

Considered: \_\_\_\_\_

WATER PERMIT NO. 1351-1

MAP No. same

Name of Applicant Sturgis Truck Stop, Inc.

Post Office Address Box 236, Sturgis SD 57785

Amount of Water Claimed .10 cfs Total Acres NA

Source of Water Supply groundwater (Minneapolis)

Water to be used for Commercial purposes County Meade

About .5 miles W of Sturgis

PROOF OF PUBLICATION: Received April 1, 1986 Not Received \_\_\_\_\_

APPLICATION: Approved May 14, 1986 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received Mar. 7, 1986 Fee \$50.00 Remarks \_\_\_\_\_

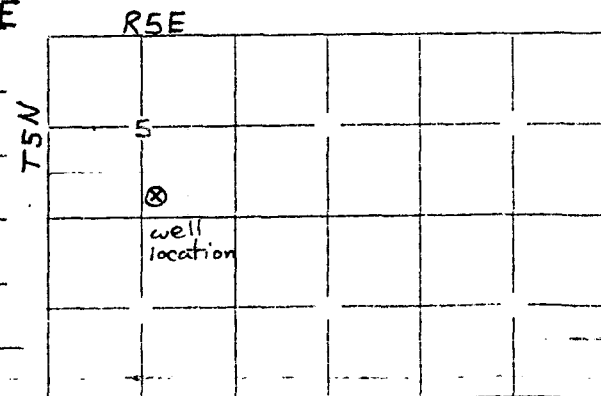
Corrected Application Received Mar. 17, 1986 Period of Annual Use continuous

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point well: SW 1/4 SE 1/4, section 5-T5N-R5E

Land to be Irrigated NA



Well Log: Driller unknown Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well unknown REMARKS \_\_\_\_\_

Type of Map Plat PREPARED BY Evan R. Rounds Reviewed and the Number

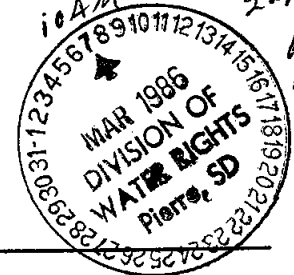
assigned on Mar. 18, 1986 By Ren Duvall

No. 1351-1 Hydrologic Unit 10120202  
 Map No. same Basin Belle Fourche  
 Newspaper Sioux Falls Press  
Saturday Sturgis, SD

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐  
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☒ Change Use ☐☐ Amend Permit No. \_\_\_\_\_ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_1. Name of Applicant Sturgis Truck Stop, Inc. Phone No. 347-4595Post Office Address Box 236, Sturgis State SD Zip Code 57785  
(Street, RR or Box)2. Amount of water claimed (c.f.s.) 45 g.p.m.3. Source of water supply Well4. Location of point of diversion SW 1/4 - SE 1/4 of Section 5T5N - R5E, B4MSturgis, SD.County Meade5. Counties where water will be used Meade6. Annual period during which water is to be used 24 hrs daily January 1- December 31

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

This is an existing well, dug before 1963. No  
records are available.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map  
 (see instruction)

STATE OF SOUTH DAKOTA)  
 County of Meade)<sup>ss</sup>

I, Sturgis Truck Stop, Inc. the applicant, certify that I have read  
 the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and  
 am able to complete the necessary construction.

Signed Herold Schrabel President

my conn. exp 12/10/98 Subscribed and sworn to before me this 25<sup>th</sup> day of Feb 1986

Notary Public (or other qualified officer)

# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1351-1  
Sturgis Truck Stop, Inc. Box 236, Sturgis  
(Applicant) (Post Office Address)  
SD 57785 With the following qualifications.  
(State) (Zip Code)

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Date of first receipt of application March 7, 1986.  
 Date of return to applicant for correction, amendments or changes required March 12, 1986.  
 Date of receipt of corrected application March 17, 1986. Approved May 14, 1986.

The Water Management Board hereby approves this Water Permit No. 1351-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 7, 1986.
2. The equivalent of at least one-fifth of the specified work is ~~to be completed on or before~~                     , 19    .
3. The whole of said work is ~~to be completed on or before~~                     , 19    .
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is                     , 19    .
5. The water appropriated shall be used for the purpose of commercial use
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .10 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for commercial use on or before                     , 19    ; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD  
 By: John H. Hales  
Chief Engineer  
 Division of Water Rights  
 Dept. of Water and Natural Resources  
 JUN 20 1986, 19

# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth Unknown
- b) Casing Type Steel Diameter 6" Thickness 250 wall
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material Unknown
- f) Depth of Water (ground surface to water level) 180 ft.
- g) Distance to nearest existing domestic well:  
 On applicants property 1/4 mile On property owned by others Mik. Larson

## 2. Dugout Information Estimates

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
 \_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Outlet Dimensions:  
 Pipe diameter \_\_\_\_\_

Spillway width \_\_\_\_\_

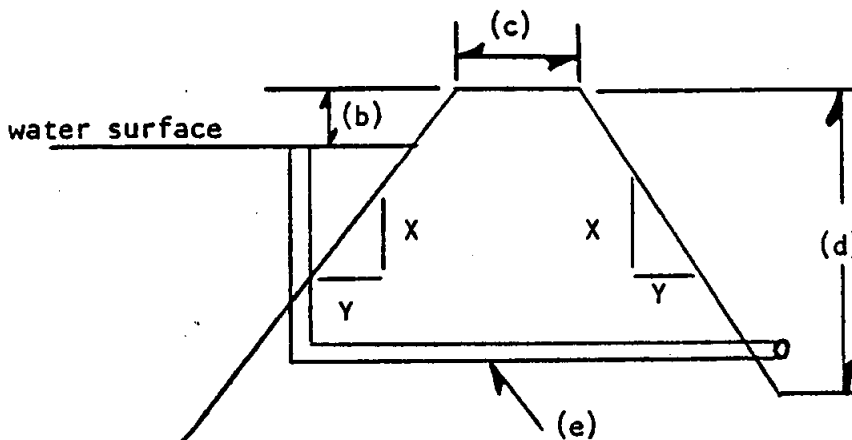
f) X & Y Slope  
 Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

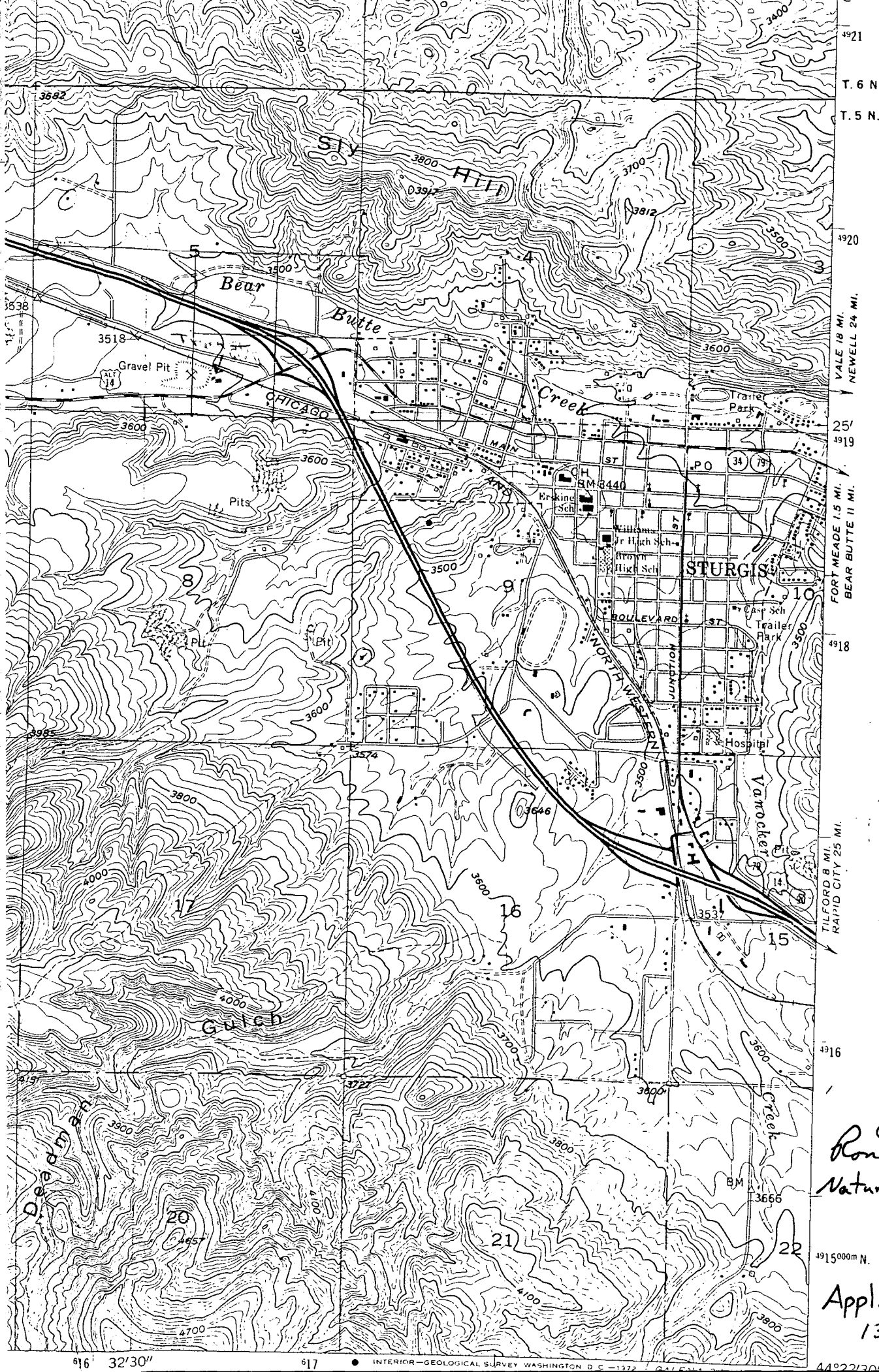
Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



*Sturgeon Truck Sturgeon*  
*Harold Schroeder President*  
 Signature of Applicant



Ron Duwall  
Natural Resources Eng  
3/18/86  
Appl. No. ~~1351-1~~  
1351-1

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410345

Pierre, March 7, 1986

RECEIVED OF Sturgis Truck Stop, Inc., PO Box 236, Sturgis, SD 57785

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

|                                                                                                                                    |       |       |
|------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>1351-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 50    | 00    |
| 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 _____                                                                                                 |       |       |
| 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 | 50 00 |

By John Hatch  
Chief Engineer JOHN HATCH (ms)



# Department of Water & Natural Resources

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

August 28, 1984

Chef Rudy's  
P.O. Box 146  
Sturgis, South Dakota 57785

Dear Mr. Geyer:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Chef Rudy's.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson  
Water Resources Engineer  
Office of Water Rights  
Phone: (605) 773-3352

Enclosures

**MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY**

**Sturgis, South Dakota 57785**

DALE L. MORMAN  
KEITH R. SMIT  
JOHN H. SHEPARD  
JOHN T. HUGHES  
CHARLES A. WOLSKY

September 6, 1984

P. O. BOX 729  
1134 MAIN STREET  
TELEPHONE: 347-3624  
AREA CODE 605

Mr. Kevin C. Larson  
Water Resources Engineer  
Office of Water Rights  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Re: Chef Rudy's - Water Right

Dear Mr. Larson:

Mr. Rudy Geyer of Chef Rudy's has given to me your letter of August 28, 1984, relative to a water right for Chef Rudy's.

Please be advised that Mr. Geyer is a tenant in the building occupied by his restaurant under a lease with Riley Enterprises, Harold Riley, owner. Mr. Riley acquired the building from the original owner and I believe builder of the structure, Tesoro Oil Company.

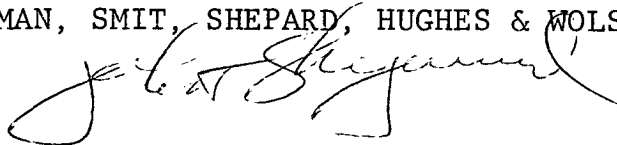
It may be that water rights have been granted to Tesoro Oil Company, Harold Riley or Riley Enterprises which cover the water use in question here. The lease agreement between Geyer and Riley Enterprises provides that sewer and water will be provided by the landlord. You may wish to check your records to see if water rights have already been granted to those persons above named. If not, please advise and I will contact Riley Enterprises to pursue perfection of the water right.

Thank you for bringing this matter to our attention.

Very truly yours,

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

By:



JHS/dm





# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

September 17, 1984

John H Shepard  
Box 729  
Sturgis SD 57785

Dear Mr. Shepard:

I have reviewed our records and cannot find any water rights filed under the following names: Harold Riley, Riley Enterprises, Tesoro Oil Co. If you have any further questions or if Riley Enterprises requires any assistance in completeing the requires forms please contact this office.

Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON  
Water Resources Engineer

KCL:ks



*Equal Opportunity Employer*

DALE L. MORMAN  
KEITH R. SMIT  
JOHN H. SHEPARD  
JOHN T. HUGHES  
CHARLES A. WOISKY

P. O. BOX 729  
1134 MAIN STREET  
TELEPHONE: 347-3624  
AREA CODE 605

September 19, 1984

Mr. Rudy Geyer  
P. O. Box 146  
Sturgis, South Dakota 57785

Re: Water Rights for Chef Rudy's

Dear Rudy:

You previously contacted me concerning notification you received from the Department of Water and Natural Resources advising you that no water right had been filed for Chef Rudy's restaurant. You advised me that you occupy the premises under lease agreement with Riley Enterprises. One of the terms of the lease agreement are that sewer and water be provided by the landlord. I advised the Department of Natural Resources that Harold Riley, Riley Enterprises or Tesoro Oil Company, Riley's predecessor in interest, might have perfected a water right.

I have now received this response dated September 17, 1984, advising me that there are no water rights under any of those names. It is therefore my opinion that Riley Enterprises should proceed to perfect a water right for the property to avoid future conflicts with adjoining landowners as to the acquisition of water on the property. I am taking the liberty of sending a copy of this letter to Harold Riley in Belle Fourche and I would suggest that the two of you confer as soon as possible to get this matter straightened out. If no water right is timely filed, the structure may lose its right to draw water from its wells. In the event of dispute over the amount of water to be drawn from the aquifer in a period of drought, those with perfected water rights will receive priority.

It would be to everyone's advantage to get this water right situation resolved and it would appear that this would be the responsibility of Riley Enterprises.

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

Very truly yours,

MORMAN, SMIT, SHEPARD, HUGHES &amp; WOLSKY

By :

JHS/dm  
Enclosure  
cc: Harold Riley✓



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

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

April 25, 1985

NOTICE

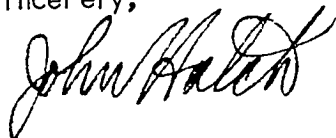
Chef Rudy's  
P. O. Box 146  
Sturgis, South Dakota 57785

Dear Mr. Geyer:

August 28, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a restaurant. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,



John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

S519.WR

# STURGIS TRUCK STOP, INC.



February 25, 2986

Joe Foss Building  
523 East Capitol  
Pierre, S.D. 57501 - 3181



RE: Water Application

ATTENTION: JOHN HATCH or KEVIN

Enclosed please find the information you requested for an application for a "Water Permit".

The information that we were able to find is on the forms. However, since this well was dug before 1963, we do not have any "driller's logs", etc.

Dave Heaton, Sturgis Well driller, was able to supply us with some of the "Supplemental Information" that you asked for. He also placed a long-distance phone call to your office and talked with you about the well here.

If you have any questions regarding this information, please let us know here at the truck stop. Phone # (605) 347-4595.

Sincerely,

  
Gerald Schnabel, President

rlp  
enc.



# Department of Water & Natural Resources

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

## NOTICE

January 30, 1986

~~Rudy Geyer~~ Sturgis Truck Stop  
~~Chef Rudy's~~  
P.O. Box ~~146~~ 236  
Sturgis, SD 57785

Dear Mr. Geyer:

August 28, 1984 and April 25, 1985 we notified you that state law requires a water permit for water use by your business. We have not received an application from you for the required water permit. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, if you wish to continue to use water during 1986, you will need to have an application on file prior to April 1, 1986.

The filing fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use since prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$10.50.

If you need any help in preparing the application, map or additional forms, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

John Hatch, Chief Engineer  
Water Rights Division  
(605) 773-3352

S522.wr

sent forms  
2-4-86

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space  
on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).
- ☒ Show to whom and date delivered ..... —¢
- ☐ Show to whom, date, and address of delivery.. —¢
2. ☐ **RESTRICTED DELIVERY** —¢  
(The restricted delivery fee is charged in addition to  
the return receipt fee.)

**TOTAL \$** \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:** Rudy Geyer

Chef Rudys  
PO Box 146  
Sturgis, SD 57785

4. **TYPE OF SERVICE:**

- ☐ REGISTERED ☐ INSURED  
☒ CERTIFIED ☐ COD  
☐ EXPRESS MAIL

**ARTICLE NUMBER**

8614819.580

**(Always obtain signature of addressee or agent)**

I have received the article described above.

**SIGNATURE** ☐ Addressee ☐ Authorized agent

5. **DATE OF DELIVERY**

2-3-86

**POSTMARK**

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S  
INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1351-1, Sturgis Truck Stop, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1351-1, Sturgis Truck Stop, Inc., PO Box 236, Sturgis SD.

The Chief Engineer is recommending APPROVAL of Application No. 1351-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed with unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer  
Water Rights Division  
March 24, 1986

# REPORT ON APPLICATION NO. 1351-1

## STURGIS TRUCK STOP

March 21, 1986

Application No. 1351-1 proposes to appropriate 0.10 cfs from one existing well located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 5, T5N, R5E. The water is used for commercial use by the truck stop.

Aquifer: Minnelusa Formation

### Geology and Aquifer Characteristics

The depth of the applicant's well is unknown and there is no log available for the well, but the static water level reported on the application indicates the source of water for this well may be the Minnelusa Formation. The Minnelusa Formation is an assemblage of as many as five major sandstone units separated by limestone, dolomite, shale and anhydrite beds. The formation, which underlies approximately 2,172,800 acres of Meade County and contains an estimated 81,480,000 acre feet of recoverable water in storage (Allen, 1984) is at least 500 feet in this area.

The Minnelusa Formation is under artesian conditions with the elevation of the water table approximately 180 feet below the land surface. The gradient of potentiometric surface is at least 100 ft/mile sloping away from the outcrop area. No pump test data is available from this area, but Peters (1985) estimates the transmissibility of the Minnelusa is 700-1000 ft<sup>2</sup>/day and the storage coefficient equals  $2 \times 10^{-4}$  -  $3 \times 10^{-4}$ . Specific capacities of Minnelusa wells in the area are approximately 0.19 gpm/ft (Water Rights Division Domestic Well Files, 1984).

Recharge to the Minnelusa occurs through infiltration of precipitation falling on the outcrop area, which is less than 2 miles from the applicant's well. The Madison Limestone is hydraulically connected to the Minnelusa Formation and may also supply recharge to the Minnelusa.

The Division of Water Rights does not monitor any observation wells in the area, but an observation well in the Minnelusa Formation approximately 8 miles SE of the area shows the water level of the Minnelusa fluctuates seasonally, depending on recharge.

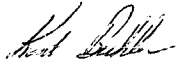
### Review of Existing Permits

There are five groundwater permits within two miles of the applicant's well. They include:

| Permit No. | Owner                      | Location        | Diversion | Formation |
|------------|----------------------------|-----------------|-----------|-----------|
|            |                            |                 | Rate      |           |
| 441-1      | Sturgis Water Works        | Sec 9, T5N, R5E | 3.6 cfs   | Madison   |
| 1062-1     | Sturgis Mun. Utility Board | Sec 6, T5N, R5E | 0.27 cfs  | Minnelusa |
| 1175-1     | Jim Roth                   | Sec 3, T5N, R5E | 0.15 cfs  | Minnelusa |
| 1287-1     | City of Sturgis            | Sec 4, T5N, R5E | 1.00 cfs  | Madison   |
| 1318-3     | Gerald Baldwin             | Sec 5, T5N, R5E | 0.10 cfs  | Minnelusa |

Conclusions

1. The Minnelusa Formation is a viable source of water in this area.
2. The applicant's well has been in use since 1963 with no reported interference problems.
3. Because the amount of water used is minimal, there will be no significant impact on the water levels in the aquifer.



KENT BUHLER  
Natural Resources Engineer

References

- Allen, J.C., Iles, D.L., Peters, A.K., 1984, Analysis of Ground Water and Stream flow Data, Western Dakotas Region of South Dakota: Tasks 3 & 4: Groundwater Resource Inventory: Department of Water and Natural Resources, Division of Geological Survey, Vermillion South Dakota, 57069, U.S. Army Corps of Engineers Contract No. DAWC 45-82-C-0151
- Peters, K.D., 1985, Availability and Quality of Water From Bedrock Aquifers in the Rapid City Area, South Dakota, USGS, Water Resources Investigations Report 85-4022.
- Water Rights Division, "Domestic Well Files", DWNR, Pierre SD, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Meade ) ss.

I, Monica McCarty hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Black Hills Press

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 Sturgis

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

March 29, 1986

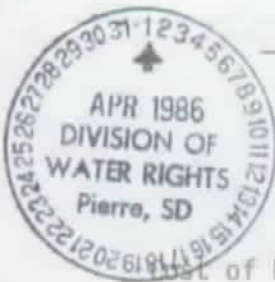
April 5, 1986

Monica McCarty  
(Signature)

Billing Clerk  
(Title)

April 5, 1986  
(Date Signed)

Cost of Printing: 46.15



NOTICE OF HEARING ON  
APPLICATION NO. 1351-1  
TO APPROPRIATE WATER

Notice is hereby given that Sturgis Truck Stop, Inc. whose mailing address is Box 236, Sturgis, South Dakota has made an application for a permit to appropriate .10 cubic feet of water per second from one existing well (Minnelusa Formation) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 5-T5N-R5E. The water is for commercial use by the truck stop.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1351-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has

that he is present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNH, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has been denied a hearing or support. The request for extension must be filed with the Chief Engineer by May 2, 1986.

Publ Mar. 29 & Apr. 5, 1986  
Black Hills Press

No. 1351-1

Instruction to Newspaper - Publish first publication of the following Notice on or before March 29, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1351-1 to Appropriate Water ~~and/or to Amend Water Permit or Water Right No. \_\_\_\_\_~~

Notice is hereby given that Sturgis Truck Stop, Inc. whose mailing address is Box 236, Sturgis, South Dakota has made an application for a permit

to appropriate .10 cubic feet of water per second from one existing well (Minnelusa Formation) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 5-T5N-R5E. The water is for commercial use by the truck stop.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1351-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, May 14 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by May 2, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 2, 1986.



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

June 20, 1986

Gerald Schnabel, President  
Sturgis Truck Stop Inc.  
Box 236  
Sturgis SD 57785

~~Dear~~ Mr. Schnabel:

Enclosed is your Water Permit No. 1351-1 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style with a large initial "J".

JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

enclosure



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 1351-1

November 15, 1988

Gerald Schnabel, President  
Sturgis Truck Stop, Inc.  
Box 236  
Sturgis, South Dakota 57785

Dear Mr. Schnabel:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1351-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling  
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.



# Department of Water & Natural Resources

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

November 23, 1988

1351-1

Rudy Geyer  
Rudy's Truck Stop  
PO Box 146  
Sturgis, SD 57785

Dear Mr. Geyer:

I am contacting you in regard to your telephone call to our office November 18, 1988, in which you indicated you bought the Sturgis Truck Stop. In order to file an ownership change for Water Permit No. 1351-1, you will need to file a "Notice of Transfer" with our office.

Enclosed is a partially completed "Notice of Transfer". Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to your name.

You also indicated you had received our letter of November 15, 1988, requesting a \$50.00 fee for the inspection and issuance of Water License No. 1351-1. Please remit this amount along with the transfer form. A total of \$52.50 is needed for the license and the transfer.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH  
Natural Resources Analyst  
605 773-3352

enclosure





# Department of Water & Natural Resources

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

August 8, 1989

SECOND NOTICE  
Permit No. 1351-1

## NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Rudy Geyer  
Rudy's Truck Stop  
PO Box 146  
Sturgis, SD 57785

Dear Mr. Geyer:

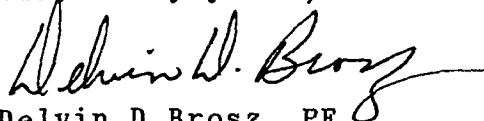
November 23, 1988 you were notified the final inspection fee of \$50.00 is due before Water License No. 1351-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Just a reminder, the permit is still listed in the name of Sturgis Truck Stop. A transfer form was sent to you in November, 1988, if you no longer have the form, a new one can be forwarded to you. A \$2.50 fee is required for filing a "Notice of Transfer".

Very truly yours,

  
Delvin D Brosz, PE  
Hydrologist  
for John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered; date; and addressee's address. 2. ☐ Restricted Delivery.

|                                                                                                            |                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3. Article Addressed to:</p> <p>Rudy Meyer<br/>Rudis Truck Stop<br/>PO Box 146<br/>Sturgis SD 57785</p> | <p>4. Article Number</p> <p>P 501 738 933</p> <p>Type of Service:</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured<br/> <input type="checkbox"/> Certified <input type="checkbox"/> COD<br/> <input type="checkbox"/> Express Mail</p> <p>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b>.</p> |
| <p>5. Signature — Addressee</p> <p>X <i>Rudy Meyer</i></p> <p>6. Signature — Agent</p> <p>X</p>            | <p>8. Addressee's Address (ONLY if requested and fee paid)</p>                                                                                                                                                                                                                                                                                               |
| <p>7. Date of Delivery</p> <p>8-11-89</p>                                                                  |                                                                                                                                                                                                                                                                                                                                                              |



# Department of Water & Natural Resources

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

May 30, 1990

Third Notice  
Permit No. 1351-1

## NOTICE OF ORDER TO STOP DIVERTING WATER UNDER PERMIT NO. 1351-1 FOR FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE

Rudy Geyer  
Rudy's Truck Stop  
PO Box 146  
Sturgis, SD 57785

Dear Mr. Geyer:

November 23, 1988 and August 8, 1989 you were notified the final inspection fee of \$50.00 is due before Water License No. 1351-1 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 1351-1 until the \$50.00 fee is paid.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change. The transfer form has been changed to include additional information. The old forms mailed to you in 1988 and 1989 are no longer used. Please complete the form, sign in the presence of a notary and return it to our office with a required filing fee of \$2.50.

The total amount due for filing the "Notice of Transfer" and for inspection and issuance of the water license is \$52.50.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

enclosure

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

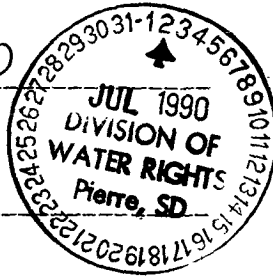
|                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Article Addressed to:<br><i>Rudy Meyer</i><br><i>Rudy's Truck Stop</i><br><i>P O Box 146</i><br><i>Stargis SD 57785</i> | 4. Article Number<br><i>P 997 218 491</i><br>Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise<br>Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> . |
| 5. Signature — Addressee<br>X <i>Rudy Meyer</i><br>6. Signature — Agent<br>X<br>7. Date of Delivery<br><i>6-4-90</i>       | 8. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                                                                                                                                           |

NOTICE OF TRANSFER OF OWNERSHIP

No. 1351-1

TO: Chief Engineer  
Water Rights Division, DWNR  
523 East Capitol  
Pierre, SD 57501-3181

Date: 6-4-90



I/We request that Water Permit/~~Right~~ No. 1351-1

formerly owned by: Sturgis Truck Stop

be transferred to: (name & address) Molly B's Truck Stop  
Box 457, Sturgis 347-4595 (telephone No.) 347-5926

Title to the following described land(s)/property has been transferred as described above:  
(location of the diversion point) SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 5, T5N, R5E

I/We understand that the validity of Water Permit/~~Right~~ No. 1351-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )  
County of Meade )

I/We Marlis Breunson 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 that I know of my own personal knowledge that the information herein stated is true.

Marlis Breunson  
(Signed)

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 1990.

Sue Whitford  
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:  
1. Abandonment - no intent to use water and use is abandoned.  
2. Forfeiture - no use of water for three year period without legal excuse.  
3. For a third violation of a condition of a water permit/right.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412293

Pierre, \_\_\_\_\_ July 2 \_\_\_\_\_, 19 90

RECEIVED OF Molly B's Truck Stop & Restaurant, Box 457, Stuggis, SD 57785

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. <u>Water Permit No. 1351-1</u> | 50    | 00    |
| Fee for Filing Transfer Form <u>Water Permit No. 1351-1</u>                                                                  | 2     | 50    |
| 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 | 52 50 |

By John Welch  
Chief Engineer

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

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

I have this day made a thorough examination of the water use system constructed by Sturgis Truck Stop Inc. of I-90 Exit 30, Sturgis, SD 57785 holder of Permit No. 1351-1, bearing the priority of March 7 1986 authorizing the diversion of 0.1 cu. ft. per second of the waters of groundwater for commercial purposes, in Meade County.

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

## A. Works used to divert the water:

A submersible pump, approximately 36 GPM capacity  
A submersible motor.

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

50 ft. of steel pipe, 1 inch diameter.

## C. Works used to apply water to beneficial use:

NA

The system is in the following condition goodThe point of diversion is located approximately 390 ft. E, 1867 ft. S from the center of Section 5, T5N-R5E.The works are capable of diverting and conveying to the place of use 0.08cu. ft. per second of water which is to be used for commercial use - truck stop - restaurant

Water has been put to beneficial use to the maximum extent as follows: \_\_\_\_\_

NA

comprising a total of — acres of land and the license should be issued for 0.08 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: \_\_\_\_\_ Date 9/12/88

(signature)

MR Had

9/12/88

LICENSE FOR PERMIT NUMBER 1351-1

1. Legal location of wells: SW 1/4, SE 1/4, Section 5, T5N-R5E.

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm ?

No. of wells 1

Depth 500 ft. ? (See KB's report)

Casing a) diameter 6"  
b) length ?  
c) type Steel

Screen a) type \_\_\_\_\_  
b) length unknown  
Static Water Level N 180

Pump a) make \_\_\_\_\_  
b) model SUB  
c) size \_\_\_\_\_  
d) capacity N 35 GPM  
e) turbine pump  
no. of stages \_\_\_\_\_

Motor a) make \_\_\_\_\_  
b) model no. SUB  
c) horsepower rating \_\_\_\_\_  
d) motor efficiency rating \_\_\_\_\_

3. Distribution lines:

45-60 psi pressure

a) size of lines 1 in  
b) type steel  
c) length 50 ft.

4. Dam information:

a) height to crest \_\_\_\_\_  
b) height to spillway \_\_\_\_\_  
c) crest width \_\_\_\_\_  
d) crest length \_\_\_\_\_  
e) spillway length \_\_\_\_\_  
f) spillway width \_\_\_\_\_  
g) approx. storage \_\_\_\_\_  
h) Distribution lines or canals:  
1) size \_\_\_\_\_  
2) type \_\_\_\_\_  
3) length \_\_\_\_\_

i) Outlet tubes:

1) diameter \_\_\_\_\_  
2) type \_\_\_\_\_  
3) valued (Y/N) \_\_\_\_\_  
4) valve type \_\_\_\_\_  
5) location on structure \_\_\_\_\_

5. System Type: a) sideroll:

1) length \_\_\_\_\_ feet  
2) diameter of pipe \_\_\_\_\_  
3) make, model & number of sprinklers \_\_\_\_\_  
4) spacing of sprinklers \_\_\_\_\_  
5) nozzle size \_\_\_\_\_

b) towline:

1) length \_\_\_\_\_ feet  
2) make, model & number of sprinklers \_\_\_\_\_  
3) spacing of sprinklers \_\_\_\_\_  
4) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

- 1) make \_\_\_\_\_
- 2) number of towers \_\_\_\_\_
- 3) distance between towers \_\_\_\_\_
- 4) overall length \_\_\_\_\_
- 5) End gun (Y/N) \_\_\_\_\_
- 6) high or low pressure \_\_\_\_\_
- 7) make & size of nozzles \_\_\_\_\_
- 8) PSI reading while system is running \_\_\_\_\_
- 9) GPM \_\_\_\_\_

g) Gun

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_
- 6) hose size \_\_\_\_\_
- 7) hose length \_\_\_\_\_

d) Gate Pipe

- 1) length \_\_\_\_\_
- 2) diameter \_\_\_\_\_
- 3) spacing of gates \_\_\_\_\_

e) Siphons

- 1) number \_\_\_\_\_
- 2) size \_\_\_\_\_

f) Portable boom

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_

h) Hydromatic

- 1) make \_\_\_\_\_
- 2) model \_\_\_\_\_
- 3) serial number \_\_\_\_\_
- 4) length \_\_\_\_\_
- 5) nozzle size \_\_\_\_\_
- 6) spacing \_\_\_\_\_
- 7) PSI \_\_\_\_\_
- 8) capacity (GPM) \_\_\_\_\_

YES

NO

Check Items

NA \_\_\_\_\_

✓ \_\_\_\_\_

✓ \_\_\_\_\_

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1351-1

(1) Sturgis Truck Stop of Sturgis SD 57785 made Application No. 1351-1, March 7, 1986 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater (one well), Meade County, South Dakota for commercial purposes. Permit No. 1351-1 with a priority date of March 7, 1986 was approved May 14, 1986 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On July 2, 1990, Water Permit No. 1351-1 was transferred to Molly B's Truck Stop, Sturgis, SD.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 390 feet E and 1867 feet S from the center of Section 5, T5N, R5E (SW1/4 SE1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 Molly B's Truck Stop of Box 457, Sturgis, SD 57785 the holder(s) and/or owner(s) of Water Permit No. 1351-1 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from groundwater (one well) with a priority date of March 7, 1986 from the location specified in (2) of this license. The water is used for commercial purposes in the truck stop and restaurant. This license is subject to any limitations or qualifications listed in Water Permit No. 1351-1 and subject to South Dakota State Law.

 SEP 13 1990  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Water and Natural  
Resources



# Department of Water & Natural Resources

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

1351-1

SEP 13 1990

Marlis Brunson  
Molly B's Truck Stop  
Box 457  
Sturgis, SD 57785

Dear Ms. Brunson:

Enclosed is Water License No. 1351-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412293 in the amount of \$52.50 which you paid for the inspection and issuance of the Water License and for filing the "Notice of Transfer".

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1351-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

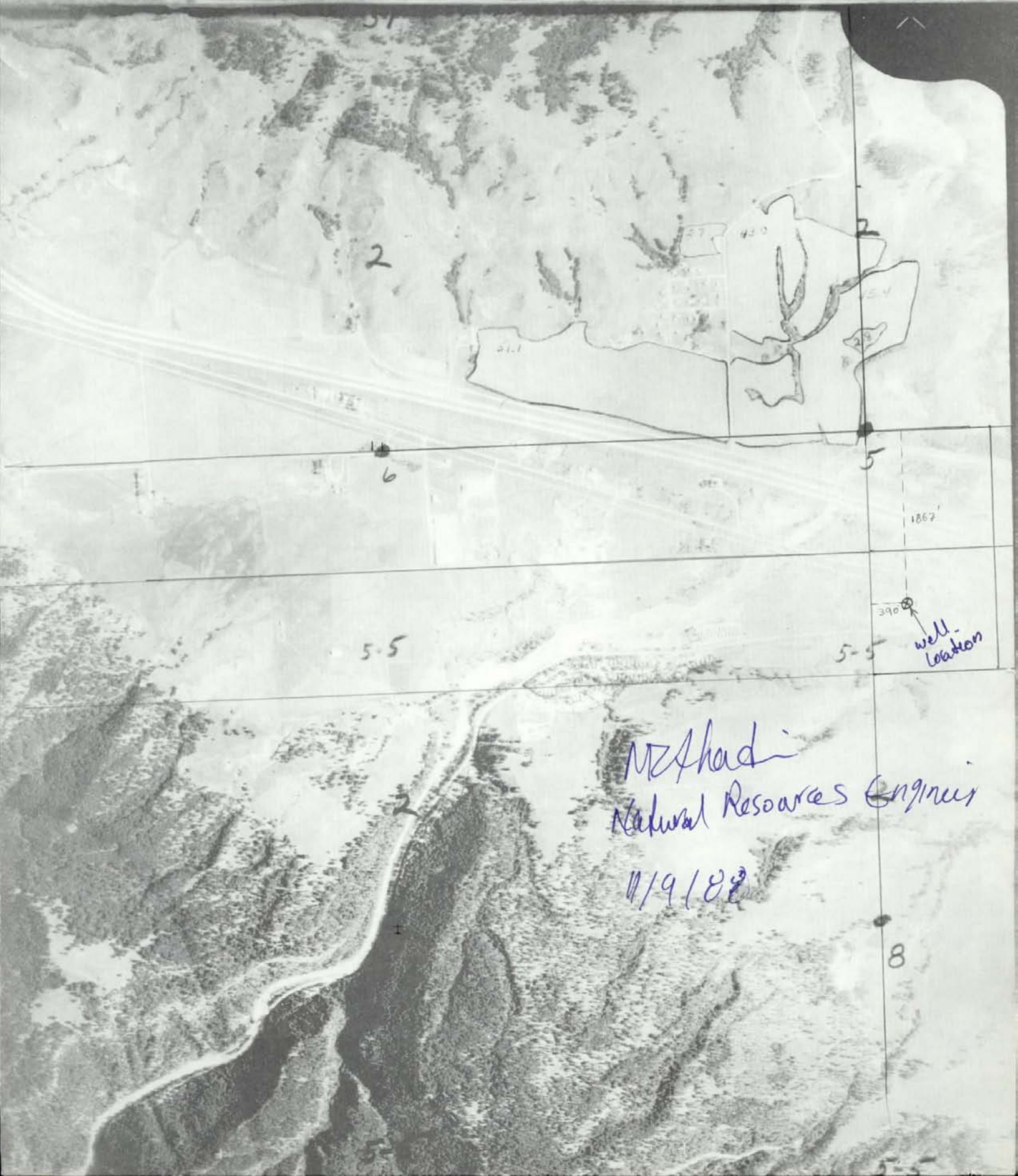
A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosures

1351-1

NOT TO SCALE



M. Shad  
Natural Resources Engineer

11/9/88