

WATER PERMIT NO. 2347-2

Name of Applicant: Olde Glory Marketing, Limited

Address: PO Box 2863, Rapid City SD

Phone: 605 348-7558

Amount of Water Claimed: 0.004 cfs (2 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Pennington

Type of Waste Disposal System: septic tank

Location: 7 east of New Underwood along I-90

PRIORITY Date Received: ^{2/27/92}
~~8-21-95~~

Fee: \$50.00

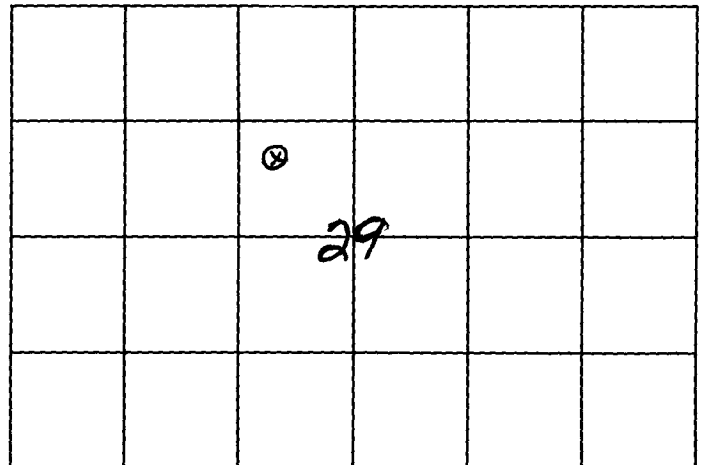
Corrected Application Received: 9-28-95

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 29-T2N-R12E

Land to be Irrigated: NA



Depth of Well: approximately 40-45 feet

Well Driller:

Remarks: well log not available

Type of Map: plat

Prepared by: Warren L. Fisk

Reviewed and the Number Assigned on: 9-28-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

No. 2347-2 Hydrologic Unit 10120111
Map No. _____ Basin Upper Cheyenne
Newspaper Rapid City Journal, Rapid City

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 ☒ toilets only - not drinking water

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 OLDE GLORY MARKETING, LIMITED Phone No. (605) 348-7558

Post Office Address P.O. BOX 2863, RAPID CITY State SD 57701
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 2 GPM 0.004 CFS

3. Source of water supply WELL-GROUND WATER

4. Location of point of diversion PLEASE SEE PERPETUAL EASEMENT ATTACHED.

IN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$, S29, T2N, R12E, BHM

County PENNINGTON

5. Counties where water will be used PENNINGTON

6. Annual period during which water is to be used JANUARY 1 THROUGH DECEMBER 31

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

ACCORDING TO REMEMBRANCE OF WELL DRILLER (RECORDS LOST IN THE FLOOD), A SHALLOW 40 TO 45 FOOT WELL WAS DRILLED AT THE LOCATION SHOWN ON THE EASEMENT IN 1967 TO PROVIDE WATER TO THE STUCKEY'S SALES FACILITY LOCATED IN THE NE QUADRANT OF INTERCHANGE 84 ON INTERSTATE 90.

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, STEVEN P. SCHWAFEL, TREASURER OF 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 Steven P. Schwafel, Treasurer

Subscribed and sworn to before me this 28th day of FEBRUARY 1992

DAN E. McFARLAND, Notary Public
My commission expires September 23, 1993

Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 2347-2**

Date of first receipt of application February 27, 1992.

Date of return to applicant for corrections, amendments or changes February 28, 1992.

Date of receipt of corrected application September 28, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2347-2 to Olde Glory Marketing, Limited, PO Box 2863, 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. 2347-2 appropriates 0.004 cubic feet of water per second (2 gallons per minute) from one well (Quaternary Alluvium) approximately 40 feet deep located in the SE 1/4 NW 1/4 Section 29-T2N-R12E
2. The water appropriated shall be used for the purpose of supplying water to the business and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2347-2 is November 13, 1995.
5. The date from which applicant may claim right is September 28, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

DEC 18 1995

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 32" Depth not sure
- b) Casing Type Hydrite Diameter 32" Thickness 2"
- c) Screen Type none Diameter _____ Thickness _____
- d) Gravel Pack Thickness 2" Length of Gravel Pack 10 ft. less than depth of well
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 12 ft.
- g) Distance to nearest existing domestic well:
On applicants property 3/4 mi. north On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic
- b) System Capacity (gallons) 1,000 gal c) Year Constructed 1964
- d) Connected to the City of private Sanitary System.

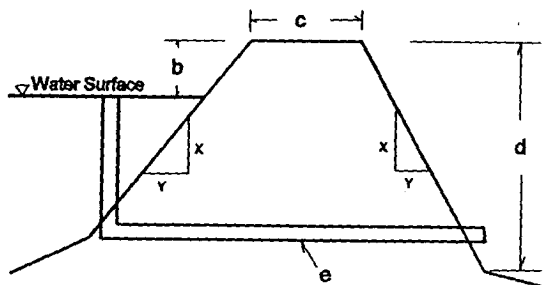
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

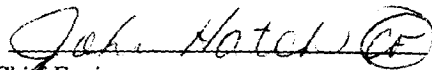
413102

Pierre, _____ February 28, 19 92

RECEIVED OF Olde Glory Marketing LTD, P.O. Box 2863, Rapid City, SD 57709

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

Fee for Application for Permit No. <u>2347-2</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 Hatcher 
Chief Engineer

NORTH



PERPETUAL EASEMENT

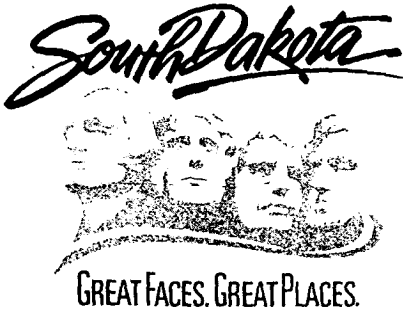
WALLACE KOPP and ANTONIA B. KOPP, husband and wife, of HCR 82 Box 193, city of Box Elder, county of Pennington, state of South Dakota 57719, Grantors, and owners of land described as the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-nine (S29), Township Two North (T2N), Range 12 East (R12E) of the Black Hills Meridian, Pennington County, South Dakota, less Tract A of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-nine (S29), Township Two North (T2N), Range Twelve East (R12E) of the Black Hills Meridian, Pennington County, South Dakota, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grant, bargain, sell, and convey to OLDE GLORY MARKETING, LIMITED, a South Dakota corporation, of P.O. Box 2863, Rapid City, Pennington County, South Dakota, 57709, Grantee, the following:

The sole and exclusive right to use the water from the existing well located in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section Twenty-nine (S29), Township Two North (T2N), Range Twelve East (R12E) of the Black Hills Meridian, Pennington County, South Dakota, with the additional right to enter on the real property of Grantors to repair and maintain the well and the pipes leading therefrom, whenever such repair and maintenance is necessary, and with the additional right to deepen and redrill the well in the event it becomes necessary, the location of said well and pipes leading therefrom are set forth in the attached survey, which is marked EXHIBIT A and is made a part hereof.



The Perpetual Easement is for the benefit of and appurtenant to that land, or any portion thereof, in the county of Pennington, state of South Dakota, described as follows:

Tract A of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-nine (S29), Township Two North (T2N), Range Twelve East (R12E) of the Black Hills Meridian, Pennington County, South Dakota.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1991

OLDE GLORY FIREWORKS
LINDA SJOLUND
PO BOX 2863
RAPID CITY SD 57701

Dear MS. SJOLUND:

I am contacting you regarding the possibility that you need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

The enclosed "Summary of South Dakota Water Law and Water Rights Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws (SDCL) 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). A vested water right can be claimed for water use beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 4, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1992

John Schwafel
Olde Glory Fireworks
PO Box 2863
Rapid City SD 57701

Dear Mr. Schwafel:

I am writing to follow-up on my August 30, 1991 letter regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your facility.

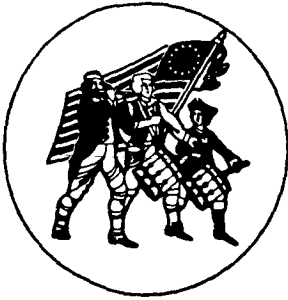
Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by February 21, 1992. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



OLDE GLORY MARKETING

Ron McDowell-President
P.O. Box 2863
Rapid City, SD 57709

Phone 605-348-7558
Toll Free 1-800-843-8758

February 25, 1992

Water Rights Division
523 East Capitol
Pierre, SD 57501-5070
Attn: Ron Duvall



RE: Permit to appropriate water.

Dear Mr. Duvall,

Enclosed you will please find our duplicate Applications for permit to appropriate water at our commercial facility at Exit 84, Interstate 90, Pennington County. Our check in the sum of \$50.00 is enclosed.

Please advise us how the publication of notice must be done if we are required to make those arrangements. Thank You again for your help in this matter.

Sincerely,

OLDE GLORY MARKETING, LTD

Steven P. Schwafel
Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1992

Olde Glory Marketing, Limited
Steven P Schwafel, Treasurer
PO Box 2863
Rapid City SD 57701

Dear Mr. Schwafel:

In regard to your water permit application received on February 27, 1992, the following information needs to be submitted.

The enclosed Form 2A, "Supplemental Information" regarding the well information needs to be completed and signed. Your application states the well is approximately 40 to 45 feet deep. Any other information which you may be able to obtain, such as drill hole diameter and distance to nearest existing domestic well would be helpful. If you can not obtain this information, please indicate this on the form and return it.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1993

Olde Glory Marketing, Limited
Steven P Schwafel, Treasurer
PO Box 2863
Rapid City SD 57701

Dear Mr. Schwafel:

On February 27, 1992, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on February 28, 1992 (copy enclosed) that the application was incomplete and were instructed that additional information was necessary regarding the well. Enclosed is another Form 2A to be completed.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit to use water for commercial purposes from a private water supply.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Olde Glory Marketing, Limited
Steven P Schwafel, Treasurer
PO Box 2863
Rapid City SD 57701

Dear Mr. Schwafel:

On February 27, 1992, you submitted an Application for a Permit to Appropriate Water for Olde Glory Marketing, Limited (copy enclosed). A review of our files indicates that the application was never completed. Does Olde Glory Marketing, Limited still utilize this well for commercial purposes.

If the well is being used, please submit the enclosed Form 2A "Supplemental Information". Your application states the well is approximately 40 to 45 feet deep. Any other information which you may be able to obtain, such as drill hole diameter and distance to nearest existing domestic well would be helpful. If you can not obtain this information, please indicate this on the form and return it. Also, please specify the type of wastewater disposal system utilized by your business.

Upon receipt of the Form 2A, a report and recommendation will be prepared and a notice of the application will be published in the Rapid City Journal for 2 weeks. You will be responsible for the cost of this publication.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, a commercial water user is required to have a water permit prior to using water for commercial purposes.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosure

8-9-95
Dear Karen,
We do not use water for
commercial use. The water from
our well is only used for toilets.
I believe this was discussed
and okay'd back in 1992.
Thank you
Jin A. Gidund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Olde Glory Marketing, Limited
Linda Sjolund
PO Box 2863
Rapid City SD 57701

Dear Ms. Sjolund:

Thank you for your response to my letter in which you stated that Olde Glory Marketing, Limited uses the well water only for the toilets. The Water Rights Program's general rules describe commercial use as "water use supplied from other than a common water distribution system to a business such as a truckstop; tourist attraction; eating, drinking, or lodging establishment; commercial campground; convenience store; implement business; salvage business; or any other business or to a livestock confinement feeding operation".

Even though the amount of water utilized from this well is minimal and for use solely in the bathroom facilities, this use is considered a commercial use of water and does require a water permit.

The \$50.00 filing fee for this application was submitted in 1992. Enclosed is a Form 2A "Supplemental Information" sheet. The application stated the well is approximately 40 to 50 feet deep. Any other information regarding the drill hole diameter and distance to nearest existing domestic well would be helpful. If you can not obtain this information, please indicate this on the form and return it. Also, please specify the type of wastewater disposal system utilized at the business.

Upon receipt of the Form 2A, a report and recommendation will be prepared and a notice of the application will then be published in the Rapid City Journal for 2 weeks. The applicant will be responsible for the cost of this publication.

We apologize for any past mis-information you may have received regarding water permitting requirements. If you have any questions regarding the application or would like further explanation of commercial use, please contact Eric Gronlund at (605) 773-3352.

9-15-95

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program

enclosure

Hello Karen,

*This is as much info as I
could dig up. Thank you -*

Jane Sjolund

REPORT ON WATER PERMIT APPLICATION NO. 2347-2
for Olde Glory Marketing, Inc.
October 12, 1995

Application No. 2347-2 proposes to appropriate 0.004 cfs (2 gpm) from one well approximately 40 feet deep located in the SE 1/4 NW 1/4 of section 29, T2N R12E in Pennington County. The water is for commercial use.

AQUIFER - QUATERNARY ALLUVIUM (ALQ)

The alluvium consists of clay, sand, gravel and rocks up to cobbles and boulders in size. The alluvium is a remnant terrace deposit of Box Elder Creek. The aquifer is unconfined and under water table conditions. Very little information is known about the well for this application apparently the records were lost in the flood. The casing is large diameter (32") haydite pipe and the well is supposed to be about 40 feet deep. The static water level is about 12 feet below land surface. This information correlates reasonably well with records in driller's log files (Well Files, 1995). A domestic well located about 1/2 mile east of this application indicates sand and gravel from 14 to 20 feet below land surface, shale from 20 to 40 feet and the well had a static water level of 16 feet below land surface. This construction is fairly typical for this geologic environment. The ground water is coming from the sand and gravel and the well is drilled into the underlying shale to provide storage. Usually wells constructed in this manner are low yield and the storage is necessary to allow the installation of a pump.

The Water Rights Program does not monitor any observation wells completed into the alluvium in this area. The closest alluvium observation well is PE-58E which is located about 13 miles west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record would indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

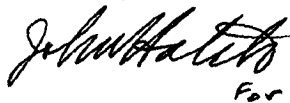
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the alluvium (terrace deposits). Interference is not a concern.

CONCLUSIONS

1. Water is available from the quaternary alluvium.
2. The aquifer is unconfined and under water table conditions. The diversion rate is very small and interference is not a concern.
3. There is insufficient information available to determine if this well is constructed in accordance with SD Well Construction Standards.

4. The well is not used for drinking water purposes. Wastewater is disposed of through a septic tank system on-site.

A handwritten signature in cursive script, appearing to read "James A. Goodman".

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Water Rights, 1995, Unpublished Observation Well Data for Pennington County, SD DENR, Division of Environmental Services, Pierre, SD, 57501.

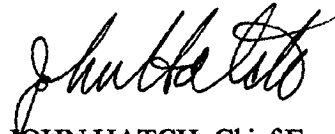
Well Files, 1995, Unpublished Domestic Well Files for Pennington County, on Microfilm, SD DENR, Division of Environmental Services, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2347-2, Olde Glory Marketing, Limited**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2347-2, Olde Glory Marketing, Limited, c/o Linda Sjolund, PO Box 2863, Rapid City, SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2347-2 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.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
October 17, 1995



**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.

October 18, 1995

Linda Sjolund
Olde Glory Marketing, Limited
PO Box 2863
Rapid City, SD 57701

Dear Ms. Sjolund:

Water Permit Application No. 2347-2 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 # 605-394-8300). 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.



October 18, 1995

Rapid City Journal
PO Box 450
Rapid City, SD 57709-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2347-2 to be published twice. Please publish the first notice on October 25, 1995, 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 Olde Glory Marketing, c/o Linda Sjolund, PO Box 2863, Rapid City, SD 57701 (Ph # 605-348-7558).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on October 25, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2347-2 to Appropriate Water

Notice is given that Olde Glory Marketing, Limited, PO Box 2863, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.004 cubic feet of water per second (2 gallons per minute) from one well (Quaternary Alluvium) approximately 40 feet deep located in the SE 1/4 NW 1/4 Section 29-T2N-R12 E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2347-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 13, 1995.

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

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA)
County of Pennington) SS

I, Patricia K. Van Patten

certify that the attached printed Notice was

taken from the Rapid City
Journal

printed and published in Rapid City

County of Pennington and State of

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

October 25, 1995

November 1, 1995

Cost of Printing: Sixty-eight
dollars and fourteen cents.

Patricia K. Van Patten
(Signature)

(Title)

11/1/95
(Date Signed)

Oct. 25, Nov. 1 L1719
NOTICE OF APPLICATION
NO. 2347-2
TO APPROPRIATE WATER

Notice is given that Olde Glory Marketing, Limited, P.O. Box 2863, Rapid City, SD 57701 has filed an application for a water permit to appropriate 0.004 cubic feet of water per second (2 gallons per minute) from one well (Quaternary Alluvium) approximately 40 feet deep located in the SE¼ NW¼ Section 29-T2N-R12E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2347-2 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. In accordance with SDCL 46-2A-3, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained, contact Eric Granlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Linda Sjolund
Olde Glory Marketing, Limited
P.O. Box 2863
Rapid City, SD 57701

Dear Ms. Sjolund:

Enclosed is Water Permit No. 2347-2 authorizing 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 Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 1999

2347-2

Olde Glory Marketing, Limited
%Linda Sjolund, Manager
P.O. Box 2963
Rapid City, SD 57709-2863

Dear Ms. Sjolund:

The investigation of your water use system was conducted on October 5, 1998, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2347-2. 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

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416248

Pierre, _____ November 9, 19 99

RECEIVED OF Olde Glory Marketing BBA Olde Glory Fireworks, P.O. Box 2863, Rapid City, SD 57709
the following amount in fees for services rendered as provided for by law: 2863

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. 2347-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Jake Hatch
Chief Engineer

REPORT ON INSPECTION OF PERMIT NO. 2347-2

Other permit(s) associated with the project: na

NAME & ADDRESS OF INSPECTION CONTACT Linda Sjolund

PO Box 2863

Rapid City, SD 57709-2863

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Manager

NAME & ADDRESS OF PERMIT HOLDER: Olde Glory Marketing, Limited

PO Box 2863

Rapid City, SD 57709-2863

DATE OF INSPECTION: October 5, 1998

DIVERSION POINT LEGAL LOCATION: 1750 feet south and 1550 feet east of the northwest corner of Sec. 29, T2N-R12E (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T2N-R12E)

WELL INFORMATION:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells one
- 3) Depth(s) $\cong$ 40 feet
- 4) Well log is available no

Casing:

- 1) Diameter 32 inches
- 2) Length $\cong$ 40 feet
- 3) Type Haydite

Screen:

- 1) Type Haydite
- 2) Length $\cong$ 40 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Meyers
- 2) Model Jet Pump

- 3) Size 1 horsepower
- 4) Capacity 2 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type polyethylene
- 2) Size 1 1/4 inches
- 3) Length 1300' feet

SYSTEM

Well is located by easement on land owned by Kopp The well was drilled in the early 1960's. A pressure tank is located at the well. Water is used only for the toilets (3) at the store.

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

Permit No. 2347-2
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 Olde Glory Marketing, Limited of PO Box 2863, Rapid City, SD 57709-2863 holder of Permit No. 2347-2, bearing the priority of September 28, 1995 authorizing the diversion of 0.004 cu. ft. per second of the waters of groundwater for commercial use 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 32-inch diameter well approximately 40 feet deep, located 1750 feet south and 1550 feet east of the northwest corner of Sec. 29, T2N-R12E, with a Meyers 1 horsepower Jet Pump.

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

Water is transported to the place through approximately 1300 feet of 1 1/4-inch diameter polyethylene pipe.

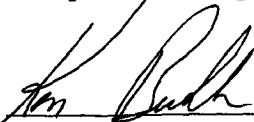
C. Works used to apply water to beneficial use:

Water is applied to beneficial use in the restrooms at the Olde Glory Marketing, Limited showroom.

The system is in the following condition good. The point of diversion is located SW1/4NW1/4SE1/4NW1/4 Sec. 29, T2N-R12E. The works are capable of diverting and conveying to the place of use 0.004 cu. ft. per second of water which is to be used for commercial use purposes. The license should be issued for 0.004 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na



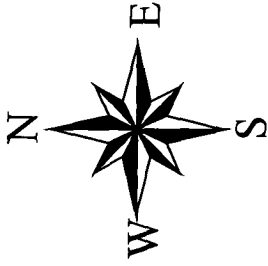
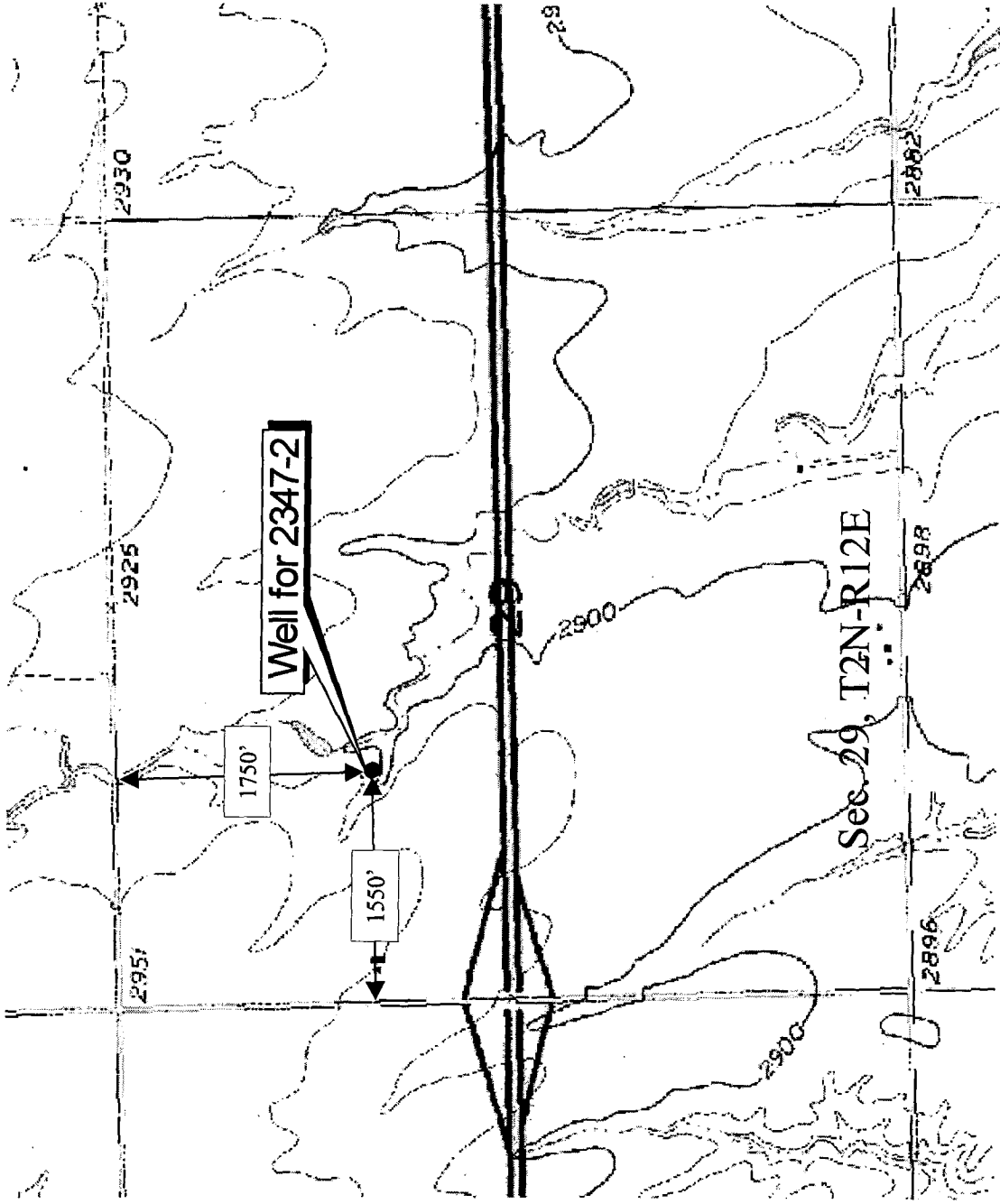
Ken Buhler

Natural Resources Engineer
DENR, Water Rights Program

10/13/98

Date

Water Right Map 2347-2



Ken Buhler

Ken Buhler
Natural Resources Engineer
Water Rights Program

1 Miles

0.5

0

0.5



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2347-2

(1) Olde Glory Marketing, Limited, PO Box 2863, Rapid City SD 57709-2863 made Application No. 2347-2, February 27, 1992 for a water permit to divert 0.004 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for commercial purposes. Permit No. 2347-2, with a priority date of September 28, 1995 was approved November 13, 1995 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.

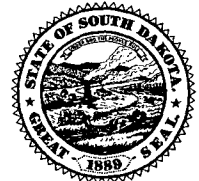
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.004 cubic feet of water per second for beneficial use. The location of the diversion point is 1,750 feet south and 1,550 feet east from the northwest corner of Section 29-T2N-R12E (SE ¼ NW 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 Olde Glory Marketing, Limited, PO Box 2863, Rapid City SD 57709-2863 the holder and/or owner of Water Right No. 2347-2 is issued a license to appropriate water, the right to use 0.004 cubic feet of water per second from groundwater (one well) with a priority date of September 28, 1995 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. 2347-2 and subject to South Dakota State Law.


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

DEC 3 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 3 1999

2347-2

Linda Sjolund, Manager
Olde Glory Marketing, Limited
P.O. Box 2863
Rapid City, SD 57709-2863

Dear Ms. Sjolund:

Enclosed is Water License No. 2347-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416248 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. 2347-2, 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