

WATER PERMIT NO. 1640-1

Name of Applicant: John G. Boylan

Address: PO Box 58, Piedmont SD 57769

Phone: 605 787-4489

Amount of Water Claimed: 16 gpm (0.04 cfs)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Meade

Type of Waste Disposal System: septic tank system

Location: Off I-90 near Piedmont

PRIORITY Date Received: 5-3-96

Fee: \$50.00

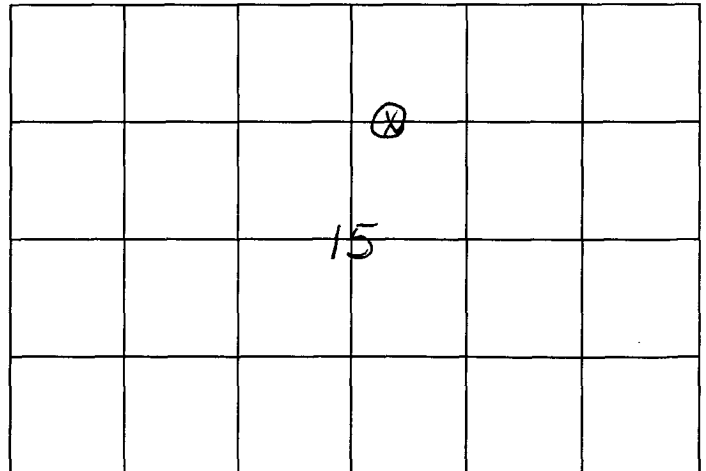
Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: W 1/2 NE 1/4 (Lot 8 of
Cooperland Subdivision) Sec 15-T3N-R6E

Land to be Irrigated: NA



Depth of Well: 460 feet

Well Driller: Cimarron Drilling

Remarks:

Type of Map: aerial photo

Prepared by: Darrell Vig, NRCS

Reviewed and the Number Assigned on: 5-15-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1640-1</u> Hydrologic Unit <u>10/2011</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Meade Co. Times Tribune, Sturgis, SD</u>



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

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant John G. Boylan Phone 605-787-4489
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 58 PIEDMONT State S.D. 57769
(Street)RR. or Box (Zip Code)
- Amount of water claimed 0.04 *CFS or 16 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1- WELL IN LOT
8 OF COOPERLAND SUBDIVISION IN THE SW 1/4 OF THE NE 1/4
OF SEC. 15, T2N 3N, R6E County MEADE
- County or counties where water will be used MEADE
- Annual period during which water is to be used YEAR ROUND Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

74 rods south and 122 rods east of NE corner of Section 15-T3N-R6E.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

SS

County of MEADE

I, John G. Boylan, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Elaine Subrman

Subscribed and sworn to before me this 18 day of April 19 96

Supplemental Information

(type or print in ink)

* STATE TO COMPLETE
FROM DRILLS LOG

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5 Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

COMPLETED
X ON ANOTHER
STATE REPORT
BY DAVID BIES
THE INSTALLER

3. Dugout Information

N/A

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



4. Water Storage Dams

N/A

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

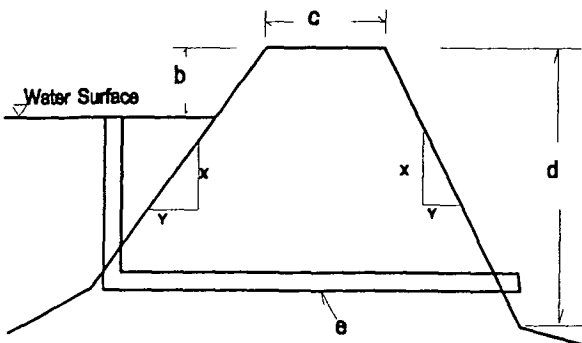
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 1640-1**

Date of first receipt of application May 3, 1996.

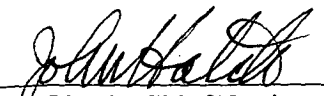
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1640-1 to John G. Boylan, PO Box 58, Piedmont SD 57769 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1540-1 appropriates 0.04 cubic feet of water per second (16 gallons per minute) from one well (Minnelusa Formation) 460 feet deep located in the W 1/2 NE 1/4 (Lot 8 of Cooperland Subdivision) Section 15-T3N-R6E.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 1640-1 is July 1, 1996.
5. The date from which applicant may claim right is May 3, 1996.
6. One-fifth of the construction is to be completed on or before January 1, 1999.
7. All construction is to be completed on or before July 1, 2001.
8. Water is to be put to beneficial use on or before July 1, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. 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.

WATER MANAGEMENT BOARD

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

JUL 17 1996

date



RECEIPT

414939

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 3, 19 96

RECEIVED OF Christina Vik, P.O. Box 58, Piedmont, SD 57769

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

Fee for Application for Permit No. <u>1640-1</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

07-92

County Meade

A 2x2 grid representing a 1-mile square area. The horizontal axis is labeled 'X' and the vertical axis is labeled 'W'. An 'X' is marked in the top-right quadrant. A scale bar at the bottom indicates the total width is 1 mile.

4-10-95

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 150 ft. from Septic (identify source).

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

Rotary-Air Water

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>380</u> FT	<u>7 7/8</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

Grout Type	No. of Sacks	Grout Weight	From	To
Portland	60	94 1/2 lb./gal	0 ft.	380 ft.
Type I-II		lb./gal	ft.	ft.

Describe grouting procedure Pressure grout THEN
Casing with mud pump. Displace
with fresh water to surface

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? X YES, How: CHLORINE
 _____ NO. Why Not? Yellow

Laboratory sent to for water quality analysis

Well Owner: Dan McVay - John Boyland
Business Name: Elk Creek Valley Market
Address: P.O. Box 27
Piedmont S.D. 57769

DEPTH

FORMATION	FROM	TO
Red Shale + S Stone (Spearfish)	0'	155'
Limestone (Minnekahta)	155'	195'
Red Shale (Opeche)	195'	325'
Multi colored	325'	440'
S. Stone + limestone		
Red Sand (Minnekahta)	440'	460'

1 2

If flowing: closed in pressure 2 PSI

GPM flow 5 through 1 inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate 2 GPM GPM

Can well be completely shut in? yes

☐ Pumped Describe: AIR developed
☐ Boiled _____
☒ Other _____

Pumping Level Below Land Surface

150 ft. After 1 Hrs. pumped 20 GPM

250 ft. After 2 Hrs. pumped 35 GPM

If pump installed, pump rate 16 GPM

REMARKS

Test Hole to 460'
open hole 380'-420'

This was drilled under license #

And this report is true and accurate.

Drilling firm CIMARRON DRILLING

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder:

Date:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1996

John Boyland
Elk Creek Valley Market
PO Box 27
Piedmont, SD 57769

Dear Mr. Boyland:

A well driller's report filed by Cimarron Drilling shows that they completed a new well for you. Based on the information in the report, you may need a permit to appropriate water for use in your business.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds and any other business operation. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities." Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Program, 523 E. Capitol, Pierre, SD 57501" by 5/3/96. You may contact Barry McLaury at 605-773-3352 if you don't believe your water use requires a permit or if you need assistance.

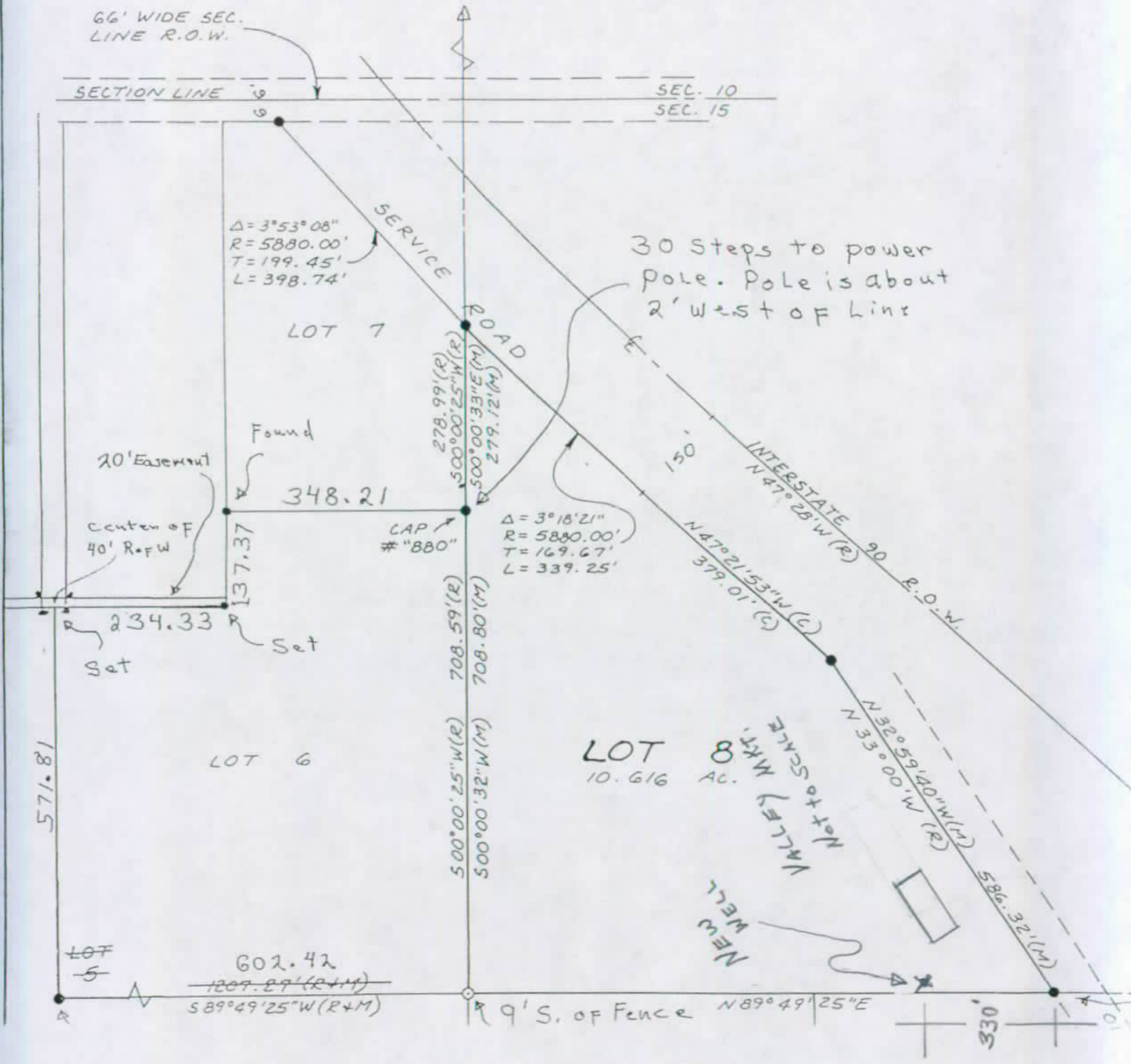
Sincerely,

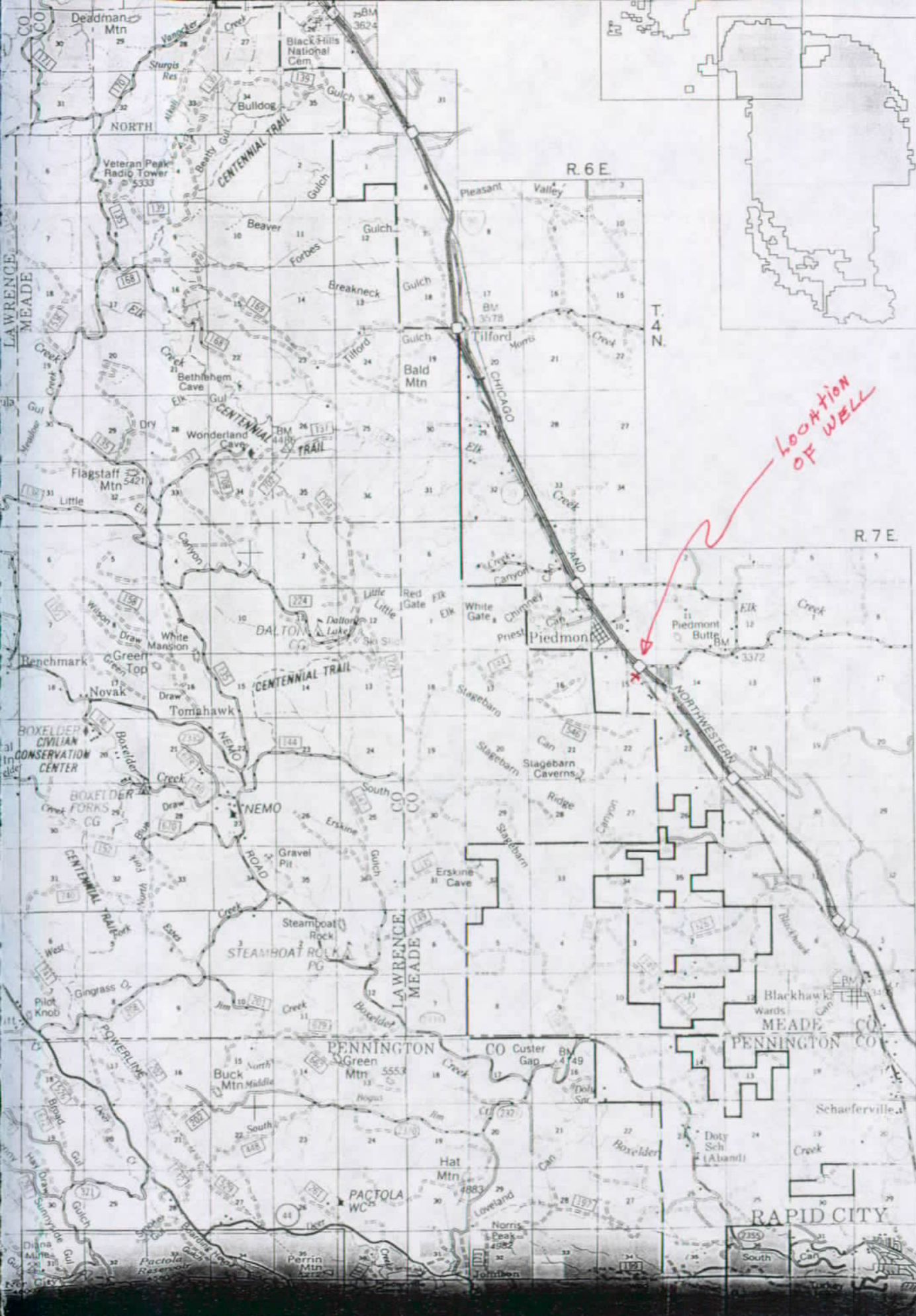
Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosures



Approx. center of Wilburn rd.





30"

5

44°
15'
00"

44°
07'
30"

1640-1

← I-90 WEST

EXIT 46

Location of well

Location of
SEPTIC SYSTEM

Located the well on 1/4" 192 Aerial Photo
24 rods S and 122 rods E of NE corner at
Dawson Vlg, T3N-R6E
NRC5
Sturgis, SD
Sec. 15-

REPORT ON WATER PERMIT APPLICATION NO. 1640-1
for John G. Boylan
June 4, 1996

Application No. 1640-1 proposes to appropriate 0.04 cfs (16 gpm) from one well approximately 460 feet deep located in the W 1/2 NE 1/4 of section 15, T3N R6E in Meade County. The water is for commercial use.

AQUIFER - MINNELUSA (MNLS)

The Minnelusa Formation is an assemblage of sandstone, dolomite and limestone which is under artesian conditions at this site. The Minnelusa is about 560 feet to 640 feet thick in this area with the upper 200 feet to 300 feet mostly fine to medium grained sandstone (Peter, 1985). The Minnelusa Formation underlies 2.17 million acres and contains an estimated 81.48 million acre feet of recoverable water in storage in Meade County (Allen, 1984). The aquifer is areally extensive into Lawrence County to the north and west and into Pennington County to the south. Ground water movement is from west to east and north to south in this area.

The driller's log filed with this application indicates the top of the Minnelusa at 325 feet below land surface and drilling continued to a depth of 460 feet. The completed well was a free flowing well which had a shut in pressure of 2 psi and a capable of flowing 5 gpm. The well was also capable of producing 35 gpm using air to develop. This well is completed in accordance with SD Well Construction Standards.

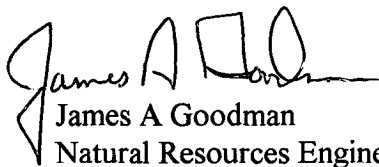
The Water Rights Program does monitor an observation well MD-84A which is completed into the Minnelusa Formation and is located about one quarter mile northeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A partial hydrograph for this well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/rights located within a one half mile radius of this application. Interference is not a concern. The diversion rates are relatively small and drawdown caused by pumping should not be significant. It is interesting to note that the water levels in this area fluctuate considerably under natural conditions. It may be necessary to lower pumps during extended periods of drought.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. The diversion rate for this application is relatively small and will not significantly affect area water levels.
3. This a free flowing well at the land surface. The well must be controlled and maintained in order to prevent the waste of water.
4. This well is constructed in accordance with SD Well Construction Standards.
5. Wastewater is disposed of through a septic tank system.

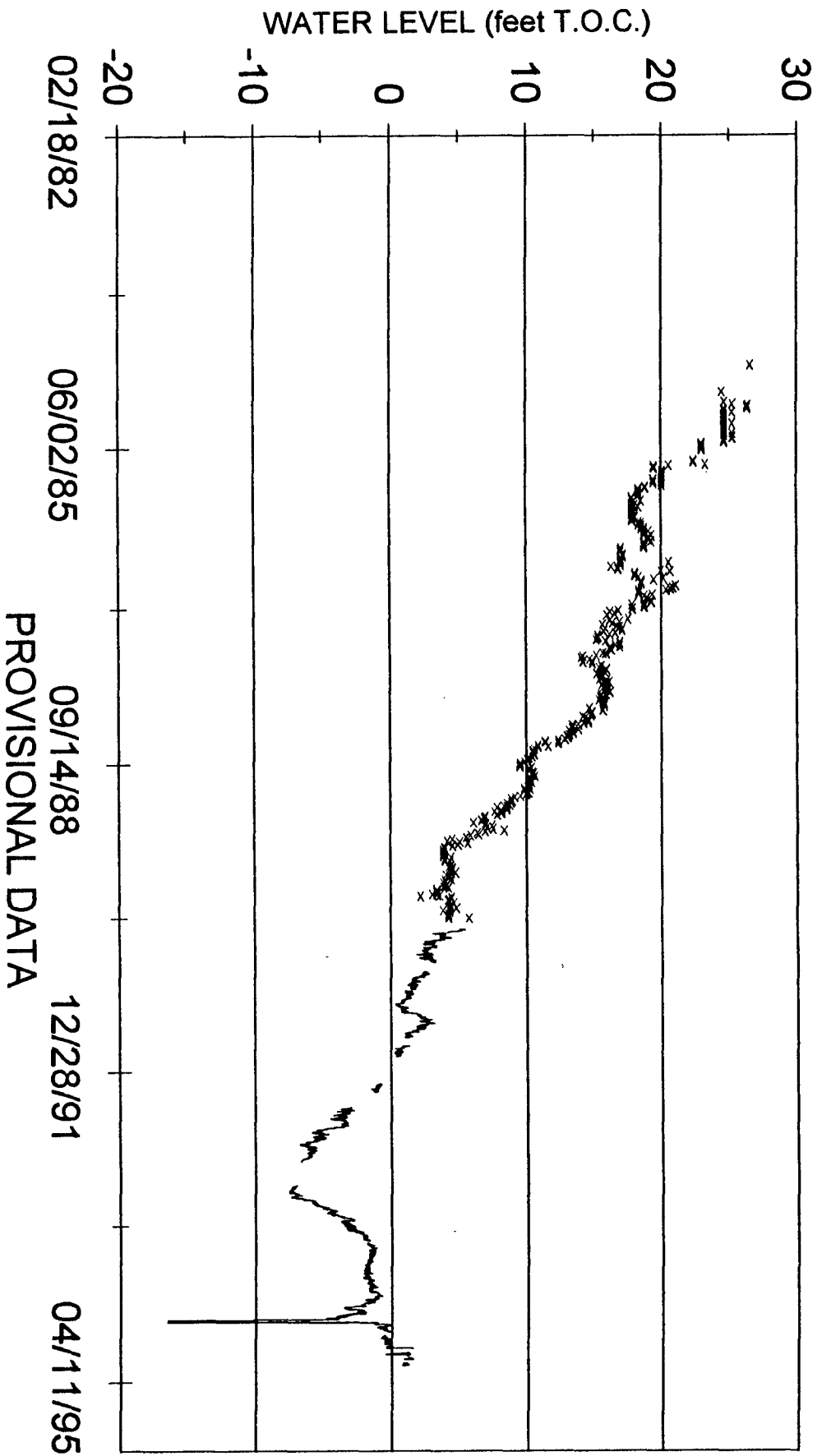

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Peter, K.D., 1985, Availability and Quality of Water from the Bedrock Aquifers in the Rapid City Area, South Dakota, WRI-85-4022, USGS, Rapid City, SD, 57701.
- Water Rights, 1996, Unpublished Observation Well Data for Meade County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

MD-84A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1640-1, John G. Boylan**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1640-1, John G. Boylan, P.O. Box 58, Piedmont, SD 57769.

The Chief Engineer is recommending APPROVAL of Application No. 1640-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. 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 report on application for additional information.



JOHN HATCH, Chief Engineer
June 5, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 6, 1996

John G. Boylan
P.O. Box 58
Piedmont, SD 57769

Dear Mr. Boylan:

Water Permit Application No. 1640-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times Tribune printed at Sturgis, SD (Ph # (605) 347-2503). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Meade Co. Times Tribune
Box 69
Sturgis, SD 57785-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1640-1 to be published twice. Please publish the first notice on June 12, 1996, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is John G. Boylan, P.O. Box 58, Piedmont, SD 57769 (Ph # (605) 787-4489).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund

Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 12, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1640-1 to Appropriate Water

Notice is given that John G. Boylan, P.O. Box 58, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (16 gallons per minute) from one well (Minnelusa Formation) 460 feet deep located in the W 1/2 NE 1/4 (Lot 8 of Cooperland Subdivision) Section 15-T3N-R6E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1640-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Meade) SS

I, Faye D. Pate

certify that the attached printed Notice was
taken from the _____

Meade County Times-Tribune

printed and published in Sturgis

County of Meade and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

June 12, 1996

June 19, 1996

Cost of Printing: 31.50

(Signature)

Accountant

(Title)

June 19, 1996

(Date Signed)

Water application

NOTICE OF APPLICATION

NO. 1640-1 to Appropriate Water

Notice is given that John G. Boylan, Box 58, Piedmont, SD 57769 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (16 gallons per minute) from one well (Minnelusa Formation) 460 feet deep located in the W. 1/2 NE 1/4 (Lot 8 of Cooperland Subdivision) Section 15-T3N-R6E. The water is for commercial use.

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Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building 523 E. Capitol, Pierre SD 57501 (773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights

Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Publ June 12 and 19, 1996
Meade County Times-Tribune





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 17 1996

John G. Boylan
P.O. Box 58
Piedmont, SD 57769

Dear Mr. Boylan:

Enclosed is Water Permit No. 1640-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 11, 1999

Elk Creek Valley Market, Inc.
John C. Boylan
PO Box 37
Piedmont SD 57769

Dear Mr. Boylan:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use. In order to complete the application the following is required.

The map submitted with the application does not meet the criteria outlined on the instruction sheet. I have enclosed a copy of a topographic map for your well location. On this map, please mark the location of the well with an "X". As stated on the instruction sheet, the map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Also, what type of waste water disposal system is utilized (i.e. septic tank, drain field)?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 21, 1999

Elk Creek Valley Market, Inc.
John C. Boylan
PO Box 37
Piedmont SD 57769

Dear Mr. Boylan:

In reference to our phone conversation yesterday, I am returning the *Application for a Permit to Appropriate Water* for commercial use at the temporary campground used during the motorcycle rally.

Enclosed is a copy of Water Permit No. 1640-1 which authorizes 16 gallons per minute (gpm) from one well located in the W ½ NE ¼ Sec 15-T3N-R6E for commercial use. It is my understanding the same well is used for the campground. The well log indicates a 16 gpm pump was installed in 1995 when the well was drilled. You indicated nothing has been changed on the well and you will not be using more than 16 gpm. Therefore, an additional permit is not required for the use of water at the campground.

You should be aware that if you exceed the 16 gpm, a new water permit will be required for the additional amount of water.

A \$100.00 fee was submitted with the application. We will be refunding \$50.00. The other \$50.00 will be applied toward the license fee for Water Permit No. 1640-1. You should be receiving the refund check within the next couple of weeks.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416116

Pierre, _____ May 10, 19 99

RECEIVED OF Spring Valley Mini Storage, P.O. Box 58, Piedmont, SD 57769
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	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. <u>1640-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____ <u>Refunded \$50 - 5/21/99</u>		
(Any Other Work Provided by Law)		
Total	100	00

By _____
Chief Engineer

John Hatch (JH)

PAYMENT REQUEST FORM

PAYEE: Elk Creek Valley Market, Inc.
John C. Boylan
P.O. Box 37
Piedmont, SD 57769

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant paid application and final inspection fee (\$100.00), but it was later determined he had an existing permit (1640-1). \$50.00 of the submitted fee will be applied towards 1640-1 license fee.

AMOUNT: \$50.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John H. H. H.

15-24-99

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



February 1, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John G Boylan
PO Box 58
Piedmont SD 57769-0058

Dear Mr. Boylan:

Thank you for returning the 2000 SD Water Use Questionnaire. On the form, you indicated you no longer owned the property. Do you know who now owns the property? It is important to keep our records accurate.

Any information you give us such as name of owner, address, phone number, would be helpful. I have enclosed a postage paid envelope for your reply. Thank you for any help you can give us.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

2000 South Dakota Water Use Questionnaire

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1640-1

Date: 1/11/06

I/We request that Water Permit No. 1640-1

formerly owned by: John G Boylan

be transferred to: (name & address) Big D Oil, PO Box 1378, Rapid City SD 57709

605 342-6777

Telephone No.

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

diversion point location: W ½ NE ¼ Section 15, T3N, R6E (Lot 8 of Cooperland Subdivision)

I/We understand that the validity of Water Permit No. 1640-1 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 with the Water Rights Program, as evidence of the change of ownership.

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

I/We Big D Oil Co, the new owner, certify that the above information is true and correct.

Mark Policky President
(Signed by new owner)
(Mark Policky) 

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

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

RECEIVED
JAN 17 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 17, 20 06

RECEIVED OF Pig D Oil Co., PO Box 1378, Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>16490</u> <u>1640-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

00217

By

Darlan S. Eisele
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2006

1640-1

Mark Policky, President
Big D Oil
PO Box 1378
Rapid City SD 57709

Dear Mr. Policky:

Thank you for following up on the ownership change for Water Permit No. 1640-1. The transfer has been completed. The water permit formerly listed in the name of John G Boylan is now listed in the name of Big D Oil.

Enclosed is your Receipt No. 002187 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

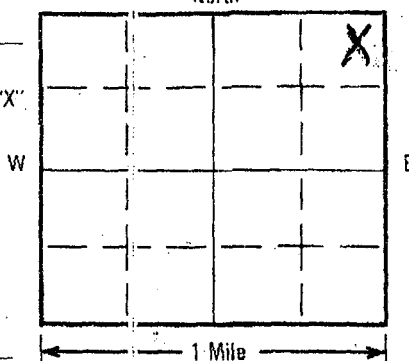
SOUTH DAKOTA WATER WELL COMPLETION REPORT

1640-1

07-92

Location NE 1/4 NE 1/4 Sec 9 Twp 3N Rg 6E
County MEADE

Please mark well location with an "X"



Well Completion Date

1/23/06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from septic (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

AIR Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT 17 LB/FT DIAMETER 5.5 IN FROM 1.5 FT TO 446 FT HOLE DIAMETER 7 7/8 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type portland No. of Sacks 65 Grout Weight 14 lb./gal From 446 ft To 0 ft
Describe grouting procedure pressure grouted through casing

SCREEN: ☐ Perforated pipe ☐ Manufacture

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

chlorine

Laboratory sent to for water quality analysis

____ NO, Why Not? _____

Well Owner: Big D Oil Co.
Business Name: Elk Creek Valley Conoco
Address: 3685 Sturgis Rd.
Rapid City SD 57702

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Spearfish Shale</u>	<u>0</u>	<u>170</u>
<u>Minakata limestone</u>	<u>170</u>	<u>215</u>
<u>Purple siltstone</u>	<u>215</u>	<u>240</u>
<u>Opeche Shale</u>	<u>240</u>	<u>300</u>
<u>Red Sand (dirty)</u>	<u>300</u>	<u>340</u>
<u>Red Sand / white limestone</u>	<u>340</u>	<u>360</u>
<u>Purple gray limestone</u>	<u>360</u>	<u>420</u>
<u>Pink sandstone</u>	<u>420</u>	<u>440</u>
<u>Hard yellow sandstone</u>	<u>440</u>	<u>460</u>

STATIC WATER LEVEL 0 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: AIR Developed

☐ Bailed _____

☒ Other _____

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 20 GPM

200 ft. After 2 Hrs. pumped 16 GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN - 4 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 705

And this report is true and accurate.

Drilling firm DAKOTA Bore LLC

Signature of License Representative:

Frank Conway

Signature of Well Owner or Equitable Property Holder:

Date: _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2007

Big D Oil Co.
Elk Creek Valley Conoco
3685 Sturgis Rd
Rapid City SD 57702

Dear Sir:

I am writing in regard to a well driller's report filed by Dakota Bice LLC. The report shows a new well was been completed on January 23, 2006 for your business. Based on the information in the report, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by March 1, 2007.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Mark Policky w/Big D Oil

ADDRESS: PO Box 1378, Rapid City SD 57709

DATE: February 27, 2007

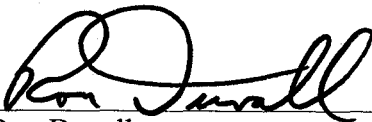
RE: Construction of new well

COMMENTS:

A well completion report was received January 4, 2007 indicating completion of a new well for Big D Oil Company. In response a letter dated February 7, 2007 was sent informing the well owner that a water right permit may be needed for the well. Mark Policky, President of Big D Oil, called on February 27, 2007 and stated that Elk Creek Valley Conoco station holds Water Permit No. 1640-1. The new well is a replacement well and is located approximately 120 feet from the permitted well. According to the well completion report the replacement well is 460 feet deep and the original well is open hole down to 420 feet. Both of the wells are in the Minnelusa formation and the pump rate has not been increased over the permitted rate.

RECOMMENDED ACTION:

Unless the existing well is maintained as a standby well, it should be plugged. The exact location of the replacement well can be identified during the licensing inspection and the permit can be corrected at that point if necessary.



Ron Duvall
Natural Resources Engineer
Water Rights Program

Permit No. 1640-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **September 21, 2009**, made a thorough examination of the water use system constructed by **Big D Oil** of **PO Box 1378, Rapid City, SD 57709** holder of Permit No. **1640-1**, bearing the priority of **May 3, 1996** authorizing the diversion of **0.04** cu. ft. per second of the waters of the **Minnelusa Formation** for **Commercial use** purposes, in **Meade** County.

Inspection contact & relationship **Don Policky, President**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Dakota Bice LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **460** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5 ½** inches
- 2) Length **446** feet
- 3) Type **Steel**
- 4) Static water level **0** feet

Pump:

- 1) Make **AY McDonald**
- 2) Model **21200P**
- 3) Capacity **14** GPM

Motor:

- 1) Make **Franklin Electric**
- 2) Horsepower rating **2** hp

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**

Report of Examination of Works

Permit No. 1640-1

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 970 feet south and 2,195 feet west of the NE corner of Section 15-T3N-R6E

(N 44.22475, W -103.38102) (NW ¼ NE ¼)

The works are capable of diverting and conveying to the place of use 0.031 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.031cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The well for this permit is a replacement well. Both wells were constructed into the Minnelusa Formation and there was no increase in the diversion rate over the permitted rate. The original well is no longer in use and has been capped.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: May 20, 2010

Water Permit No. 1640-1

Big D Oil
PO Box 1378
Rapid City, SD 57709



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 20, 2010

0 550 1,100 2,200 3,300 4,400



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 14 2010

1640-1

Don Policky, President
Big D Oil
PO Box 1378
Rapid City SD 57709

Dear Mr. Policky:

Enclosed is Water License No. 1640-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 1640-1, 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.

Sincerely,

A handwritten signature in black ink, reading 'Garland Erbele'. The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1640-1

(1) John G Boylan made Application No. 1640-1, May 3, 1996 for a water permit to divert 0.04 cubic feet of water per second (16 gallons per minute) from ground water (one well - Minnelusa Formation), Meade County, South Dakota for commercial use purposes. Permit No. 1640-1, with a priority date of May 3, 1996 was approved July 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 1, 2001 and for the application to beneficial use of said water on or before July 1, 2005.

On January 7, 2006, Water Permit No. 1640-1 was transferred to Big D Oil, PO Box 1378, Rapid City SD 57709.

(2) It is certified that the permit holder 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 0.031 cubic feet of water per second (14 gallons per minute) for beneficial use.

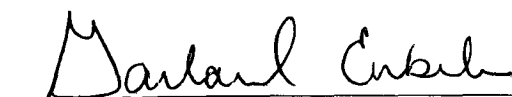
The location of the diversion point is approximately 970 feet south and 2,195 feet west of the NE corner of Section 15, T3N, R6E (NW ¼ NE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Big D Oil, PO Box 1378, Rapid City SD 57709 the holder and/or owner of Water Right No. 1640-1 is issued a license to appropriate water, the right to use 0.031 cubic feet of water per second from ground water (one well - Minnelusa Formation) with a priority date of May 3, 1996 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1640-1 and subject to the following qualifications:

- The well approved under this *water right* shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the *water right* cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04. ***The licensed well is a replacement well. Both wells were constructed into the Minnelusa Formation. The original well is no longer in use and has been capped.***
- The well approved under this *water right* will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this *water right* 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.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 14 2010

date

