

WATER PERMIT NO. 2551-2

Name of Applicant: Pepsi Cola of the Black Hills

Address: 2720 Creek Dr, Rapid City SD 57703

Phone: 605 342-0362

Amount of Water Claimed: 0.068 cfs (30.5 gpm)

Total Acres:

Source of Water Supply: groundwater

Water to be used for: irrigation of landscape around the facility

County: Pennington

Type of Waste Disposal System:

Location: southeast area of Rapid City

PRIORITY

Date Received: 3-1-05

Application/License Fee: \$100

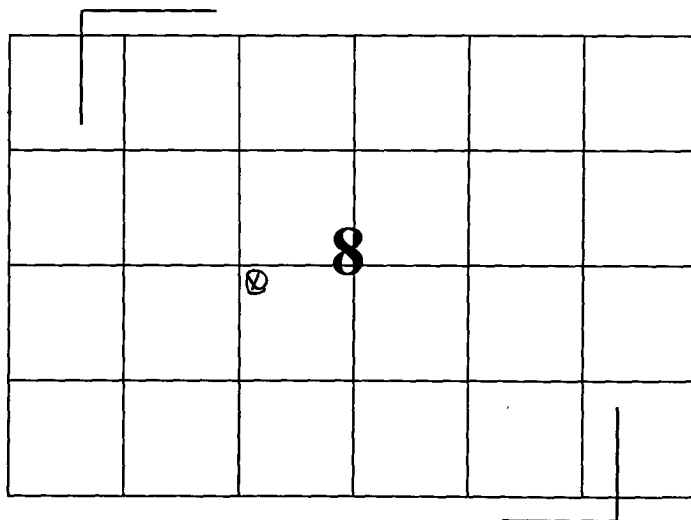
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 8-T1N-R8E

Land to be Irrigated: NE ¼ SW ¼ Sec 8-T1N-R8E



Depth of Well: 38 feet deep

Well Driller: : B & B Foundation Service

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 3-1-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2551-2</u> (office use only)
	Hydrologic Unit <u>10/20110</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal, Rapid City</u>

RECEIVED
MAR - 1 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant PEPS: COA OF THE BLACK HILLS Phone (605) 342-0362
(check one) Owner ☐ Tenant/lessee ☐
Mailing Address 2720 CREEK DRIVE RAPID CITY State SD 57703
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.07 *CFS or 30.5 max **GPM ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 SW 1/4 OF SECTION 8, T1N, R8E
WATLON N44.60072 W-103.1854 County PENNINGTON
- County or counties where water will be used PENNINGTON
- Annual period during which water is to be used MAY-SEPTEMBER 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>500' LAWN - 39,000 Sq Ft.</u>			
<u>NE 1/4 SW 1/4 Sec 8-T1N-R8E</u>			

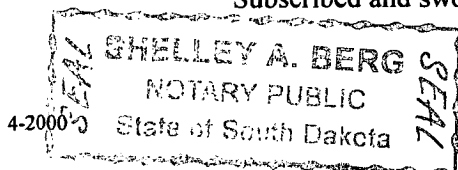
- Give a description of the project. (Attach sheet if more space is needed)
WELL WATER FOR LANDSCAPED AREA OF NEW FACILITY

STATE OF SOUTH DAKOTA) SS
County of Pennington

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

I, LEONARDO HERNANDEZ, 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.

Applicant's signature Leonardo Hernandez
Subscribed and sworn to before me this 16 day of Feb 20 05



My Commission Expires
January 24, 2006

Shelley A. Berg
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2551-2**

Date of first receipt of application March 1, 2005

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2551-2 to Pepsi Cola of the Black Hills, 2720 Creek Drive, Rapid City SD 57703 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. 2551-2 appropriates 0.07 cubic feet of water per second (30.5 gallons per minute) from one well to be completed into the Quaternary Alluvium (approximately 38 feet deep) located in the NE ¼ SW ¼ Section 8-T1N-R8E. The water will be used to irrigate the landscape area around the facility.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is March 1, 2005.
4. The date of approval of Permit No. 2551-2 is June 6, 2005.
5. One-fifth of the construction is to be completed on or before December 6, 2007.
6. All construction is to be completed on or before June 6, 2010.
7. Water is to be put to beneficial use on or before June 6, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 23 2005

date



Supplemental Information

(type or print in ink)

SEE WELL COMPLETION
REPORT ON FILE WITH
WATER RIGHTS.
(COPY ATTACHED)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

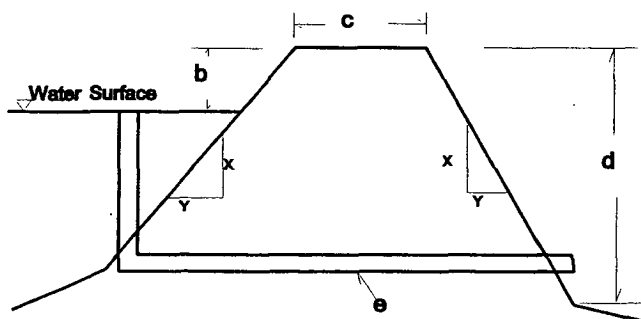
3. Dugout Information

- 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 1, 2005

RECEIVED OF Admiral Beverage Corporation, PO Box 726, Worland WY 82401-C726

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

Fee for Application for Permit No. <u>2551-2</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2551-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

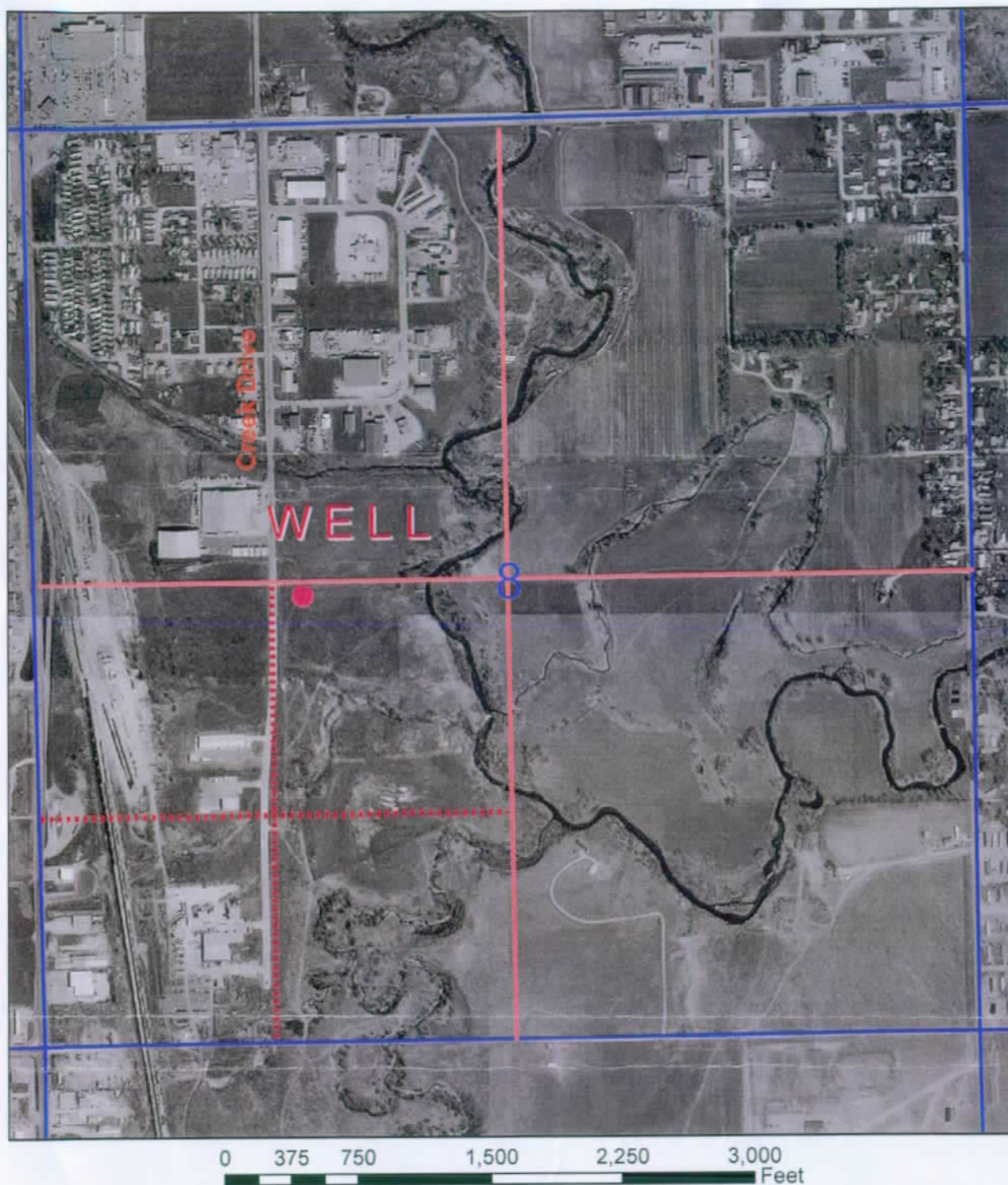
By

Darlene Erbe

Chief Engineer

gm

Well Location for Pepsi Cola of the Black Hills



Well is located in the NE 1/4 SW 1/4 of Section 8, T1N, R8E

Lat/Lon -- N 44.60072 W-103.1854

Location determined using personal Garmin Explorer GPS



Eric Gronlund
Eric Gronlund
Water Right Program - DENR
Date Located - November 27, 2004

2551-2

Track B- S.Cree SOUTH DAKOTA WATER WELL COMPLETION REPORT

43 07-92

Location NE 1/4 SW 1/4 Sec 8 Twp 1N Rg 8E
County Independence Park #2 North
Penn.

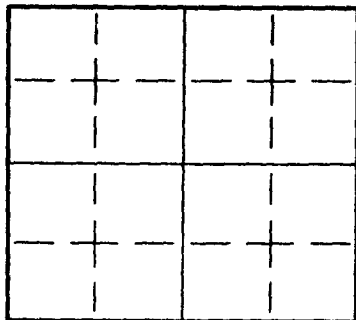
Please mark well location with an "X"

W

E

Well Completion Date

10-18-04



1 Mile

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Auger

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
solid LB/FT	16 IN	+2 FT	18 FT	30 IN
////// LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
slotted LB/FT	16 IN	18 FT	38 FT	24 IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
N/A	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____☐ NO, Why Not? _____Well Chlorine

Laboratory sent to for water quality analysis

Well Owner: Admiral Beverage Corp.

Business Name: Pepsi Cola Of The Black Hills

Address: 2720 Creek Drive, RC SD 57703

WELL LOG:

DEPTH

FORMATION

FROM

TO

Topsoil

0

3

Clay & Dark Soil

3

8

Clay & Sand

8

13

Cobble & Clay

13

23

Shale

23

38

STATIC WATER LEVEL 7 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: Repeated☒ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

EST: 24 GPM

This well was drilled under license # 195

And this report is true and accurate.

Drilling firm B & B Foundation Service, Inc.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder

✓

Date: ✓

RECEIVED

OCT 29 2004

WATER RIGHTS PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2004

Admiral Beverage Corp.
Pepsi Cola of the Black Hills
2720 Creek Drive
Rapid City SD 57703

Dear Sir:

I am writing in regard to a well driller's report filed by B & B Foundation Service, Inc. The report shows a new well has been completed for your business on October 18, 2004. Based on the information in the report, you may need a water permit for this water use.

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

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by December 1, 2004.

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

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2004

Pepsi Cola of the Black Hills
Attn: Leonard
2720 Creek Drive
Rapid City SD 57703

Dear Leonard:

Enclosed is the map I prepared showing the location of the new well drilled by Pepsi for watering the lawn and landscaping at the facility. I arrived at this location by using the latitude and longitude coordinates generated by a global positioning station. Please review and see if this closely reflects the location of the well. You may be able to see if location is close by referencing it to existing structures along Creek Drive. If it is not correct, let me know.

Please complete the water permit application. The enclosed map will meet the requirement to submit a map and the well completion report for this well is on file with the Water Rights Program. This leaves the application form for you to complete and submit with the necessary fee. Feel free to contact me if you have any question on completing the application.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2005

Pepsi Cola of the Black Hills
ATTN: Leonard
2720 Creek Drive
Rapid City SD 57703

Dear Sir:

This letter is a reminder that on November 3, 2004 we sent you application forms for *A Permit to Appropriate Water* based on a well completion report. On December 7, 2004, Eric Gronlund sent you an aerial photo map with the approximate well location. To date, we have not received a response regarding this application.

Obtaining a water permit that accurately reflects your business's water use ultimately benefits the business by protecting it's 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 prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

WATER PERMIT APPLICATION NO. 2551-2
PEPSI COLA OF BLACK HILLS
MAY 3, 2005

Water Right Application No. 2551-2 proposes to appropriate 0.068 cubic feet of water per second (30.5 gallons per minute) from one well 38 feet deep located in the NE¼ SW¼ Sec. 8, T1N-R8E, Pennington County. The water will be used to irrigate the landscape area around the facility.

AQUIFER: Quaternary Alluvium (ALQ)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Geologically, this area consists of the lower shale unit of the Greenhorn Formation and the Belle Fourche Shale covered by with alluvium (sand and gravel) along Rapid Creek (Cattermole, 1972). The alluvium in this area has been mapped (Cattermole, 1972), however, the saturated thickness of the alluvium has not been delineated. Where the alluvium is saturated, groundwater occurs under unconfined conditions. The alluvium is restricted to the bottom of Rapid Valley where the water table conforms roughly to the present flood plain of Rapid Creek. The aquifer's water table slopes toward the creek and downstream. Rapid Creek is in hydraulic connection to the alluvium and is a gaining stream.

Recharge to the Rapid Creek Alluvium occurs primarily through precipitation and irrigation losses. Estimates of the amount of water in storage or for recharge to the aquifer are not available.

The Water Rights Program monitors six observation wells completed into the Rapid Creek Alluvium. The nearest of these wells, PE-58A, is located approximately one mile from this well site. The hydrograph for the well is shown in figure 1.

**WATER RIGHTS' OBSERVATION WELL
PE-58A**

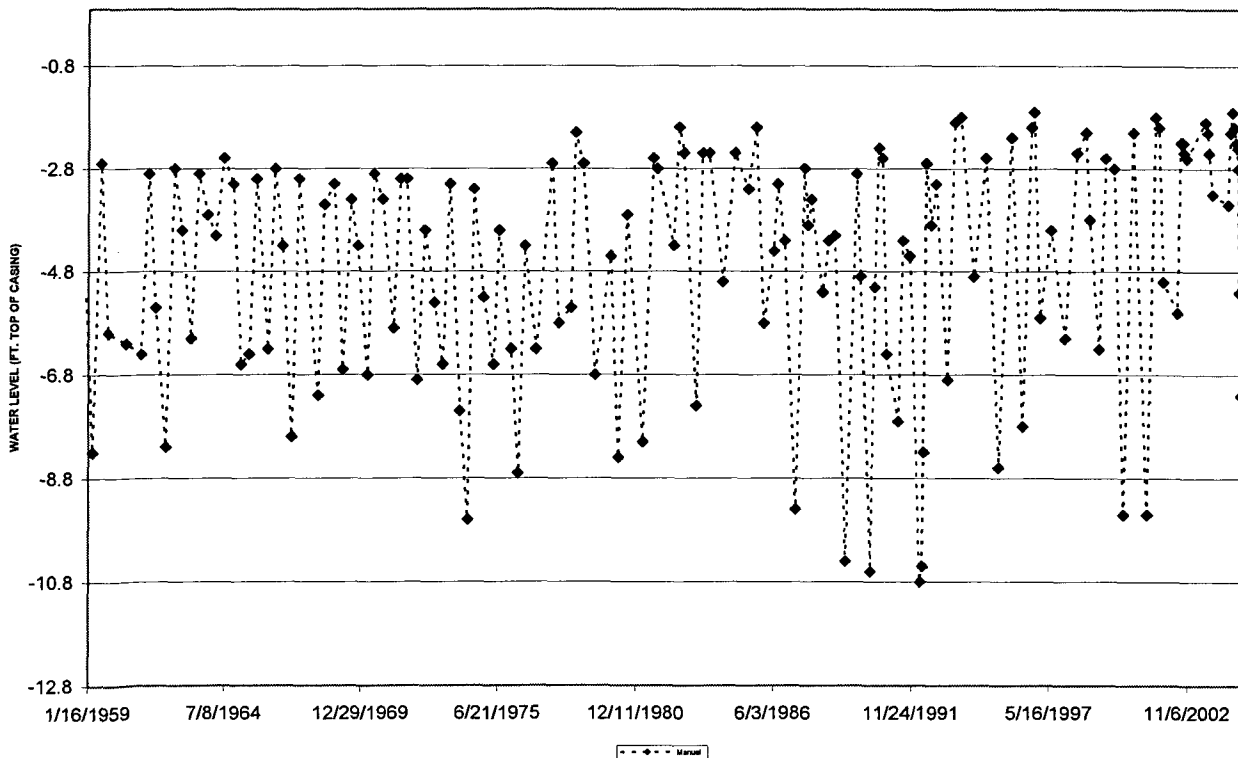


Figure 1. Hydrograph of Water Rights' Observation Well PE-58A, located approximately one mile northeast of 2551-2

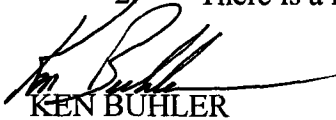
The hydrograph shows the aquifer is recharged and that water is available for this appropriation.

Effects on Existing Water Rights:

There are no existing water rights/permits appropriating water from the Rapid Creek Alluvium in this area. The Water Rights Program has record of twelve domestic wells completed into the alluvium within approximately one mile of 2551-2. Well interference is not expected to be adverse due to the low pump rate requested by this application, and the distance between wells.

CONCLUSIONS:

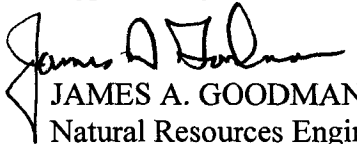
1. The alluvium along Rapid Creek is a viable aquifer at this well site.
2. There is a reasonable probability unappropriated water is available for this application.



KEN BUHLER

Natural Resource Engineer

Approved by:



JAMES A. GOODMAN, P.E.

Natural Resources Engineer

REFERENCES:

Cattermole, J.M., 1972, Geologic Atlas of the United States, Geologic Map of the Rapid City East Quadrangle, Pennington County, South Dakota, U.S. Geological Survey Map GQ-986, scale 1:24000

Water Rights, 2005a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2005b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2005c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2551-2, Pepsi Cola of the Black Hills**

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. 2551-2, Pepsi Cola of the Black Hills, c/o Leonard Hernandez, 2720 Creek Drive, Rapid City SD 57703.

The Chief Engineer is recommending APPROVAL of Application No. 2551-2 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 qualifications:

1. 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 12, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Pennington)

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:

May 20, 2005

May 27, 2005

Cost of Printing Eighty-eight dollars

and fifty-six cents (\$88.56)

Patricia K. Van Patten
(Signature)

Legal Advertising Rep
(Title)

5/28/05
(Date Signed)

May 20, 27 L1957316

NOTICE OF APPLICATION NO. 2551-2 TO APPROPRIATE WATER

Notice is given that Pepsi Cola of the Black Hills, c/o Leonard Hernandez, 2720 Creek Drive, Rapid City, SD 57703, has filed an application for a water permit to appropriate 30.5 gallons per minute from one well to be completed into the Quaternary Alluvium (approximately 38 feet deep) located in the NE¼ SW¼ Section 8-T1N-R8E. The water will be used to irrigate the landscape area around the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2551-2 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 June 6, 2005.

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.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources

RECEIVED

JUN - 1 2005

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on May 20, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2551-2 to Appropriate Water

Notice is given that Pepsi Cola of the Black Hills, c/o Leonard Hernandez, 2720 Creek Drive, Rapid City SD 57703 has filed an application for a water permit to appropriate 30.5 gallons per minute from one well to be completed into the Quaternary Alluvium (approximately 38 feet deep) located in the NE ¼ SW ¼ Section 8-T1N-R8E. The water will be used to irrigate the landscape area around the facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2551-2 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.

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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 Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 13, 2005

Pepsi Cola of the Black Hills
% Leonard Hernandez
2720 Creek Drive
Rapid City SD 57703

Dear Mr. Hernandez:

Water Permit Application No. 2551-2 for irrigation of landscape around the facility use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Rapid City Journal printed at Rapid City, SD (Ph # 605-394-8300). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

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

May 13, 2005

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2551-2 to Appropriate Water to be published twice. Please publish the first notice on May 20, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Pepsi Cola of the Black Hills, % Leonard Hernandez, 2720 Creek Dr., Rapid City SD (Ph # 605-342-0362).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2551-2

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

Date _____

We are in receipt of your letter of May 13, 2005 enclosing Notice to Appropriate Water by Application No. 2551-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



JUN 23 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Pepsi Cola of the Black Hills
% Leonard Hernandez
2720 Creek Drive
Rapid City SD 57703

Dear Mr. Hernandez:

Enclosed is Water Permit No. 2551-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

No. 2551-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 2551-2, Pepsi Cola of the Black Hills

ADDRESS: COUNTY: Pennington

DATE: September 15, 2005 TELEPHONE: 342-0362 ext. 214

RE: Call from plant manager Leonard Hernandez regarding irrigation system.

COMMENTS:

Pepsi Cola of the Black Hills holds Water Permit No. 2551-2 appropriating 30.5 gpm from a well to irrigate landscaping around the facility. Mr. Hernandez stated they developed the well with a pump that produces 5 gpm. Water is then diverted to a cistern where water is then pumped out at a rate of 8 gpm to irrigation the landscaping around the facility. He wanted to know if utilizing the cistern caused any problems with the permit that he should make note of. I told him that based on what he told me they were well within their permitted amounts and no changes would need to be made to the permit.

He was concerned that when Water Rights inspect the system that we'd find that having the cistern would cause a problem. I told him I did not think it does and would document the file accordingly. If the diversion rates were above the permitted amounts then that would require further permitting but based on what he told me that is not the case.

NAME: *Eric Hernandez*

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date SEPTEMBER 15, 2005

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

FROM:

PEPSI Cola of the Black Hills
(name)2720 CREEK DRIVE
(address)RAPID CITY, SD 57703
(city, state, zip)(605) 342-0362 XT 214
(phone)

RECEIVED

SEP 16 2005

WATER RIGHTS
PROGRAM

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2551-2 states that the water use system is to be constructed by

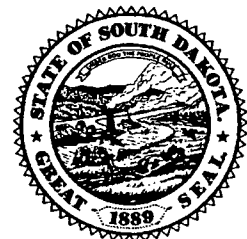
JUNE 6, 2010 , and water is to be put to beneficial use by JUNE 6, 2014 .
(date) (date)

The water use system was completed on AUGUST 30, 2005 .
(date)

Applying the water to beneficial use was completed on AUGUST 30, 2005 .
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)





2551-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: PEPSI COLA OF THE BLACK HILLS, LEONARD HERNANDEZ, 2720 CREEK DRIVE,
RAPID CITY, SD 57703

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2551-2. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2551-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2551-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2551-2

[Home](#) | [Help](#)**Track & Confirm**

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0799 6132**
Status: **Delivered**

Your item was delivered at 12:03 PM on January 29, 2007 in RAPID CITY, SD 57703. The item was signed for by L BECK.

[Additional Details >](#)[Return to USPS.com Home >](#)

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6132		PEPSI COLA OF THE BLACK HILLS LEONARD HERNANDEZ 2720 CREEK DRIVE RAPID CITY SD 57703	
Waiver of Signature ☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
Postmark Here		CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2007

2551-2

Leonard Hernandez
Pepsi Cola of the Black Hills
2720 Creek Dr
Rapid City SD 57703

Dear Sir:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 2551-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Permit No. 2551-2
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, 30 November 2007, made a thorough examination of the water use system constructed by Pepsi Cola of the Black Hills of 2720 Creek Dr., Rapid City, SD. 57703 holder of Permit No. 2551-2, bearing the priority of 01 March 2005 authorizing the diversion of 0.07 cu. ft. per second of the waters of the Quaternary Alluvium for irrigation purposes, in Pennington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: B&B Foundation Service
- 2) No. of Wells 1
- 3) Depth(s) 38 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 38 feet
- 3) Type Plastic

Screen:

- 1) Type none
- 2) Static water level 7 feet

Pump:

- 1) Make AY McDonald
- 2) Model 21050K
- 3) Capacity 10 GPM

Motor:

- 1) Make Franklin
- 2) Horsepower rating 1/2 hp

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

- 1) Type PVC 2) Size 2 inches 3) Length 250 feet

3^{ea} cisterns 2,500 gallons each with the approximate center of the cisterns is located at
N 44.06010 Latitude and W -103.18596 Longitude.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of
construction period Y
3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: NE ¼ SW ¼ Sec 8-T1N-R8E,
approximately 1476 feet east and 2615 feet north of the south west corner of section 8, N 44.06009 Latitude
and W -103.18606 Longitude. The works are capable of diverting and conveying to the place of use 0.022 cu. ft.
per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent
as follows:

NE ¼ SW ¼ Sec 8-T1N-R8E

0.9

comprising a total of 0.9 acres of land and the license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: none



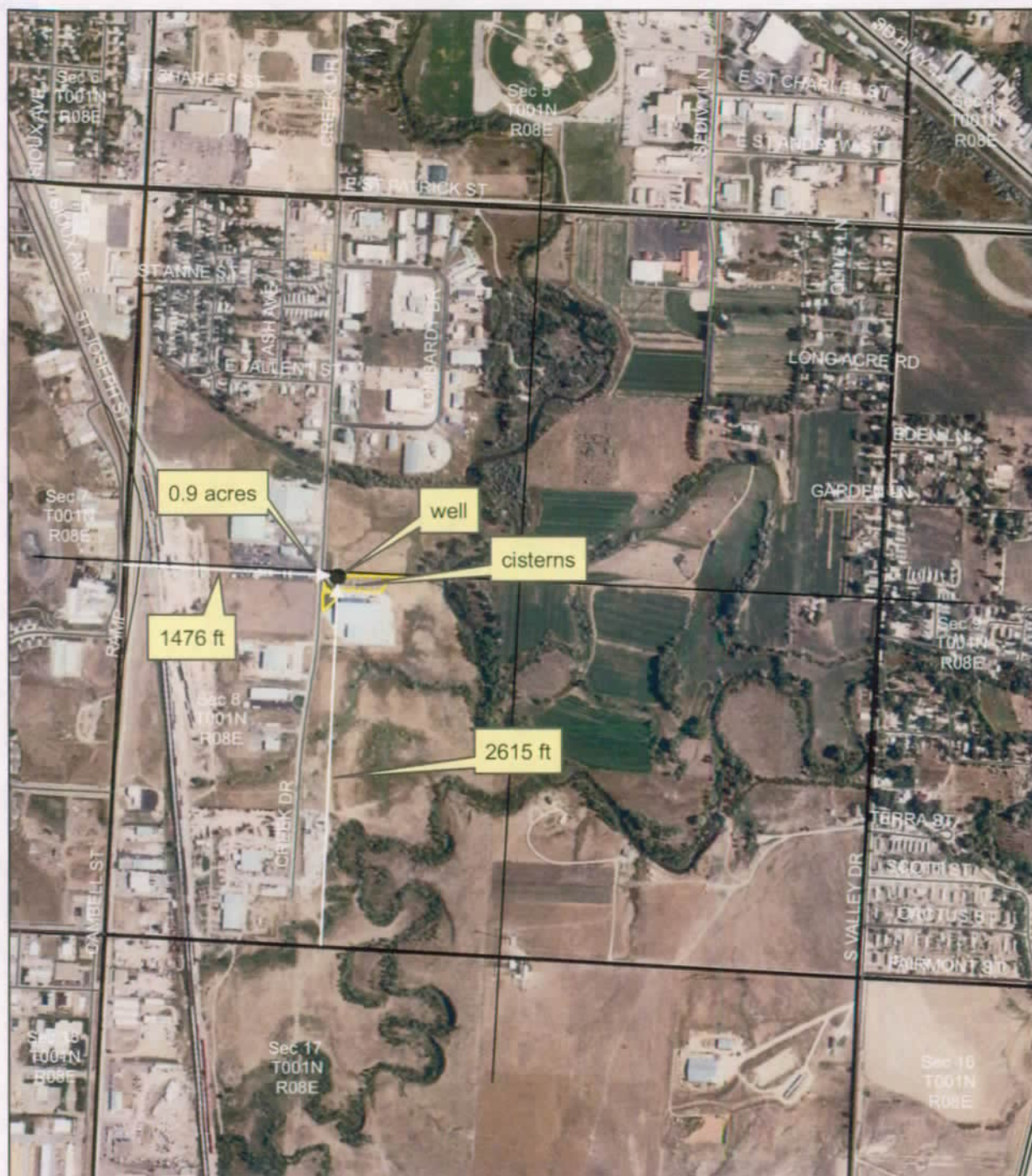
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 10 December 2007



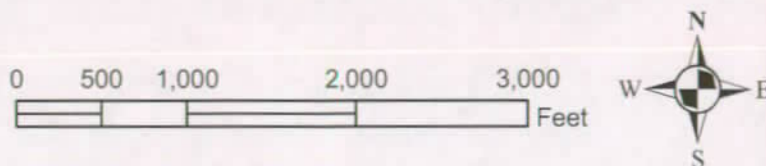
Pepsi Cola of the Black Hills
2720 Creek Dr.
Rapid City, SD. 57703

Protecting South Dakota's Tomorrow... Today



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
30 November 2007



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2551-2

(1) Pepsi Cola of the Black Hills, 2720 Creek Drive, Rapid City SD 57703 made Application No. 2551-2, March 1, 2005 for a water permit to divert 0.07 cubic feet of water per second from groundwater (one well), Pennington County, South Dakota for irrigation purposes. Permit No. 2551-2, with a priority date of March 1, 2005 was approved June 6, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 6, 2010 and for the application to beneficial use of water on or before June 6, 2014.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 16, 2005. The *Notice* stated the diversion system was completed on August 30, 2005 and the water placed to beneficial use on August 30, 2005.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2551-2 is issued a license, bearing a priority date of March 1, 2005 to appropriate 0.022 cubic feet of water per second from groundwater (one well) to irrigate 0.9 acres.

The diversion point is located: approximately 1,476 feet east and 2,615 feet north of the southwest corner of Section 8-T1N-R8E (NE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 8-T1N-R8E NE ¼ SW ¼ 0.9 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2551-2 including the following now applicable qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

APR 04 2008

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 04 2008

2551-2

Pepsi Cola of the Black Hills
2720 Creek Drive
Rapid City SD 57703

Dear Sirs:

Enclosed is Water License No. 2551-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2551-2, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 3, 2010

Pepsi Cola of the Black Hills
2720 Creek Dr.
Rapid City SD 57701

Dear Sir:

I am writing in regard to a well driller's report filed by B & B Foundation Service, Inc. The report shows a new well was completed for Pepsi Cola on June 30, 2010. A review of our files indicates that Pepsi Cola holds Water Right No. 2551-2 for 0.022 cubic feet of water per second (10 gallons per minute) from one well, 38 feet deep located in the NE ¼ SW ¼ Section 8-T1N-R8E to irrigate approximately 0.9 acres.

Since we also received a well plugging report, I am assuming this is a replacement well for the existing well authorized by Water Right No. 2551-2. This letter is to make you aware if the authorized diversion rate from the well or acreage is increased, a new water permit will need to be obtained.

If you have any questions, contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

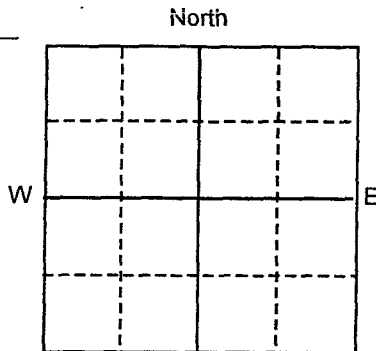
Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8 Twp 1N Rg 8ECounty PenningtonPlease mark well
location with an "X"

Well Completion Date

June 30, 2010

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

PROPOSED USE:

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

METHOD OF DRILLING:

Auger Bucket

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16.00</u> IN	<u>0.0</u> FT	<u>8.0</u> FT	<u>36.00</u> IN
_____ LB/FT	<u>16.00</u> IN	<u>8.0</u> FT	<u>38.0</u> FT	<u>36.00</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>3</u>	<u>27.0</u> Lb/gal	<u>8.0</u> Ft	<u>7.0</u> Ft
		_____ Lb/gal	_____ Ft	_____ Ft

Describe grouting procedure _____

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial Schedule 40 pvc water well casingSlot Size .020 Set From 8.0 Feet to 38.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Well Chlorine
☐ No, Why Not? _____

Lab to which water _____

Well Owner: PEPSI-COLA BOTTLING OF THE B.H.Business Name: SAMEAddress: 2720 CREEK DR.City, State, Zip: RAPID CITY SD 57701

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
SANDY CLAY	0	8
CLAY	8	16
COBBLE	16	25
SHALE	25	35

STATIC WATER LEVEL 8.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: 4 HOUR PUMP TEST
☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GOOD WELL 20 GPM

RECEIVED
JUL 23 2010
WATER RIGHTS
PROGRAM

This well was drilled under license # 195 and this report is true and accurate.Drilling firm: B & B Foundation Service, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

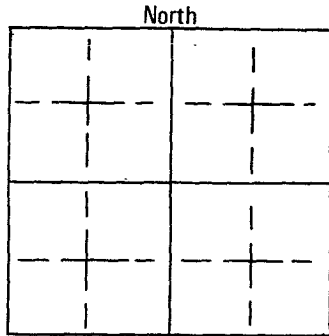
10-85

Location NE 1/4 SW 1/4 Sec 8 Twp 1N Rg 8E

County

PenningtonPlease mark well
location with
an "X"

W



1 mile

Well Owner:

Pepsi Cola Bottling Company Of

Name The Black HillsAddress 2720 Creek DriveRapid City, SD 57703Plugging completion Date 6/30/10

CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐Well depth 40'Casing material PlasticCasing size(s) 16"Casing condition Good

Hole depth _____

Hole size _____

Describe plugging procedure: Caseing was pulled, well was filled to top of static
water level (8') with clean washed gravel, then 2' of dry bentonite
grout was placed in hole (6') then 3' of clay then native soil was
used to finish off plug.

Describe grout or plugging material: dry bentonite, clay, native soil

RECEIVED

JUL 23 2010

WATER RIGHTS
PROGRAM

Type of non-slip plug: _____

This well or test hole was plugged under license # 195 And this report is true and accurate.Drilling firm B & B Foundation ServiceSignature of Licensed Representative [Signature]

Signature of Well Owner _____

Date _____

2551-2

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, August 06, 2010 3:50 PM
To: Schlaak, Karen
Subject: Pepsi - 2551-2

Doug James with Pepsi called in regarding the letter you sent them. The new well was drilled because the old wells production decreased to about 10 gpm. The new well diverts at a rate less than the authorized 30 gpm and they irrigation the same acres (just less than 1 acre). The new well was drilled about 5 feet from the old well which was plugged. I told him we document the file accordingly.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov