

Considered: _____

WATER PERMIT NO. 2177-2

Phone: 342-9372

Name of Applicant: Superior Truck Wash, Inc. (Leslie Flack)

Post Office Address: 3290 Universal Drive, Rapid City, SD 57702

Amount of Water Claimed: 0.05 cfs (21 gpm) Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: commercial purpose County: Pennington

About _____ miles _____ of Rapid City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received: 4/23/91 Fee: \$50 Remarks _____

Corrected Application Received 5/2/91 Period of Annual Use Jan. 1 - Dec. 31

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

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE1/4 SE1/4 Section 21, T2N, R7E

Land to be Irrigated: _____

		21			
			x		

Well Log: Driller: Downen Licensed YES x NO _____

Depth of Well: 220" REMARKS _____

Type of Map: Plat PREPARED BY: Ronald Davis, PE Reviewed and the Number

Assigned on 5/9/91 By Eric Gronlund

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>2177-2</u>	Hydrologic Unit <u>10120110</u>
Map No. _____	Basin <u>Upper Cheyenne</u>
Newspaper <u>RC Journal, Box 450</u>	

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 retained
Change 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 Superior Truck Wash INC. Phone No. 605 342 9372

Post Office Address 3290 Universal Drive Rapid City State SD 57702
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 21 gpm 0.047 cfs

3. Source of water supply Well

4. Location of point of diversion SE 1/4 SE 1/4 Section 21-T2N-R2E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Year-round Jan 1 - Dec 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)

Well drilled for water supply at Superior Truck Wash

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 Pennington)^{ss}

I, Superior Truck Wash, Inc 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 Leslie L. Black

Subscribed and sworn to before me this 16th day of April 1991

4-87 My Comm Expires April 1995

Janice Marchewski
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2177-2**

Date of first receipt of application April 23, 1991.

Date of return to applicant for corrections, amendments or changes April 23, 1991.

Date of receipt of corrected application May 2, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2177-2 to Superior Truck Wash Inc., 3290 Universal Drive, Rapid City SD 57702 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. 2177-2 appropriates 21 gallons per minute (0.047 cubic feet of water per second) from one well (Minnekahta Limestone) approximately 210 feet deep located in the SE 1/4 SE 1/4 of Section 21-T2N-R7E.
2. The water appropriated shall be used for the purpose of supplying water for a truck washing operation and may not exceed the amount of water needed for beneficial use for commercial use.
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. 2177-2 is August 1, 1991.
5. The date from which applicant may claim right is April 23, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

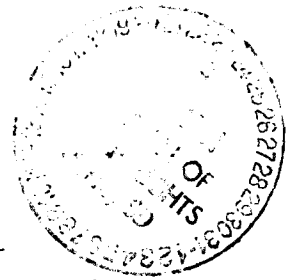
By: John H. Kates
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 18 1991

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 1/2" Depth 220'
- b) Casing Type Steel Diameter 5" Thickness 25 hundredths
- c) Screen Type None Diameter _____ Thickness _____
- d) Gravel Pack Thickness None Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 170'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 2 miles

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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

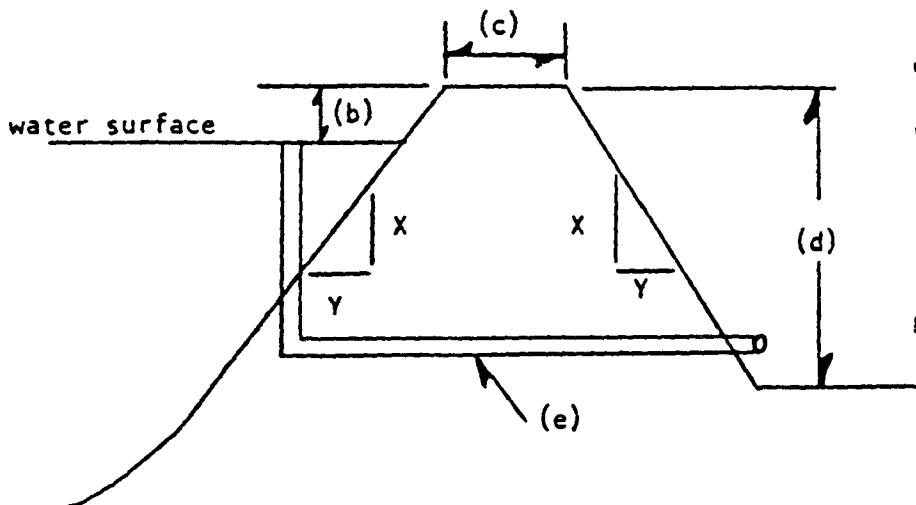
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Superior Truck Wash - Leslie Black
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412661

Pierre, _____ May 3, 19 91

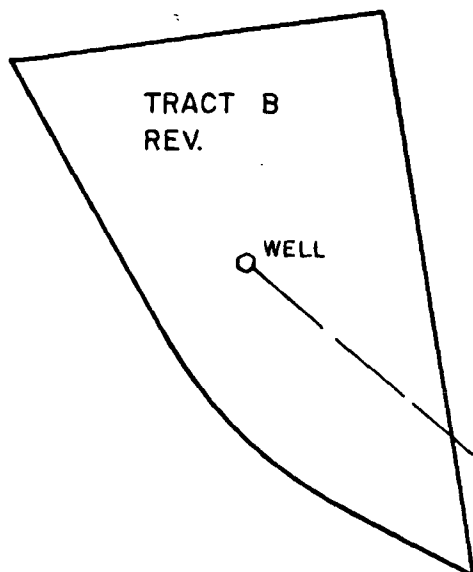
RECEIVED OF Superior Truck Wash, Inc., 3290 Universal Dr., Rapid City, SD 57702
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2177-2</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

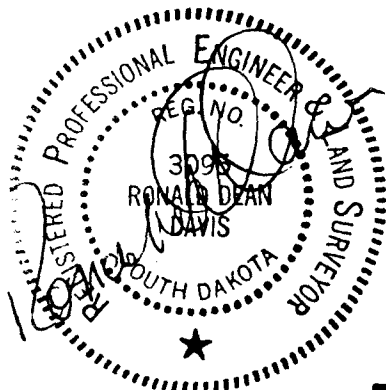
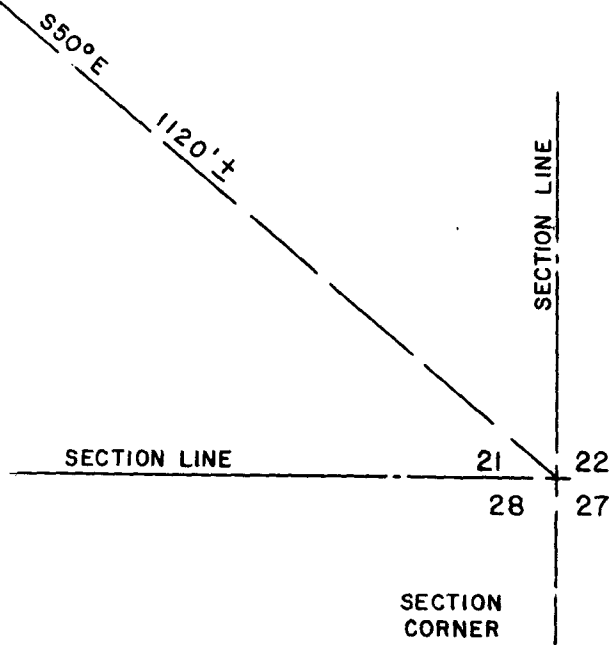
By John H. H. H. H.
Chief Engineer


EXHIBIT "A"

Appl. No. 2177-2



SCALE 1" = 200'
APRIL 10, 1991



 DAVIS-ATKINS & ASSOCIATES, INC. 1141A RAND ROAD RAPID CITY, SOUTH DAKOTA 57702		PHONE (605) 341-3095	
WELL LOCATION - TRACT B REV. OF LIEN INDUSTRIAL PARK NO. 2 LOCATED IN SE1/4 OF SE1/4 OF SECTION 21, T2N, R7E, BHM			
Surveyed by: _____	Date: _____	Scale: _____	Location: _____
Designed by: _____	Date: _____	Revisions: _____	
Drawn by: _____	Date: _____		
Checked by: _____	Date: _____		
			Job Number: 91.069

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

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

June 5, 1989

Les Flack
329 Universal Dr.
Rapid City SD 57702

1893-2
should be 3290
RF

Dear Mr. Flack:

A well drillers report filed with this office by Downen Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water right permit application.

Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by July 21, 1989.

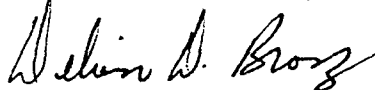


The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Susan Bowar, Water Rights Division Engineer (605-773-3352).

Very truly yours,



DELVIN D BROSZ, P.E.
Hydrologist
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

LES FLACK
3290 UNIVERSAL DR.
RAPID CITY SD 57702

Dear MR. FLACK:

I am writing to follow-up on my November 6, 1990 letter concerning the requirement to apply for a water permit.

Information we have indicates you may need a water permit to use water from your new well(s). A water permit must be obtained for any use of water other than domestic uses, such as individual farm or ranch use, not exceeding 18 gallons per minute during average daily use.

No response to the November 6, 1990 has been received. If you need assistance with completion of the application forms or if you do not believe you need a water permit, please contact Regan Fanning by March 29, 1991 at: Joe Foss Building, 523 E. Capitol, Pierre SD 57501-3181, (605) 773-3352.

Thank you for your attention to this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 23, 1991

Superior Truck Wash, Inc.
Leslie L. Flack
3290 Universal Drive
Rapid City SD 57702

Dear Mr. Flack:

In regard to your water permit application received on April 23, 1991, the following information needs to be clarified in order to process your application.

1. On Item No. 4 you have not listed the location of the point of diversion. From the map submitted with the application, it would appear that the well is located in the SE 1/4 SE 1/4 Section 21-T2N-R7E. Do you concur with this location of the well?
2. Will the water be discharged into a sanitary sewer?
3. The filing fee for this application will be \$50.00.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Superior Truck WashADDRESS: Rapid City COUNTY PFDATE: 5/9/91 TELEPHONE 342-9372

RE: _____

COMMENTS:

whether Called trying to get ahold of Mr. Flack to ask him if the water once used was discharge to Rapid City's sanitary sewer or where exactly the water was discharged. Mr. Flack wasn't available but the gentlemen I talked to stated he wasn't sure but that he thought they were going to get hooked up to RC's sanitary sewer in the next few weeks. Mr. Flack is supposed to be in tomorrow morning and I stated I'd call back.

5/10/91 Called Mr. Flack and he stated that discharge currently goes to a septic tank but that sometime this summer they will be hooked to Rapid City's sanitary sewer. Currently, Rapid City is doing the surveying for the line and construction is scheduled to begin in June.

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

NAME: Eric S. Henderson

REPORT ON APPLICATION NO. 2177-2
for Superior Truck Wash
June 18, 1991

Application No. 2177-2 proposes to appropriate 0.047 cfs (21 gpm) from one well approximately 210 feet deep located in the SE 1/4 SE 1/4 of section 21, T2N R7E in Pennington County. The water will be used for a commercial truck washing operation.

AQUIFER - MINNEKAHTA LIMESTONE (MNKT)

The Minnekahta is a nearly pure light brown to lavender limestone which is about 40 feet thick in this area (Cattermole, 1969). The Minnekahta underlies 1.283 million acres and contains an estimated 3.2 million acre feet of recoverable water in Pennington County (Allen, 1984). The aquifer is under artesian conditions and according to the driller's log submitted with the application, the Minnekahta was encountered from 165 to 210 feet below land surface, produced 50 gpm and had a static water level of 100 feet below land surface.

The Division of Water Rights does not monitor any observation wells completed into the Minnekahta in the Rapid City area.

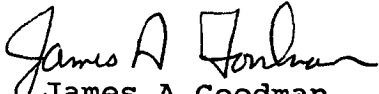
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Permit No. 1893-2 issued to the Windmill Truck Stop for 0.15 cfs from a well 300 feet deep completed into the Minnekahta. The well for this application is about 900 feet northwest of the well for No. 1893-2. Interference is not expected to be a problem. Drawdown may be created by pumping from both wells; however, the diversion rates are relatively small and the drawdown should not be adverse.

CONCLUSIONS

1. Water is available from the Minnekahta Limestone.
2. The Minnekahta is a relatively minor aquifer. Most of the permits/rights in this area obtain water from the Madison and Minnelusa aquifers. There is no evidence suggesting that the Minnekahta is hydraulically connected to either of these aquifers.
3. The Minnekahta is under artesian conditions. Drawdown is expected when these wells are pumped; however, interference is not expected to be a problem.
4. Wastewater will be disposed of through the City of Rapid City sewer system.

5. This well has been completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., 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.
- Cattermole, M.J., 1969, Geologic Map of Rapid City West Quadrangle, USGS Map GQ-828, Washington DC.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2177-2, Superior Truck Wash

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2177-2, Superior Truck Wash, 3290 Universal Drive, Rapid City, SD 57702.

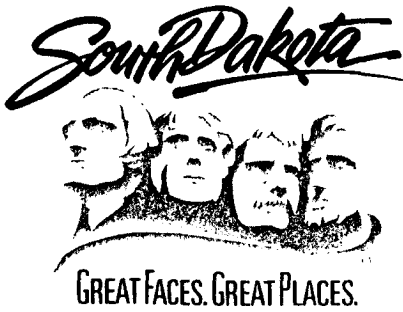
The Chief Engineer is recommending APPROVAL of Application No. 2177-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use 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 report on application for additional information.



JOHN HATCH, Chief Engineer
June 18, 1991



**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.

July 28, 1991

Leslie Flack
Superior Truck Wash, Inc.
3290 Universal Drive
Rapid City, SD 57702

Dear Mr. Flack:

Water Permit Application No. 2177-2 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 Rapid City Journal printed at Rapid City, SD. 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.

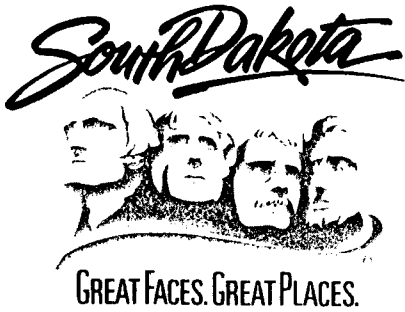
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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.



July 28, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Rapid City Journal
Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2177-2 to be published twice. Please publish the first notice on July 5, 1991, 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 Superior Truck Wash, Inc. 3290 Universal Drive, Rapid City, SD 57702.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
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 or before July 5, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2177-2 to Appropriate Water

Notice is given that Superior Truck Wash, Inc., 3290 Universal Drive, Rapid City, SD 57702 has filed an application for a water permit to appropriate 21 gallons per minute (0.047 cubic feet of water per second) from one well (Minnekahta Limestone) approximately 210 feet deep located in the SE 1/4 SE 1/4 of Section 21, T2N, R7E. The water is to be used for a commercial truck washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2177-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2177-2 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for August 1, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

OK



Affidavit of Publication

July 5, 12 L1408

NOTICE OF HEARING ON APPLICATION NO. 2177-2 TO APPROPRIATE WATER

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STATE OF SOUTH DAKOTA

County of Pennington

SS.

Jerry J. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the 5th day of July, 1991, that the fees charged for the publication thereof are One hundred and nine Dollars and sixty-six cents.

Jerry J. Shoener

Subscribed and sworn to before me this 23rd day of

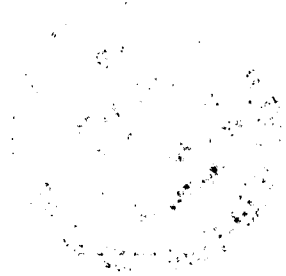
19 91

Perry Washburner
Notary Public.

Commission expires April 18, 1995

to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02-01:01 thru 74:02-01:15.



IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____

on _____

the _____ day of _____

19 _____

Attorney for _____



GREAT FACES. GREAT PLACES.

SEP 18 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Leslie L Flack
Superior Truck Wash Inc.
3290 Universal Dr
Rapid City, SD 57702

Dear Mr. Flack:

Enclosed is Water Permit No. 2177-2 authorizing construction of the water system and the application of water 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,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 1997

Mike Friend
Superior Truck Wash
3290 Universal Drive
Rapid City, SD 57702

Dear Mr. Friend:

On September 8, 1997, I conducted a licensing investigation of Water Permit No. 2177-2 which appropriates water from a well for commercial use at Superior Truck Wash. As I indicated during our conversation, I am enclosing a partially completed 'Notice of Transfer of Ownership' for you to complete to get the permit in your name. I did not complete the portion on the form in which indicates the name & address of the new owner. I know you indicated the business is a partnership between three individuals. Please complete the form, sign in the presence of a notary public, and return in the enclosed envelope along with the \$2.50 filing fee. Also enclosed is a copy of Water Permit No. 2177-2.

You will be prompted in the future for the required licensing fee once I complete the licensing investigation report.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2177-2

Date: _____

I/We request that Water Permit No. 2177-2

formerly owned by: Leslie Flack, dba Superior Truck Wash, Inc.

be transferred to: (name & address) William Petersen dba Superior Truck Wash, Inc

3290 Universal Drive, Rapid City, SD 57702

Telephone No. _____

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

diversion point location: SE¼ SE¼ Section 21, T2N, R2E

I/We understand that the validity of Water Permit No. 2177-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

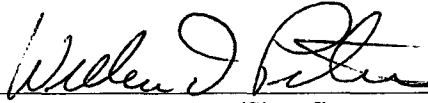
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

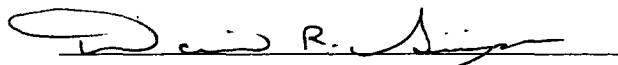
STATE OF SOUTH DAKOTA)

County of PENNINGTON)

I/We WILLIAM PETERSEN 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.


(Signed)

Subscribed and sworn to before me this 26 day of SEPTEMBER, 19 97.


(Notary Public)

My Commission Expires: 02-27-2004

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 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

415481

South Dakota Department of Environment and Natural Resources


Pierre, _____ October 1, 19 97

RECEIVED OF Superior Truck Wash, 3920 Universal Dr., Rapid City, SD 57702

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 _____		
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>Water Permit No. 2177-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1997

2177-2

Superior Truck Wash
%William Peterson
3290 Universal Drive
Rapid City, SD 57702

Dear Mr. Peterson:

The investigation of your water use system was conducted on September 8, 1997, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2177-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415516

Pierre, _____ November 5, 19 97

RECEIVED OF Superior Truck Wash, 10100 Pioneer Ave., Rapid City, SD 57702-4753

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 _____		
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>2177-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

Permit No. 2177-2
Upper Cheyenne - 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

On, September 8, 1997, I made a thorough examination of the water use system constructed by Superior Truck Wash, c/o William Peterson, 3290 Universal Drive, Rapid City, SD 57702 holder of Permit No. 2177-2, bearing the priority of April 23, 1991 authorizing the diversion of 21 gallons per minute (0.047 cfs) of the waters of the Minnekahta Limestone for commercial purposes, in Pennington County.

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

A. Works used to divert the water:

A Minnekahta Limestone well fitted with a 13 Hp Franklin Motor and Gould Pump.

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

pipeline to the building approximately 60 feet to the east of the well

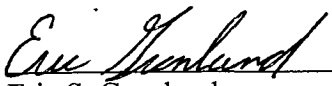
C. Works used to apply water to beneficial use:

at the Superior Truck Wash

The system is in the following condition good. The point of diversion is located SE1/4 SE1/4 Section 21, T2N, R7E (at a point approximately 720 feet north and 860 west of the SE corner of Section 21, T2N, R7E). The works are capable of diverting and conveying to the place of use 0.047 cu. ft. per second of water which is to being used for commercial use at the semi truck/trailer wash. Water has been put to beneficial use and the license should be issued for 0.047 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


Eric S. Gronlund
Natural Resources Engineer
DENR, Water Rights Program


Date

REPORT ON INSPECTION OF PERMIT NO. 2177-2, Superior Truck Wash

DATE OF INSPECTION: September 8, 1997

Other permit(s) associated with the project: **none**

Contact Person & Address: **Mike Friend, 3290 Universal Drive, Rapid City, SD 57702**
(permit recently transferred to the name of William Peterson, Superior Truck Wash at the same address listed above)

DIVERSION POINT LEGAL LOCATION: SE 1/4 SE1/4 Section 21, T2N, R7E

WATER SUPPLY Source: **Minnekahta Limestone**

Well Information:

- | | |
|--|--|
| 1) Well Drilling Firm: <u>Downen Drilling</u> | 2) No. of Wells <u>One</u> |
| 3) Depth(s) <u>220</u> feet | 4) Well log is available <u>Yes</u> |

Casing:

- | | |
|------------------------------------|----------------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>170</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--|---|
| 1) Type <u>none listed on completion report</u> | 2) Length <u>not listed</u> feet |
| 3) Static water level <u>100</u> feet | |

Pump:

- | | |
|-----------------------------|---------------------------------------|
| 1) Make <u>Gould</u> | 2) Model/Serial <u>25EL304</u> |
| 3) Size # | 4) Capacity # GPM |

Motor:

- | | |
|--|--------------------------------------|
| 1) Make <u>Franklin</u> | 2) Model No. <u>not known</u> |
| 3) Horsepower rating <u>13 hp</u> | |

DISTRIBUTION LINES OR CANALS: directly to building

SYSTEM TYPE: Not applicable

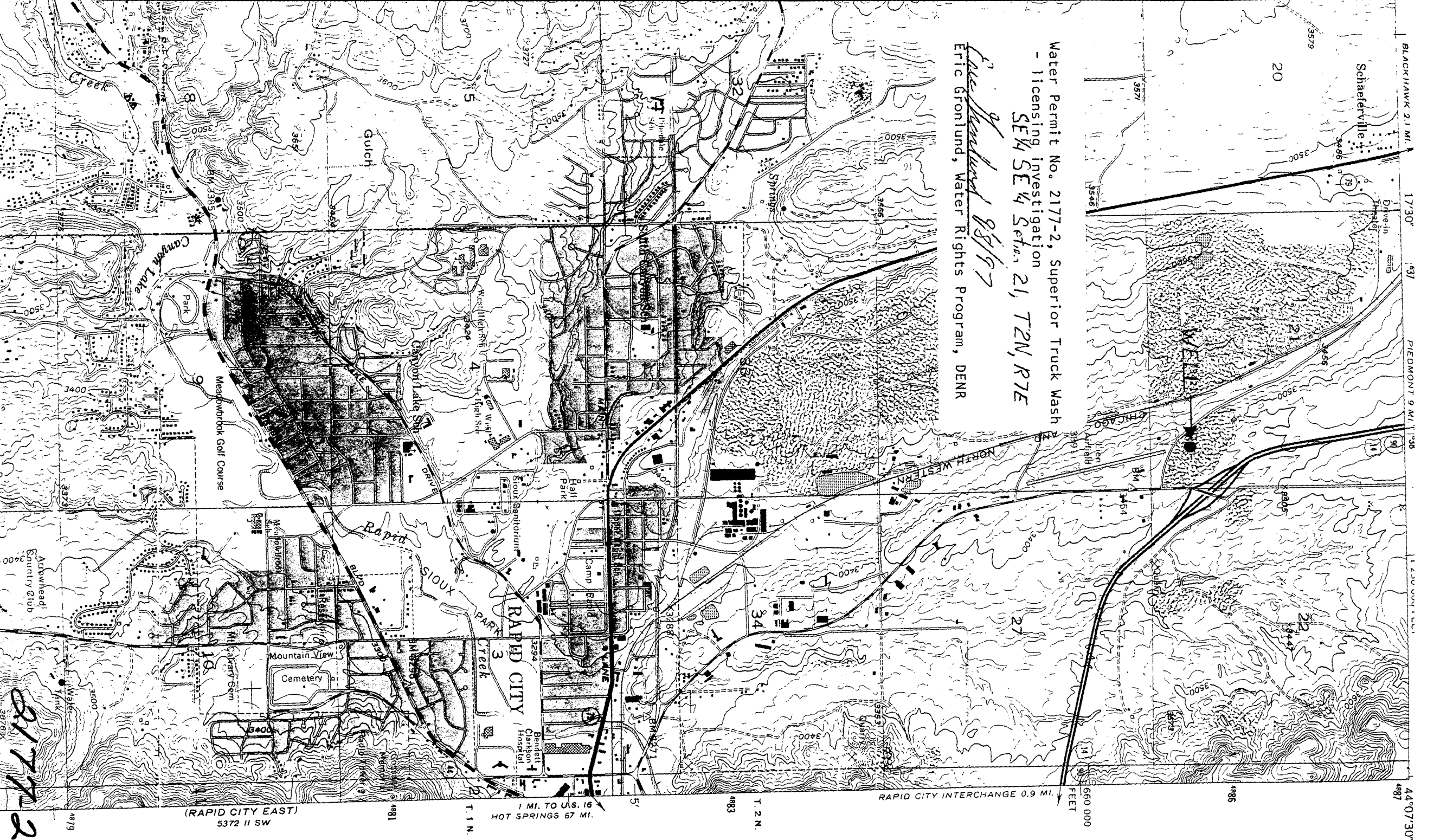
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **not applicable**

* Superior Truck Wash is connected to Rapid City's sanitary sewer

** The well is located on the west side of the building and supplies water to a two stall semi truck/trailer high pressure wash. Water is diverted to pressure tanks to supply three high pressure guns. Two of the guns are rated at 4 gpm and one is rated at 4 1/2 gpm.

*** There is not specific information available on the specific capacity of the well. The well completion reports states the well was pumped at 50 gpm and the water permit was applied for and approved for 21 gpm. Barring any more specific information, 21 gpm appears reasonable.



Water Permit No. 2177-2, Superior Truck Wash
- licensing investigation
SE 1/4 SE 1/4 Section 21, T2N, R7E
Eric Gronlund 8/8/97
Eric Gronlund, Water Rights Program, DENR

2177-2

(RAPID CITY EAST)
5372 II SW

1 MI. TO U.S. 16
HOT SPRINGS 67 MI.

RAPID CITY INTERCHANGE 0.9 MI.

44°07'30"

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2177-2


(1) Superior Truck Wash, c/o Leslie Flack, Rapid City SD made Application No. 2177-2, April 23, 1991 for a water permit to divert 0.047 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial use purposes. Permit No. 2177-2, with a priority date of April 23, 1991 was approved August 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On October 1, 1997, Water Permit No. 2177-2 was transferred to William Petersen dba Superior Truck Wash.

(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 0.047 cubic feet of water per second for beneficial use. The location of the diversion point is 720 feet north and 860 feet west of the southeast corner of Section 21-T2N-R7E (SE 1/4 SE 1/4).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at a semi truck/trailer wash.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Superior Truck Wash, c/o William Petersen, 10100 Pioneer Ave, Rapid City SD 57702-4753 the holder and/or owner of Water Permit No. 2177-2 is issued a license to appropriate water, the right to use 0.047 cubic feet of water per second from groundwater (one well) with a priority date of April 23, 1991 from the location specified in (2) of this license, for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 2177-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 19 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 1997

2177-2

Superior Truck Wash
%William Petersen
10100 Pioneer Ave.
Rapid City, SD 57702-4753

Dear Mr. Petersen:

Enclosed is Water License No. 2177-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415481 and 415516 in the amounts of \$2.50 and \$50.00 which you paid for the transfer, investigation and issuance of the Water License.

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. 2177-2, 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,

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

ks
enclosures