

Considered: _____

WATER PERMIT NO. 2225-2

Phone: 605 342-5450

Name of Applicant: Conoco Travel Plaza

Post Office Address: RR 3, Box 4520, Rapid City SD 57701

Amount of Water Claimed: 70 gpm (0.155 cfs) Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial County: Pennington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-26-92 Fee: \$150 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NW 1/4 SW 1/4 Sec 27-T2N-R8E

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 1798' and 2200' REMARKS only one log is available

Type of Map: aerial PREPARED BY: Jane Jensen, ASCS Reviewed and the Number

Assigned on 3-26-92 By Karen Schlaak

No. 2225-2 Hydrologic Unit 10120110
 Map No. _____ Basin Upper Cheyenne
 Newspaper Rapid City Journal, PO Box 450 57109

394-8300

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of applicant CONOCO TRAVEL PLAZA Phone No. 605-342-5450Post Office Address RR 3 Box 4520 RAPID CITY State S.D. 57701
(Street, RR or Box) (City) (Zip Code)2. Amount of water claimed (c.f.s.) METAL 2 TRAVEL PLAZA 0.155 cfs
(Gallons per minute) (GPM) (Well #1 - 30 GPM) (Well #2 - 10 GPM)3. Source of water supply 2 wells4. Location of point of diversion NW 1/4 of SW 1/4 Section 12 Township 2
NORTH RANGE 8 EASTCounty PENNINGTON5. Counties where water will be used PENNINGTON6. Annual period during which water is to be used JAN 1st - DEC 31st

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 #1 PROVIDES WATER FOR METAL 28 UNITSwell #2 PROVIDES WATER FOR PLAZA

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, Troy M. Erickson 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 Troy M. EricksonSubscribed and sworn to before me this 24 day of March 1992Marie Rodden

Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2225-2

Date of first receipt of application March 26, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2225-2 to Conoco Travel Plaza, RR 3, Box 4520, Rapid City SD 57701 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. 2225-2 appropriates 0.155 cubic feet of water per second (70 gallons per minute) from two wells (Inyan Kara Formation) 2200 feet and 1798 feet deep located in the NW 1/4 SW 1/4 Section 27-T2N-R8E.
2. The water appropriated shall be used for the purpose of supplying water to the motel and plaza and may not exceed the amount of water needed for beneficial use for commercial 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. 2225-2 is June 18, 1992.
5. The date from which applicant may claim right is March 26, 1992.
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 wells 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: _____

Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 6 1992

date



a) Drill Hole Diameter 8" Depth 2200'

b) Casing Type Steel Diameter 8" Thickness 1/4"

c) Screen Type 020 Diameter 8" Thickness 1/4"

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) 240' APPROX.

g) Distance to nearest existing domestic well:

On applicants property APPROX 200' On property owned by others 1/2 mile APPROX.

2. Dugout Information Estimates

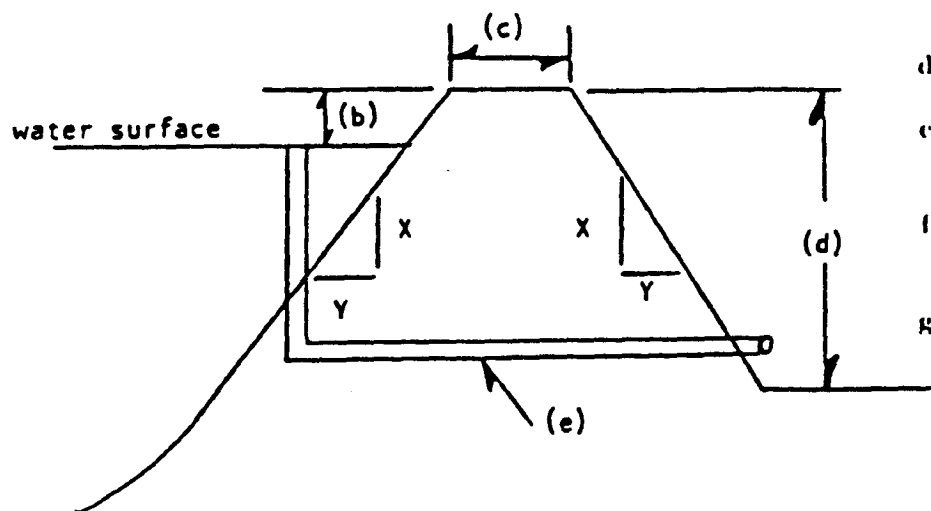
a) Surface Dimensions _____ Depth _____

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 _____

Signature of Applicant

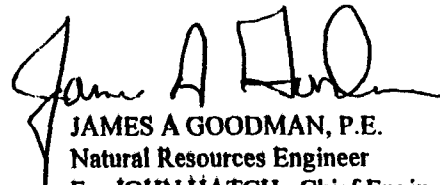
REQUEST FOR A VARIANCE FROM CHAPTER 74:02:04

SOUTH DAKOTA WELL CONSTRUCTION STANDARDS

Pursuant to Section 74:02:04:75 of the South Dakota Well Construction Standards, the following is the decision of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning the request for a well construction variance by M.G. Oil Company, dba Conoco Travel Plaza, (Troy Erickson).

The Chief Engineer grants approval of the request for a variance as follows:

1. This is a request for a variance from SD Well Construction Standard 74:02:04:24 which requires that no well construction to supply water to water distribution systems may be located any closer than one thousand feet horizontally from a wastewater stabilization pond.
2. The purpose of this request is to install a well into the Inyan Kara Formation approximately 2000 feet deep located in the NW¼ SW¼ Section 27, T2N-R8E. Water from the well will be used for supplying water to the motel and plaza as authorized by Water Permit No. 2225-2.
3. The well will be completed in accordance to SD Well Construction Standard 74:02:04:28, (the well casing will be grouted from bottom to top).
4. The well replaced by this well must be plugged in accordance with SD Well Construction Standard 74:02:04:67



JAMES A GOODMAN, P.E.
Natural Resources Engineer
For JOHN HATCH, Chief Engineer
Water Rights Program
April 2, 1996

Variance No. 1

M.G. Oil Company

1002 Main

P.O. Box 1006

Rapid City, South Dakota 57709-1006

MARLYN ERICKSON
President
TROY ERICKSON
General Manager



Office Phone (605) 342-1953
Office Phone (605) 342-0814
Office Phone (605) 342-0527
WATS 1-800-333-5173

Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre South Dakota 57501-3181

M.G. Oil Company
dba Conoco Travel Plaza
(EPA ID# 0925)
I-90 & Exit 61
Rapid City South Dakota 57709

To Whom it may concern,

I am requesting that I be allowed to drill a replacement well for the one that is currently in place at the Conoco Travel Plaza. We are experiencing Casing problems with it and cannot seem to remedy this problem.

I don't consider this as a system well, but if the State would consider it a system well then I will request that I be granted a variance in this matter. I cannot move the new well the standard 1000 feet from the lagoon as I do not own enough property to make this possible.

Since I am not well versed on the rules and regulations concerning well drilling I have hired a Consultant by the name of Dennis Johnson (SD Drillers License # 511).

Either he or myself will be happy to answer any questions or concerns that you may have in this matter.

Dennis's # is 605-343-1540 and mine is 605-342-0527.

Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Troy Erickson".

Troy Erickson
General Manager
M.G. Oil Company.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413143

Pierre, _____ March 26, 19⁹²

RECEIVED OF Amoco Travel Plaza, P.O. Box 1006, Rapid City, SD 57709

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

Fee for Application for Permit No. <u>2225-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

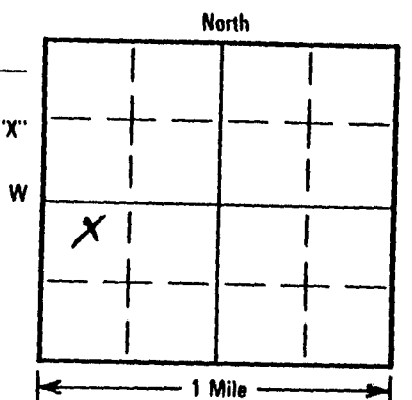
By John Hatch 
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW SW Sec 27 Twp 2N Rg 8ECounty Pennington

Please mark well location with an "X"

Well Completion Date 5-15-96

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2,000' from lagoon system (identify source).
< 1000' from buried fuel tanks

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>7"</u> IN	<u>0</u> FT	<u>1909'</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Lite</u>	<u>200</u>	<u>1509</u> lb./gal	<u>1509</u> ft	<u>surf.</u>
<u>reg.</u>	<u>65</u>	<u>1509</u> lb./gal	<u>1509</u> ft	<u>1909</u> ft

Describe grouting procedure Pressure grouted total of 265 sack from TD to surface, good returns, by Sun Cementing of Gillette, WY

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Perforated with 30 shots, 23 gram jets from 1764' - 1769' (Goodwell, Upton, WY)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: ChlorinatedNO, Why Not? Will be tested by Maxam Lab when MT MTS service

Laboratory sent to for water quality analysis _____

Well Owner: Conoco Travel PlazaBusiness Name: M.G. Oil CompanyAddress: P.O. Box 1006Rapid City, SD 57709

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
shale + fert. gravel	0	20'
shale - grey to blk	20	210'
Niobrara - shale - blk - wht spec	210'	650'
some fine grey ss		
Greenhorn - shaly ls grey	650'	730'
fgm - grey - sh blk	730	1356'
Muddy ss - sh - fine - no p	1356	1388'
Skull Creek sh - blk, fossil	1388	1624'
Fall River Alt. ss + sh - fine ss dm - red br	1624	1740'
good ss - ss - lt tan to wht	1740	1788'
Fusson Alt ss - fine -	1788	1920'
Lakota varicolored shale (1820' est.)		

STATIC WATER LEVEL

260' est.

Feet

If flowing: closed in pressure _____ PS

GPM flow _____ through _____ inch pip.

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: Air pumped from☐ Bailed570' at 50 gpm +☒ Other sp

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 511

And this report is true and accurate.

Drilling firm Dennis V. Johnson

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: Dennis V. JohnsonSignature of Well Owner or Equitable Property Holder: Tracy EickDate: 06/13/96

AMCO TRAVEL PLAZA

Hotel Well

RECEIVED
JUL 23 1973

NOTICE OF WELL CONSTRUCTION

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

(1) WELL CONSTRUCTION

Location of well: N 1/4, S 1/4 Section 27 Township 22 Range 8E
Well owner: Floyd P. Crow Capitol City, S.D. 17
Date well drilling completed: 7-12-73 Purpose of well: Industrial
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Loggers, top to top in feet	Description of layer	Depth to top of _____ producing aquifer _____ ft.
Top Soil & Shale	80'	Depth to static water level _____ 240 _____ ft.
Shale	1380	Name of producer: aquifer (if known): <u>Sakota</u>
Mudly	1380 - 1398	Total depth of drill bits _____ 1798 _____ ft.
Gravelly	1398 - 1655	Depth to bottom of casing _____ 1798 _____ ft.
Darker	1650	Casing information in the space below show kind, size, weight, lengths per diameter, etc. for production casing and surface casing, if used.
Hard SS to		618' 7" Green Iron with 5/8"
Red SS	at 1744	1193' 4" Packed with Reilly
White SS at	1787	Rock
Morrison	1787 - 1798	Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		20' 1 1/2" perf. 4" pipe
		If a flowing well, flow at completed well _____ C.F.M.
		<u>W. Venkamp</u> Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Flint & Walling HP 5 HP
Type of pump: Sub Capacity of installed pump: 50 G.P.M.
Depth of pump placement: 488 ft. Date of pump installation: 7-12-73

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft. tube diameter _____ tube material _____

W. Venkamp
Name of Pump Installation Company

Jane Jensen
3/24/92
ASCS

REPORT ON APPLICATION NO. 2225-2
for Conoco Travel Plaza
April 27, 1992

Application No. 2225-2 proposes to appropriate 0.155 (70 gpm) from two wells approximately 2200 feet and 1798 feet deep located in the NW 1/4 SW 1/4 of section 27, T2N R8E BHM in Pennington County. The water is for commercial use at the motel and the Travel Plaza.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara consists of the Fall River, Fuson and Lakota Formations. The sandstone beds of the Fall River and Lakota form the Inyan Kara aquifer (Peter, 1985). The Fall River Formation is about 125 feet thick and the Lakota Formation is ranges from 225 feet to 375 feet thick (Cattermole, 1972). The Inyan Kara underlies 1.245 million acres and contains an estimated 23.35 million acre feet of recoverable water in Pennington County alone (Allen, 1984). The aquifer extends into Meade County to the north and into Custer County to the south. In fact the aquifer completely encircles the Black Hills. The limiting factor for the Inyan Kara aquifer is not the volume of water in storage but the amount of water which is available to recharge the system. The best estimate available is that approximately 2 inches per year over the outcrop area could be expected to recharge the aquifer. The aquifer is under confined (artesian) conditions at this site.

The Division of Water Rights does not measure any observation wells in this area which are completed into the Inyan Kara aquifer. The nearest observation wells are located near Hermosa and Sturgis which are many miles from this site and may not reflect what is happening in this area.

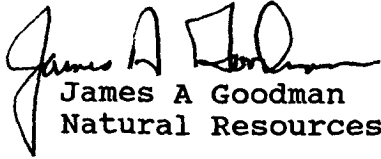
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Inyan Kara aquifer permits/rights are located some distance from this application. These are Permit No. 2051-2 (about 2 miles northwest), Water Right No. 870-2 (located about 2 1/4 miles northeast) and Water Right Nos. 779-2, 741-2 and 830-2 (located about 3 miles south). Interference is not expected to be a concern. These wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is under confined (artesian) conditions and drawdown due to pumping can be expected. There have been no reported water problems due to interference in this area.
3. Information on the well log submitted with the application would indicate that it is definitely not constructed in accordance with present well construction standards. No information is available to evaluate the other well.

4. Records in the Domestic Well Files indicate that there are other Inyan Kara wells in this area.
5. There is no good estimate of recharge to this aquifer and the historical record for water levels is not sufficient to evaluate the status of the aquifer.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., etal, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Cattermole, J.M., 1969, Geologic Map of the Rapid City West Quadrangle, Pennington County, South Dakota, USGS Map GQ-828.

Peter K.D., 1985, Availability and Quality of Water From the Bedrock Aquifers in the Rapid City Area, South Dakota, USGS WRI 85-4022, USGS, Rapid City, SD, 57701.

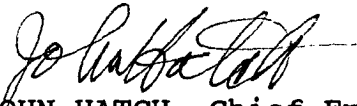
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2225-2, Conoco Travel Plaza

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. 2225-2, Conoco Travel Plaza, c/o Troy Erickson, RR 3 Box 4520, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2225-2 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) it is in the public interest with the following qualification:

The wells 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
May 12, 1992



**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.

May 14, 1992

Troy Erickson
Conoco Travel Plaza
RR 3 Box 4520
Rapid City, SD 57701

Dear Mr. Erickson:

Water Permit Application No. 2225-2 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 (Ph # 394-8300). 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

May 14, 1992

Rapid City Journal
PO Box 450
Rapid City, SD 57709

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2225-2 to be published twice. Please publish the first notice on May 22, 1992, 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 the Conoco Travel Plaza, RR 3 Box 4520, Rapid City, SD 57701 (Ph # 342-5450).

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 May 22, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2225-2 to Appropriate Water

Notice is given that the Conoco Travel Plaza, RR 3 Box 4520, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.155 cubic feet of water per second (70 gallons per minute) from two wells (Inyan Kara Formation) 2200 feet and 1798 feet deep located in the NW 1/4 SW 1/4 Section 27-T2N-R8E. The water is for commercial use at the motel and the plaza.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2225-2 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 June 8, 1992. 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. 2225-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 18, 1992, 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 June 18, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 June 18, 1992, 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 June 8, 1992.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss

Helena M. Bauer

certify that the attached printed Notice was taken
from the Rapid City Journal

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Rapid City

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

May 22, 1992

MAY 29, 1992

Helena M. Bauer
(Signature)

(Signature)

Bookkeeper

(Title)

May 29, 1992

(Date Signed)

Cost of Printing: 11 4/16 inch @ 4.90 per inch 2 times

\$112.72

[illegible]

NOTICE OF HEARING
Re Application No. 222-S
In **Aspenwater Water**

Notice is given that the Council Travel Plans, SS 2, Box 40, Rapid City, SD 57701 has filed an application for a water permit to pumpwater 1,125 cubic feet of water per second 120 gallons per minute from two wells (19494 Kane Farmstead) 1,200 feet and 1,700 feet deep located in the 5000 SW 1/4 Section 27 T22N-R4E. The water is for commercial use on the ranch and the lands.

Pursuant to SDCL, ss-2-2-5, No. Chief Engineer recommends AN APPROVAL of Application No. 222-S because it is unappropriated water is available, it is within rights will not be adversely impacted. It is a beneficial use of water, and it is in the public interest. Unless objection is filed opposing the application or the applicant files a written statement, the State 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 petitioner.



AUG 6 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Troy Erickson
Conoco Travel Plaza
RR 3 Box 4520
Rapid City, SD 57701

Dear Mr. Erickson:

Enclosed is Water Permit No. 2225-2 authorizing construction of your water diversion system and beneficial use of the water, 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 57501-3182
www.state.sd.us/denr

December 28, 2001

2225-2

Flying J Travel Plaza
Troy Erickson
PO Box 1006
Rapid City SD 57709

Dear Mr. Erickson:

On October 5, 1998 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2225-2, was completed by Ken Buhler, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires 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 complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

FIG 417070

Pierre, February 1, 2002

RECEIVED OF Flying J Travel Plaza, Troy Erickson, PO Box 1006, Rapid City SD 57009
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. 2225-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darla S. Ebele
Chief Engineer *gms*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2001

No. 2225-2

Flying J Travel Plaza
c/o Troy M Erickson
PO Box 1006
Rapid City SD 57709

Dear Mr. Erickson:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2225-2. The water permit is currently listed in the name of Conoco Travel Plaza.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

CONOCO TRAVEL PLAZA
TROY M ERICKSON, RR 3 BOX 4520
RAPID CITY SD 57701

Address correction requested:

Flying J Travel Plaza

P.O. Box 1006

Rapid City S.D. 57709

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2225-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: INYAN KARA GROUP
Management Unit: NOT APPLICABLE

County: PENNINGTON
Pumping Pt. Legal: SEC 27-T002N-R08E
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 2,900,000 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

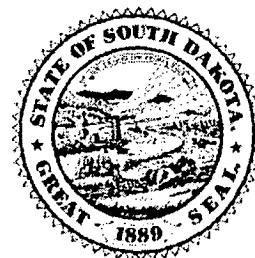
Contact Person: TROY M ERICKSON

Telephone No: 605-392-0827

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2225-2

Date: 2-06-2001



I/We request that Water Permit No. 2225-2

formerly owned by: Conoco Travel Plaza

be transferred to: (name & address) Flying J Travel Plaza, PO Box 1006, Rapid City SD 57709

Telephone No. 605 342-0527

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

2 wells located in the NW 1/4 SW 1/4 Section 27-T2N-R8E

I/We understand that the validity of Water Permit No. 2225-2 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 Troy Erickson 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.

Troy Erickson
(Signed)

Subscribed and sworn to before me this 6 day of February, 2000.

Marie Rodden
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a 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

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416753

Pierre, February 7, 2001

RECEIVED OF Flying J Travel Plaza, PO Box 1006, Rapid City SD 58709
the following amount in fees for services rendered as provided for by law:

(Conoco Travel Plaza)

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. 2225-2

Fee for Filing Transfer Form 2225-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darland Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2001

2225-2

Troy Erickson
Flying J Travel Plaza
PO Box 1006
Rapid City, SD 57709

Dear Mr. Erickson:

Thank you for following up on the ownership change for Water Permit No. 2225-2. The transfer has been completed. The water permit formerly listed in the name of Conoco Travel Plaza is now listed in the name of Flying J Travel Plaza.

Enclosed is your Receipt No. 416753 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

Permit No. 2225-2
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, **October 5, 1998**, made a thorough examination of the water use system constructed by **Flying J Travel Plaza** of **4200 North I-90 Service Road, Rapid City, SD 57701** holder of Permit No. **2225-2**, bearing the priority of **March 26, 1992** authorizing the diversion of **0.155** cu. ft. per second of the waters of **groundwater** 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:

Water is diverted from a 7-inch diameter well, 1920 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T2N-R8E with a 5 horsepower Grundfos submersible pump capable of diverting 35 gallons per minute; and from a backup well 1798 feet deep located NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T2N-R8E with a 7 $\frac{1}{2}$ horsepower Grundfos submersible pump capable of diverting 35 gallons

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

Water is transported to place through 250 feet of 3-inch diameter copper pipeline, 600 feet of 1-inch diameter polyethylene pipe, and 600 feet of $\frac{3}{4}$ -inch pvc pipe.

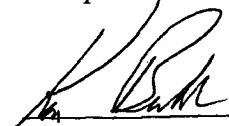
C. Works used to apply water to beneficial use:

Water is applied to beneficial use in a restaurant, a truck wash a truck stop, and to six local businesses.

The system is in the following condition good. The point of diversion is located 2550 feet north and 550 feet east of the southwest corner, and 2640 feet north and 400 feet east of the southwest corner of Sec. 27, T2N-R8E. The works are capable of diverting and conveying to the place of use 0.155 cu. ft. per second of water which is to be used for commercial purposes. The license should be issued for 0.155 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



Ken Buhler

10/13/99

Date

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2225-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT: Troy Erickson

4200 North I-90 Service Road

Rapid City, SD 57701

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Flying J Travel Plaza

4200 North I-90 Service Road

Rapid City, SD 57701

DATE OF INSPECTION: October 5, 1998

DIVERSION POINT LEGAL LOCATION: Main well: 2550 feet north and 550 feet east of the southwest corner of Sec. 27, T2N-R8E, (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T2N-R8E)

Backup well: 2640 feet north and 400 feet east of the southwest corner of Sec. 27, T2N-R8E, (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T2N-R8E)

WELL INFORMATION: Main Well	WELL INFORMATION: Backup Well
1) Well Drilling Firm: <u>Dennis V. Johnson</u>	1) Well Drilling Firm: <u>VeneKamp</u>
2) No. of Wells <u>one</u>	2) No. of Wells <u>one</u>
3) Depth(s) <u>1920</u> feet	3) Depth(s) <u>1798</u> feet
4) Well log is available <u>yes</u>	4) Well log is available <u>yes</u>
Casing:	Casing:
1) Diameter <u>7</u> inches	1) Diameter <u>7 & 4</u> inches
2) Length <u>1909</u> feet	2) Length <u>618 & 1193</u> feet respectively
3) Type <u>steel</u>	3) Type <u>steel</u>
Screen:	Screen:
1) Type <u>perforated casing</u>	1) Type <u>perforated casing</u>
2) Length <u>15</u> feet	2) Length <u>20</u> feet
3) Static water level $\cong$ <u>260</u> feet	3) Static water level <u>240</u> feet

Pump:	Pump:
1) Make <u>Grundfos</u>	1) Make <u>Grundfos</u>
2) Model <u>40S50-15</u>	2) Model <u>unknown</u>
3) Size <u>6-inch</u>	3) Size <u>6-inch</u>
4) Capacity <u>35</u> GPM	4) Capacity <u>35</u> GPM
Motor:	Motor:
1) Make <u>Franklin Electric</u>	1) Make <u>Franklin Electric</u>
2) Horsepower rating <u>5</u> hp	2) Horsepower rating <u>7.5</u> hp

DISTRIBUTION LINES OR CANALS:

- 1) Type copper 2) Size 3 inches 3) Length 250 feet (from well to Plaza)
- 1) Type polyethylene 2) Size 1 inches 3) Length 600 feet (from Plaza to businesses north)
- 1) Type PVC 2) Size ¾ inches 3) Length 600 feet (from Plaza to business east)

SYSTEM:

The main well pumps to a 12,000 gallon storage tank, water is chlorinated at the well. Three Berkley centrifugal pumps(10hp, 20 hp, and 30 hp) pump from the storage tank to six 120 gallon pressure tanks. A 3-inch diameter copper line takes water from the pressure tanks to the truck plaza. Water is used at the restaurant, the truck stop and at the truck wash. All water is softened before use.

A one inch diameter polyethylene line extends north approximately 600 feet to three buildings: Arnio Trucking, Ditchwitch, Quality Transportation, where it is used in the restrooms; the line also extends to Ultramax 1 and Ultramax 2 buildings where it is used in restrooms and for commercial use.

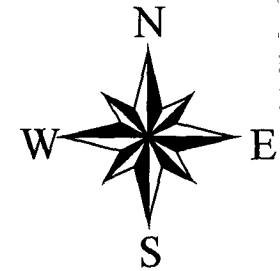
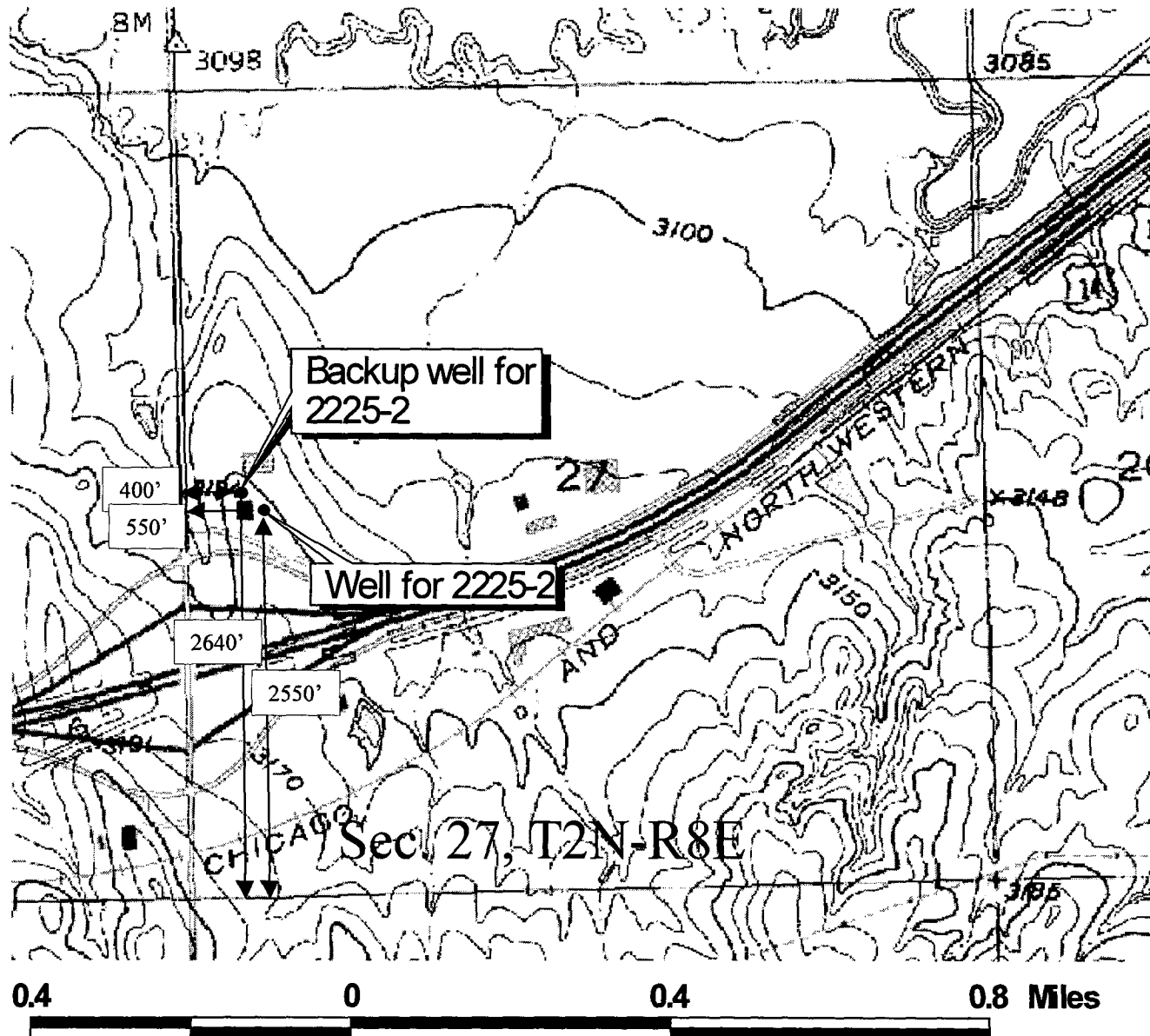
A ¾-inch diameter PVC line extends 600 feet east to Languard Trailer Sales where water is used at restrooms along with a 1500 gal storage tank.

Both wells can be pumped at the same time for a total diversion of 70 gpm

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 na

Water Right No. 2225-2




Ken Buhler
Natural Resources Engineer
Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2225-2

(1) Conoco Travel Plaza, Rapid City SD made Application No. 2225-2, March 26, 1992 for a water permit to divert 0.155 cubic feet of water per second from groundwater (two wells), Pennington County, South Dakota for commercial purposes. Permit No. 2225-2, with a priority date of March 26, 1992 was approved June 18, 1992 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 February 7, 2001, Water Permit No. 2225-2 was transferred to Flying J Travel Plaza.

(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 0.155 cubic feet of water per second for beneficial use. The location of the diversion points are: Main well – 2,550 feet north and 550 feet east and Backup Well – 2,640 feet north and 400 feet east; both from the southwest corner of Section 27-T2N-R8E (NW ¼ SW 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 Flying J Travel Plaza, PO Box 1006, Rapid City SD 57709 the holder and/or owner of Water Right No. 2225-2 is issued a license to appropriate water, the right to use 0.155 cubic feet of water per second from groundwater (two wells) with a priority date of March 26, 1992 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2225-2 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 04 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 04 2002

2225-2

Flying J Travel Plaza
PO Box 1006
Rapid City, SD 57709

Dear Sir:

Enclosed is Water License No. 2225-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417070 in the amount of \$50.00 which you paid for the 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. 2225-2, 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.

Sincerely,

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

enclosures