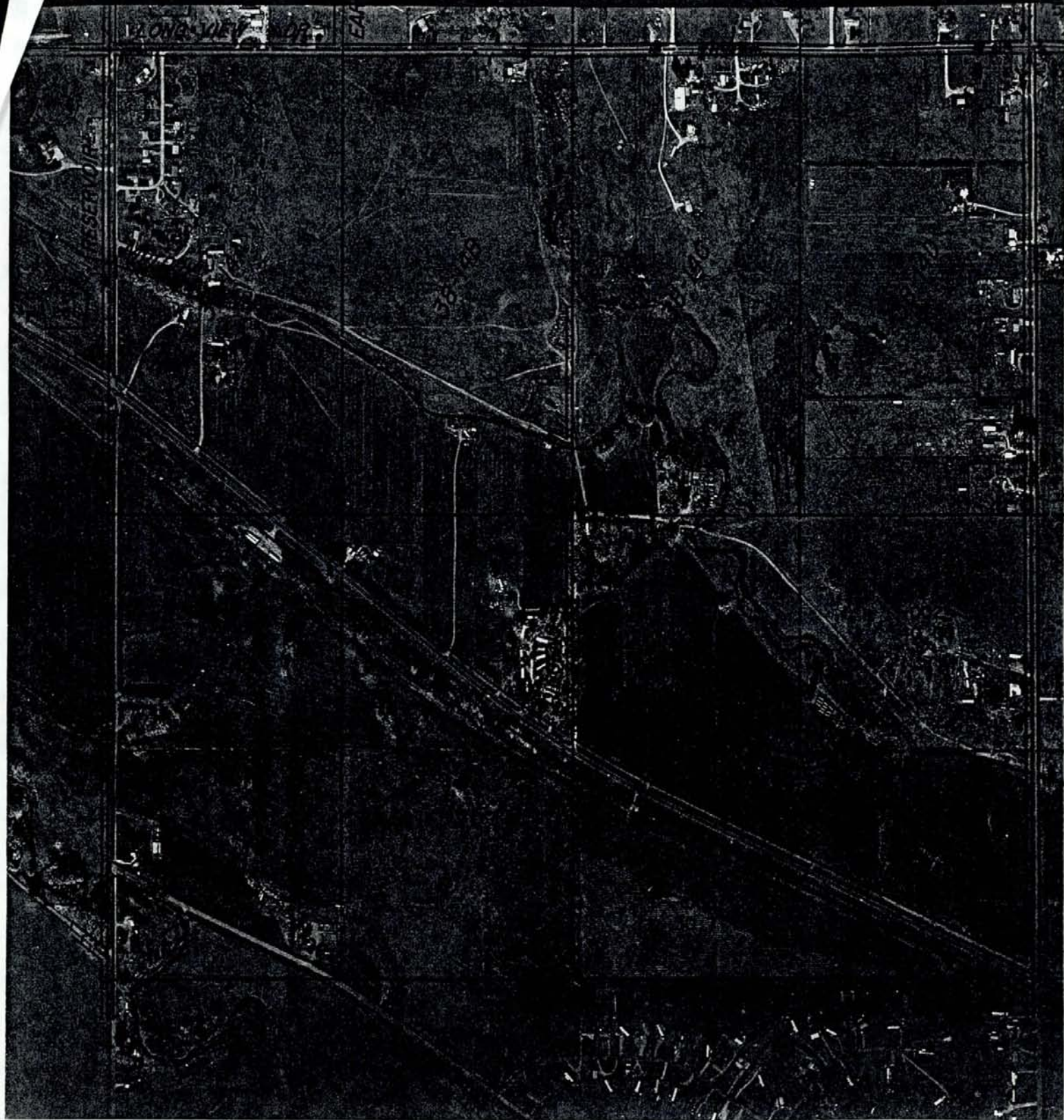
LITTLE GIANT DITCH
SEC 14-T1N-R8E



653-2

NOT TO SCALE





"A"

MEADOW RIDGE SUB., PLAT OF LOTS 11 THRU 42
BLK. 5, LOTS 2, 3 & 4 BLK. 6 & BLKS. 7
THRU 10

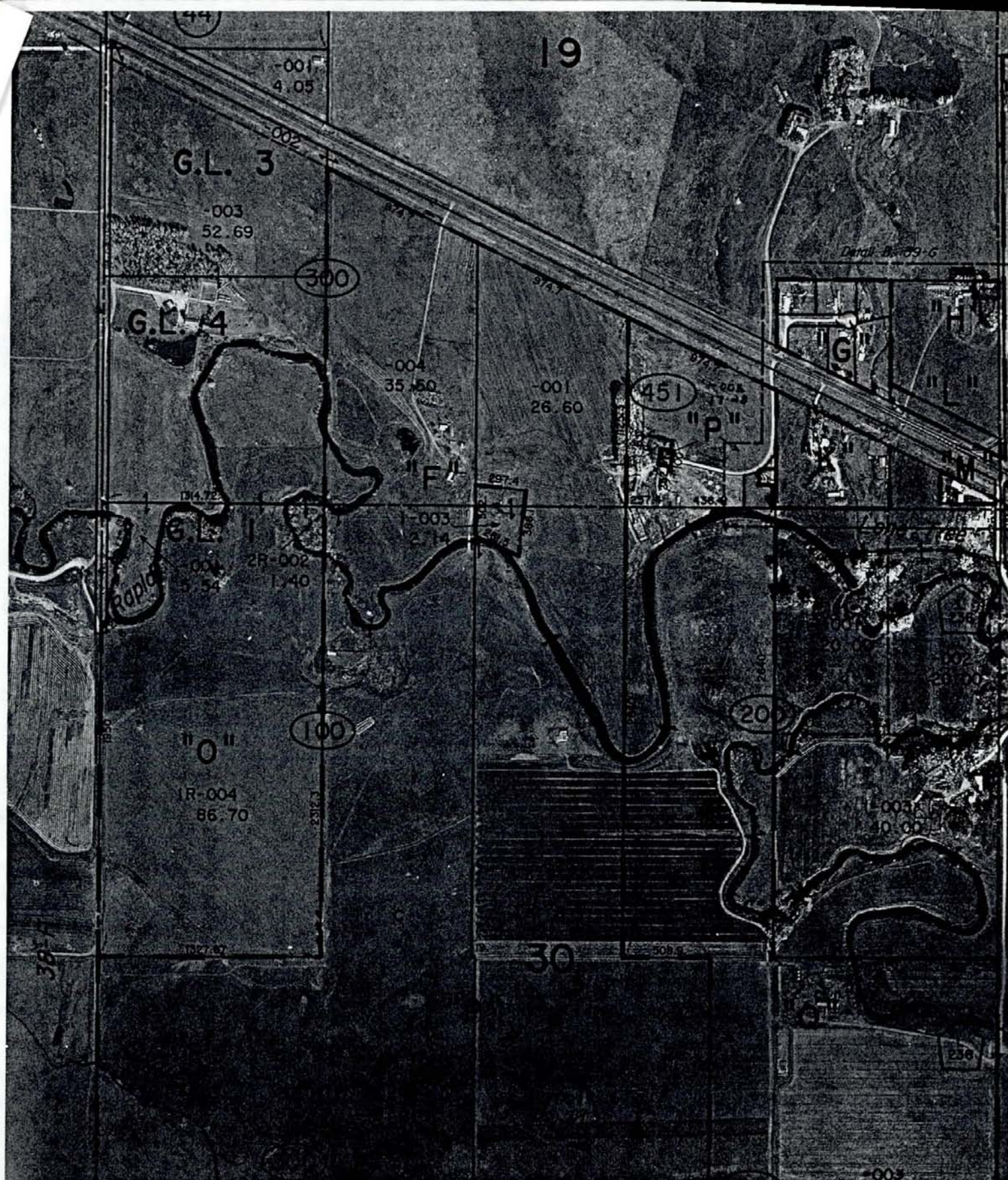
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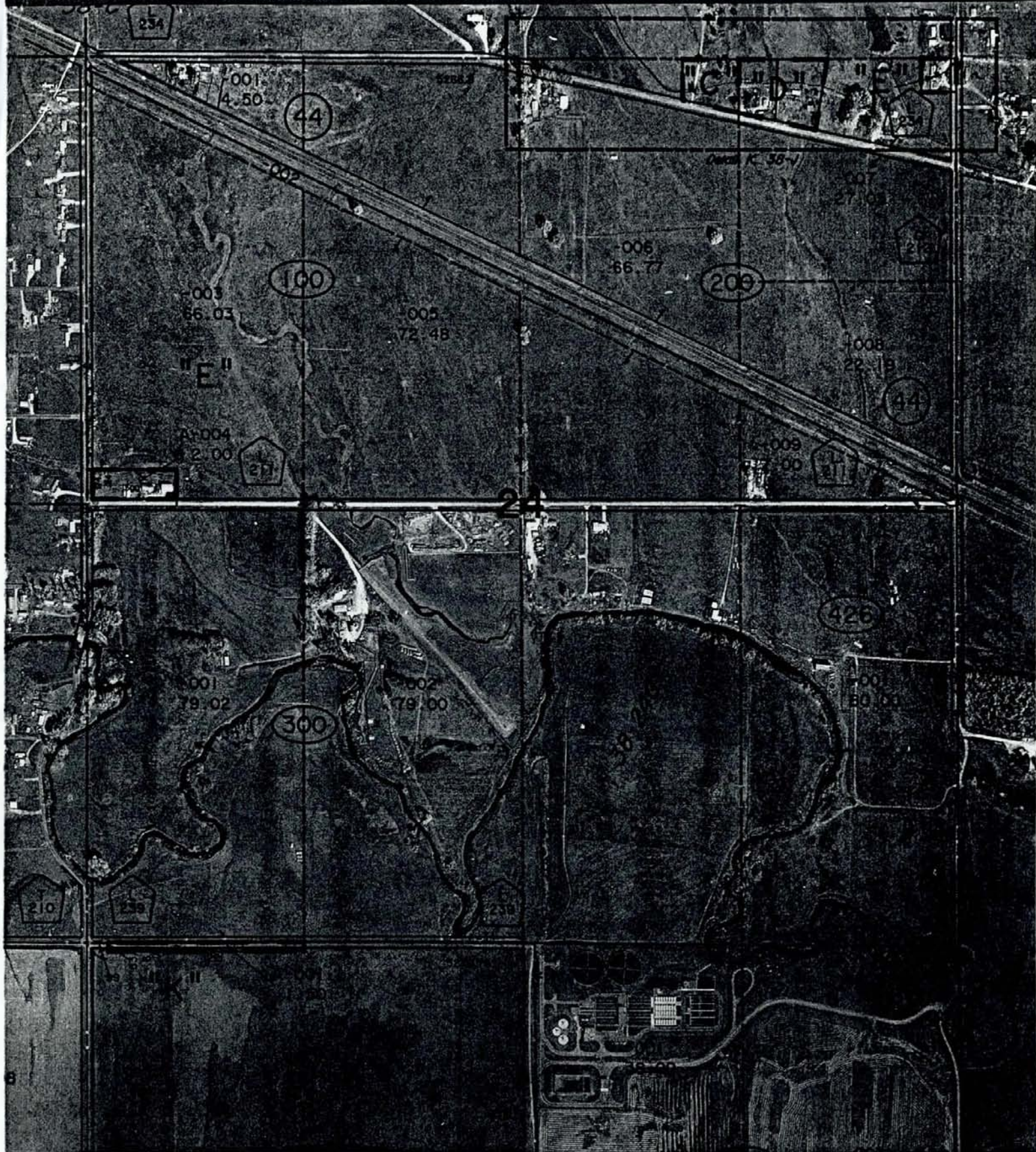
MEADOW RIDGE SUB., SUB. OF LOTS 8 & 9 BLK.
7, BLK. 8 & BLK. 10

"D"

VICTRA SUB.

PLAT OF LOT 1 SE1/4 SW1/4 SEC.

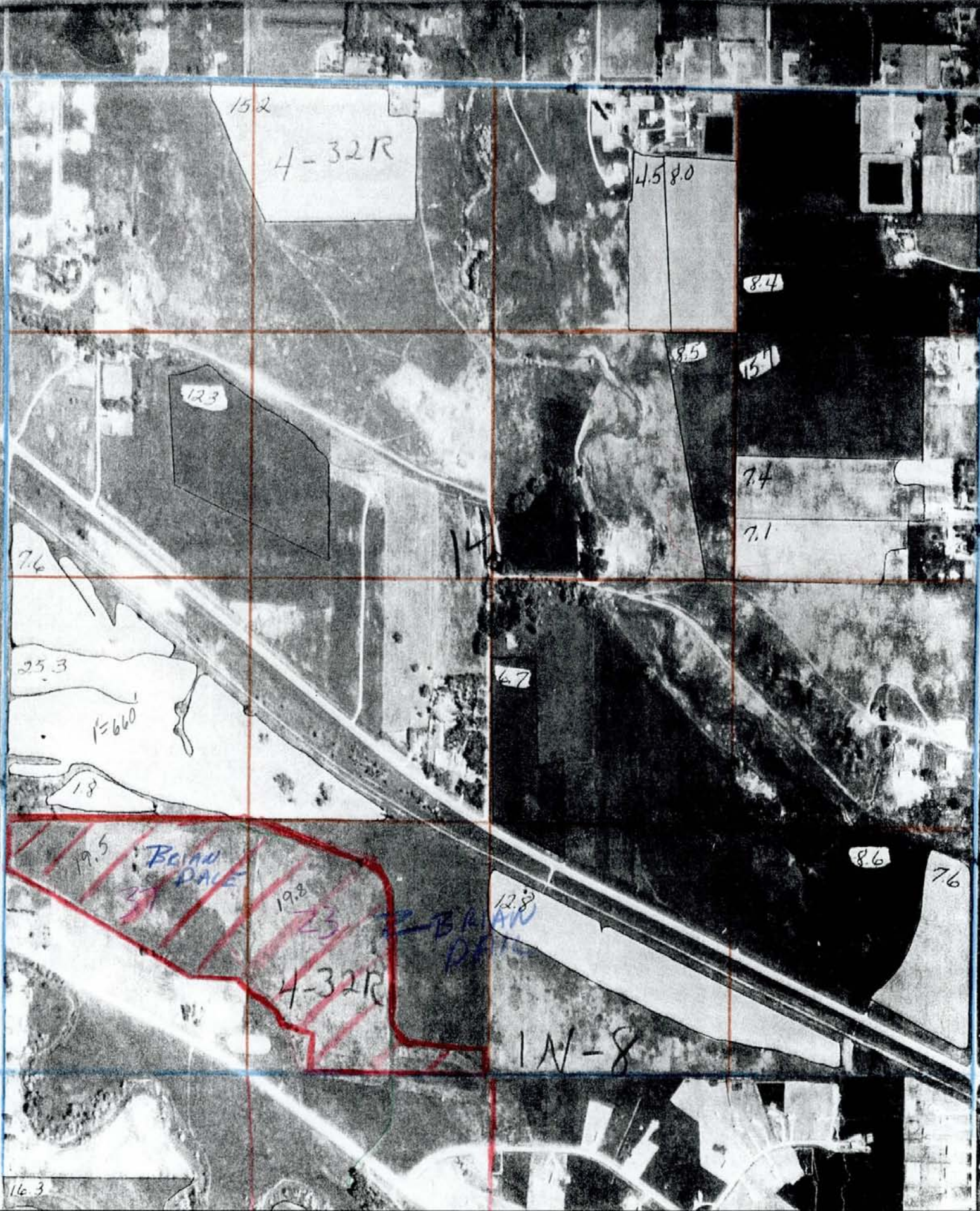




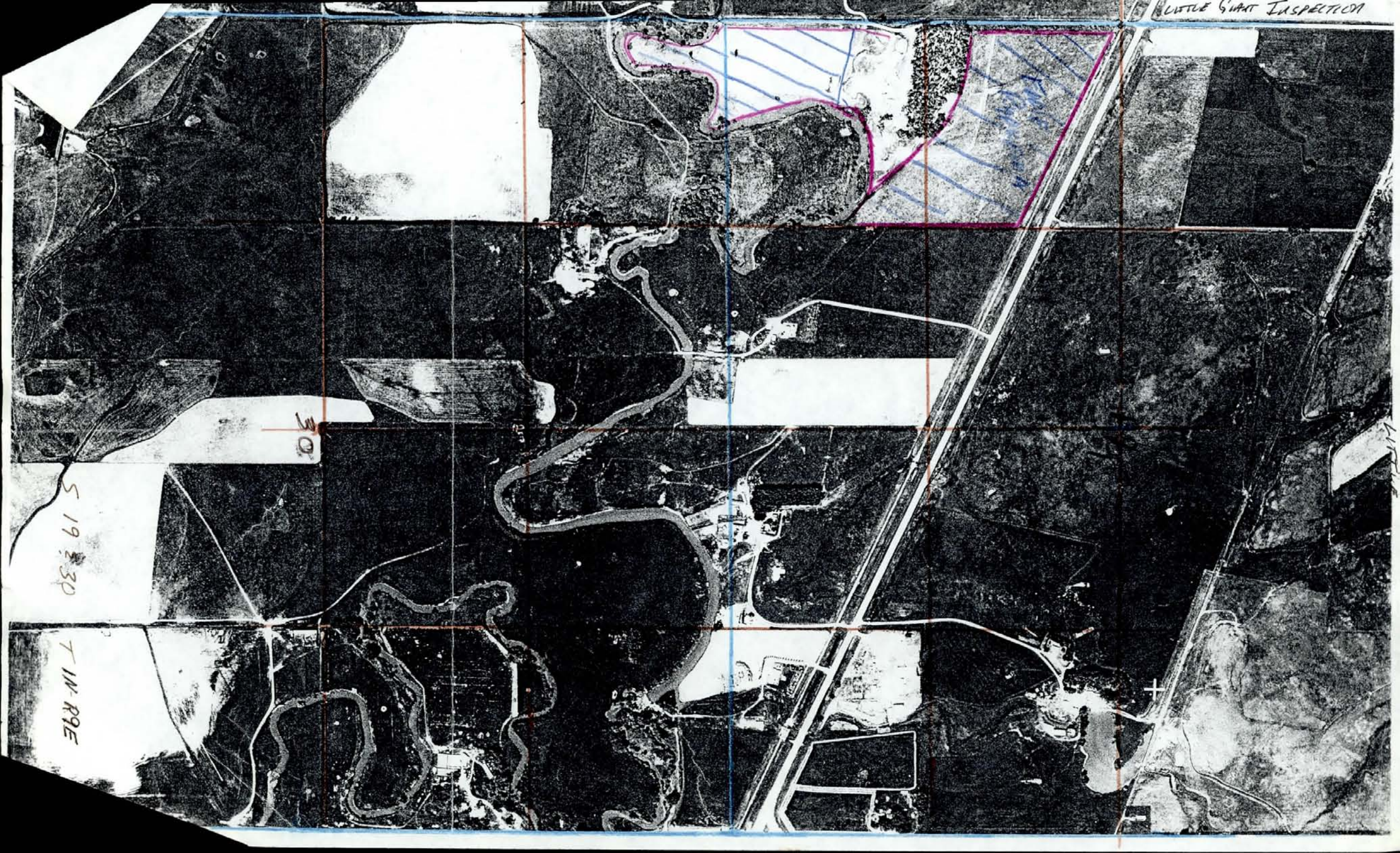
LITTLE GUMMET
INSPECTION

524 TIN-R8E

NOT TO SCALE



LITTLE GUANT INSPECTION



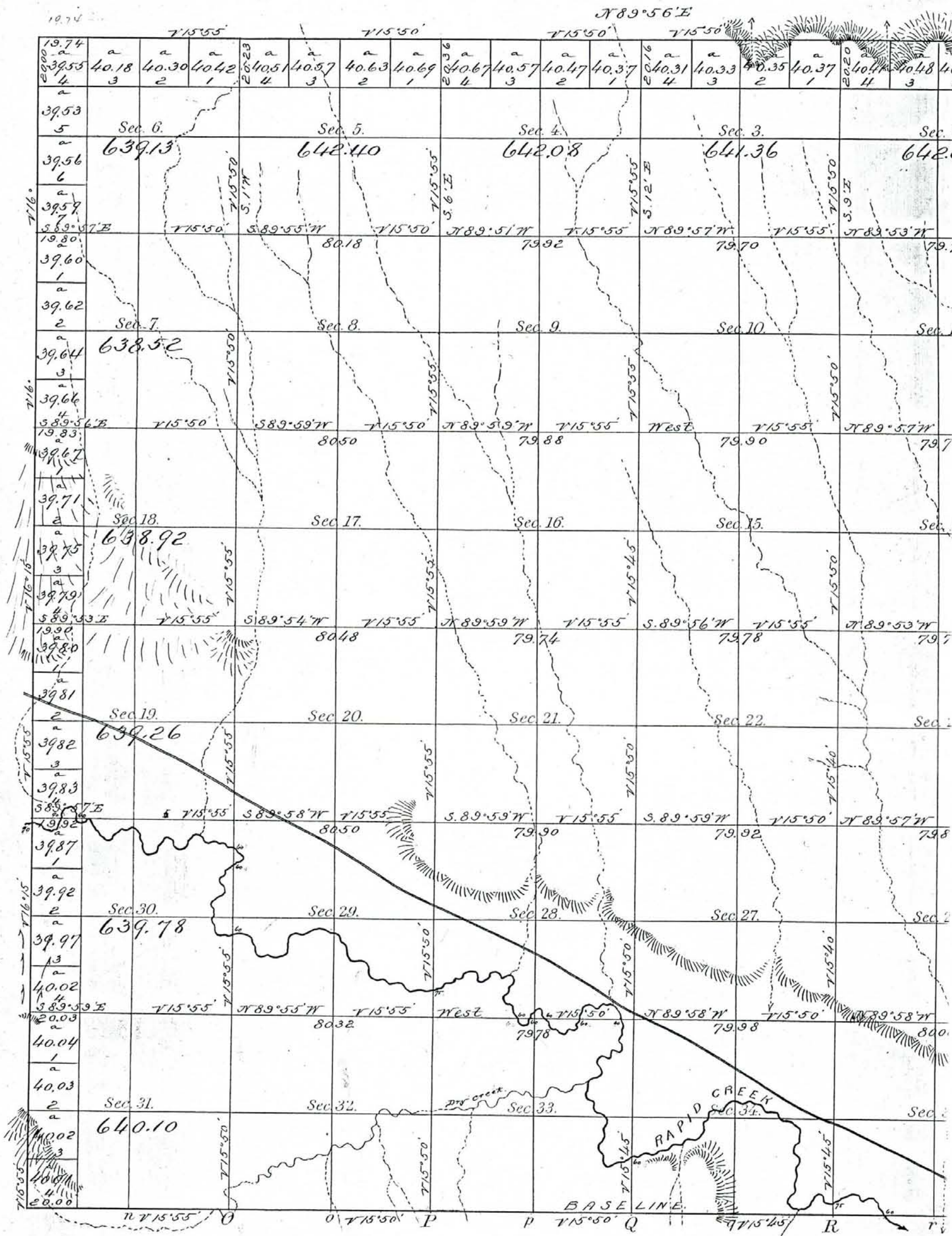
S 19 2 30

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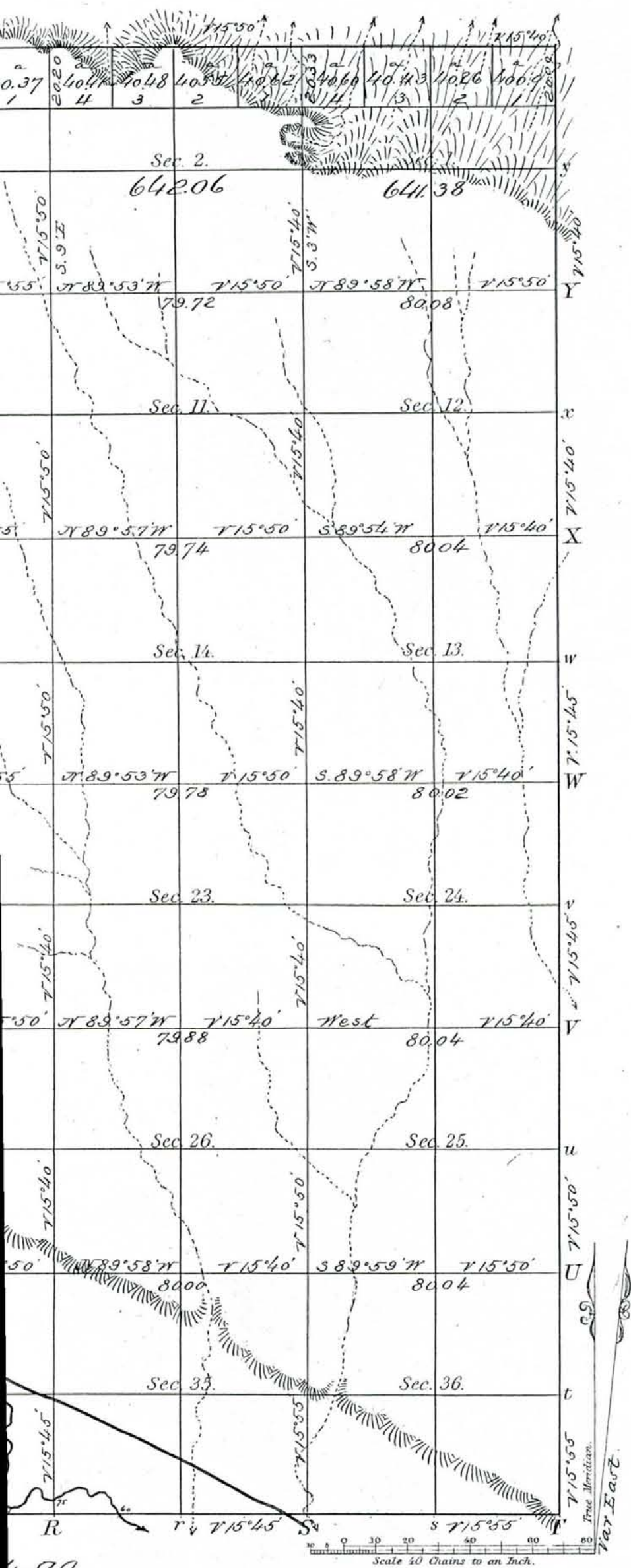
TOWNSHIP N: 1 North RANGE N: 9 East of the Black



Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	Chas Scott	July 22 nd 1878	23 - 79 - 74	Aug 1878 & July 1879
Subdivisions	do	do	60 - 00 - 58	July 8 th to 12 th inclusive 1879

Total number of Acres 23,044.99

The above Black H notes of the Survey Yankto

$$C \qquad b \qquad B \qquad a \qquad A$$
[illegible]

4-99

The above Map of Township N^o 4 North of Range N^o 9 East of the
Black Hills Meridian Dakota is strictly conformable to the field
notes of the survey thereof on file in this Office, which have been examined and approved.

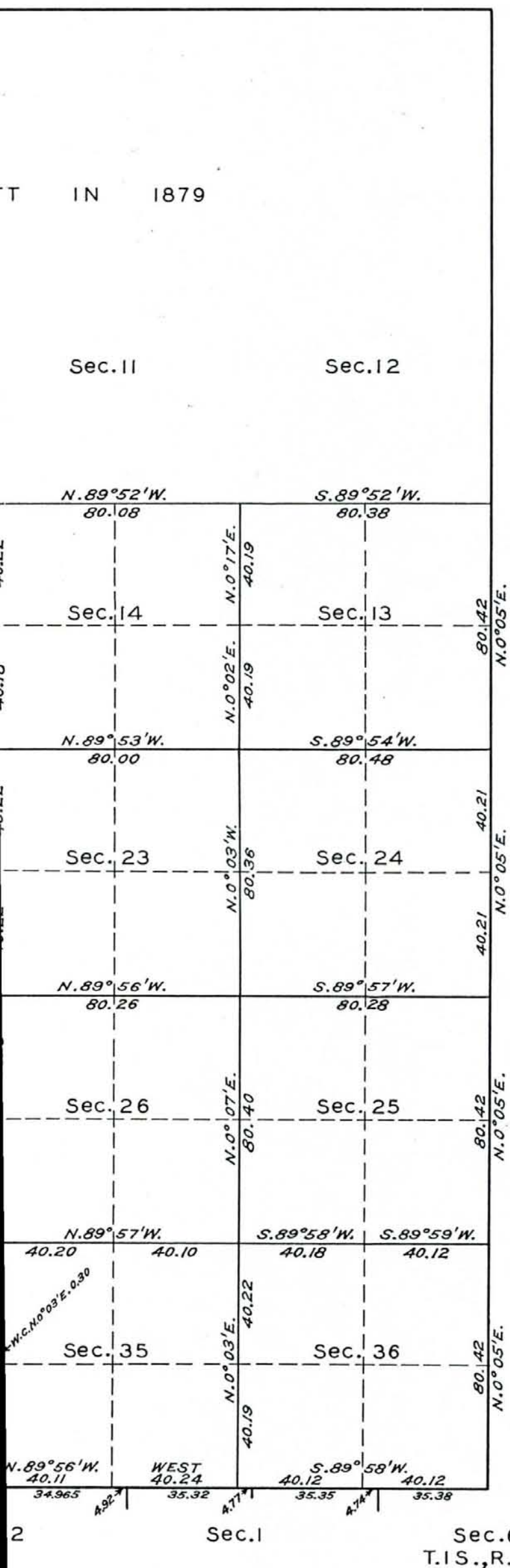
Surveyor Generals Office
Yankton, D. T. Aug 11th

Henry Experian

Accepted:
Commissioner's letter "E"
dated Sept 5 1879

BLACK HILLS MERIDIAN, SOUTH DAKOTA.
SURVEY

IN 1879



This plat represents a retracement and reestablishment of portions of the original township boundary and subdivisional lines designed to restore the corners in their original locations according to the best available evidence. The lottings and areas are as shown on the plat approved August 11, 1879.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Washington, D. C., September 1, 1950

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

William F. Richards

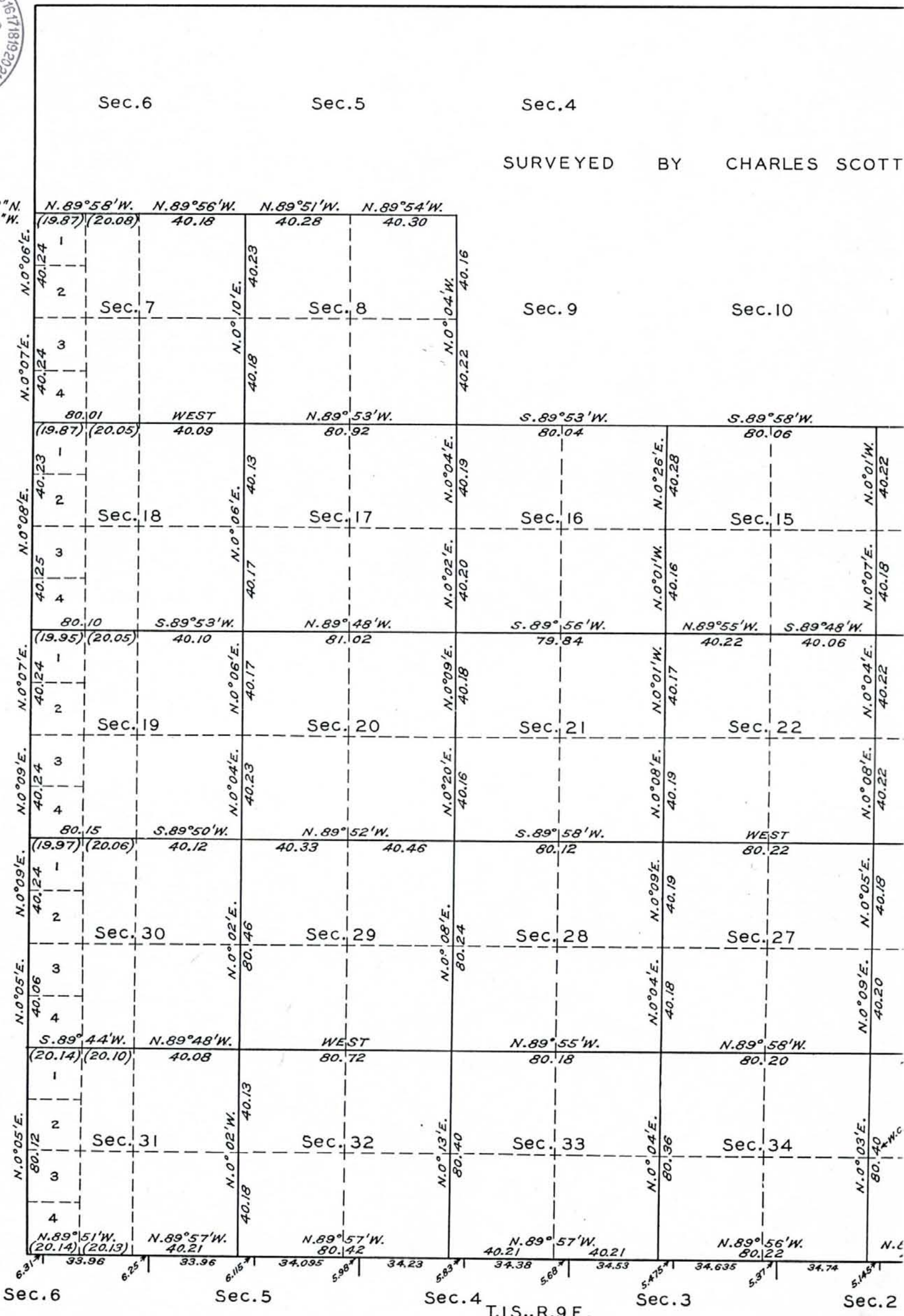
Chief, Branch of Surveys

P. E. C.

TOWNSHIP 1 NORTH, RANGE 9 EAST, BLACK HILLS
DEPENDENT RESURVEY



Lat. 44°04'03"N.
Long. 103°05'25.4"W.



West boundary resurveyed by Thomas W. Crawford in 1949.

South boundary (Black Hills Base Line) and portions of the east boundary and subdivisional lines resurveyed by Thomas W. Crawford July 21 to August 8, 1949, under Special Instructions for Group 19 dated July 6, 1949.

