

Considered: _____

WATER PERMIT NO. 5704-3

Phone: 398-6493

Name of Applicant: Coffee Cup Fuel Stop

Post Office Address: Box 748, Summit SD 57266

Amount of Water Claimed: 12 gpm 0.026 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Roberts

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 7-15-92 Fee: \$50.00 Remarks _____

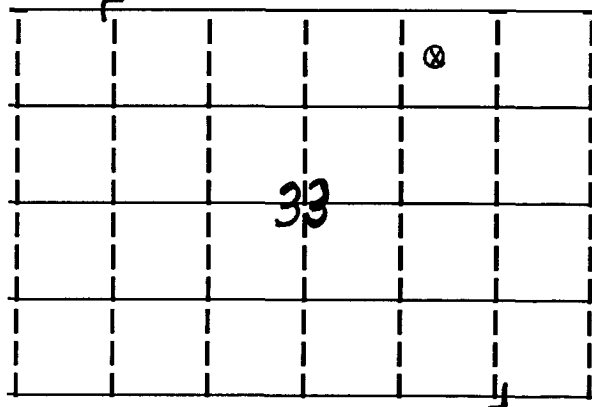
Corrected Application Received 7-21-92 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 NE 1/4 Sec 33-T122N-R51W

Land to be Irrigated: _____



Well Log: Driller: Lee Well Drilling, Inc. Licensed YES X NO _____

Depth of Well: 97' REMARKS _____

Type of Map: aerial PREPARED BY: Don Frye Reviewed and the Number

Assigned on 8-31-92 By Karen Schlaak

No. 5704-3 Hydrologic Unit 10170202
 Map No. _____ Basin Big Sioux River
 Newspaper Enterprise, Box 37, Wilmot 57279

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant Coffee Cup Truck Stop Phone No. 605-398-6493

Post Office Address Box 248 Summit State So. Dak 57266
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) ~~0.026~~ 0.026 cfs (12 gallons per minute)

3. Source of water supply Private Well

4. Location of point of diversion NE 1/4 NE 1/4 SEC 33, T122N, R51W

County Roberts

5. Counties where water will be used Roberts

6. Annual period during which water is to be used ~~24 Jan~~ JANUARY 1 TO 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)

PROVIDES WATER FOR A TRUCK STOP AND DINING AREA

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 Roberts ss

I, Sandra Christofferson Manager 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 Sandra Christofferson

Subscribed and sworn to before me this 14 day of July 19 92

My Commission expires: 9-25-98
Fredrick Quale
 Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5704-3**

Date of first receipt of application July 15, 1992.

Date of return to applicant for corrections, amendments or changes July 15, 1992.

Date of receipt of corrected application July 21, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5704-3 to the Coffee Cup Fuel Stop, Box 748, Summit SD 57266 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. 5704-3 appropriates 12 gallons per minute (0.026 cubic feet of water per second) from one well (Pleistocene Unknown) 97 feet deep located in the NE 1/4 NE 1/4 Section 33-T122N-R51W within the former boundaries of the Sisseton Wahpeton Indian Reservation.
2. The water appropriated shall be used for the purpose of supplying water to the truck stop and cafe and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5704-3 is November 10, 1992.
5. The date from which applicant may claim right is July 15, 1992.
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, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 17 1993
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 97'
- b) Casing Type Plastic Diameter 4" Thickness SDR21 200PSF
- c) Screen Type Plastic Diameter 4" Thickness SDR21 200PSF
- d) Gravel Pack Thickness 3.5 inches Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 86'
- f) Depth to Water (ground surface to water level) 45'
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others Over 2,000 ft

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

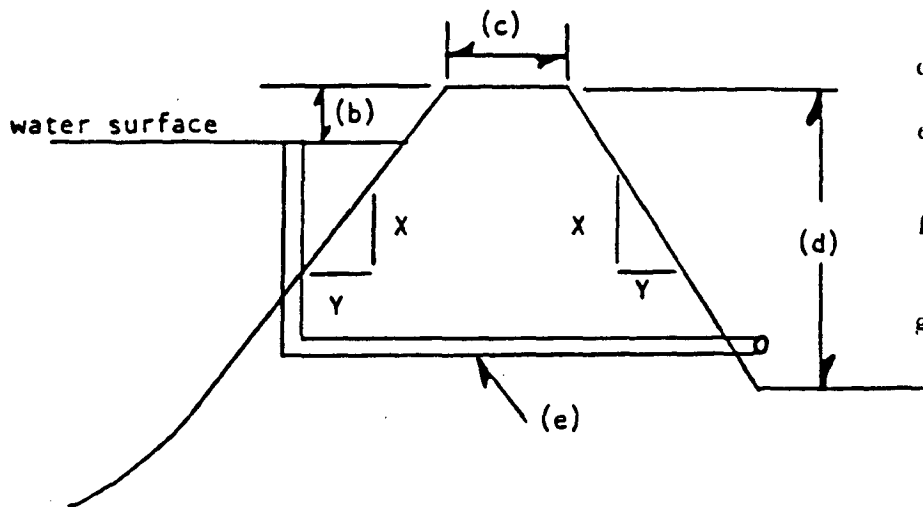
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



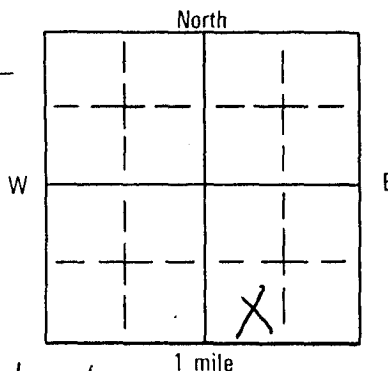
Signature of Applicant

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SE 1/4 Sec 28 Twp 122-N Rg 51-W
NE NE 33County Roberts

Please mark well location with an "X"

Well Completion Date 7/19/88

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>4</u> IN	<u>0</u> FT	<u>84</u> FT	<u>8"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 80 FEETWhat is grouting material? Bentonite

If cement, number of sacks? _____

Describe grouting procedure with Tremie pipe from 80 to surface under pressureWhat was grout weight? heavy LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4" IN Length 5' FEETMaterial plasticSlot Size 0.015 Set From 84 Feet To 89 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Super ChlorinationBacteriological analysis ☒ YES ☐ NOLaboratory sent to Douglas County Hospital

Well Owner:

Name Coffee Cup Truck StopAddress RR Summit S.D.

Well Log:

Depth

Formation

From

To

<u>top soil</u>	<u>0</u>	<u>2</u>
<u>clay yellow</u>	<u>2</u>	<u>18</u>
<u>clay blue</u>	<u>18</u>	<u>83</u>
<u>Sand (coarse)</u>	<u>83</u>	<u>89</u>
<u>Sand fine</u>	<u>89</u>	<u>94</u>
<u>clay blue</u>	<u>94</u>	<u>97</u>

STATIC WATER LEVEL 35 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

46 ft. After 2 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm Lee Well Drilling Inc.Signature of License Representative: [Signature]

Signature of Well Owner:

Coffee Cup Truck Stop byDate Dandra Christoffersen12/27/88

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

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

January 4, 1988

Coffee Cup Truck Stop
Sandra Christofferson
RR
Summit SD 57266

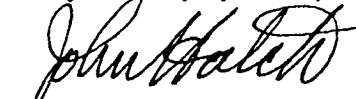
Dear Ms. Christofferson:

A well drillers report filed with this office by Lee Well Drilling, Inc. indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter and the enclosed "Summary of South Dakota Water Law and Water Right Information" are to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,



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

cc: Well Driller

enclosure





Department of Water & Natural Resources

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

November 6, 1990

~~COFFEE CUP TRUCK STOP~~ ~~I-29 LOAN~~
SANDRA CHRISTOFFERSON
RRM
SUMMIT SD 57266

Dear MS. CHRISTOFFERSON:

A well drillers report filed with this office by LEE WELL DRILLING INC. indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

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

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

COFFEE CUP TRUCK STOP
SANDRA CHRISTOFFERSON
BOX 748
SUMMIT SD 57266

Dear MS. CHRISTOFFERSON:

A well drillers report filed by LEE WELL DRILLING INC. states you recently completed a new well. This letter outlines your responsibilities as a new well owner.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface.
2. Following completion of any new well for domestic use, a water quality sample must be collected and submitted to a laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller is required to collect and submit the water quality sample. If the pump is not installed by the well driller, the owner must collect and submit the water sample. At a minimum, the water sample needs to be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The completed analysis must be submitted to the department within thirty days after the submittal of a well completion report. The owner or well driller pays for the cost of all analyses.
3. Any flowing well must be controlled by the owner to produce only the amount of water needed and to prevent waste.
4. A water permit must be obtained for any use, except for private domestic use that does not exceed 25 gallons per minute or 26,000 gallons per day. Based on the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet. Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by March 15, 1991.

If you have any questions regarding SD Water Law, please feel free to contact Regan Fanning (605-773-3352).

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 19, 1991

SANDRA CHRISTOFFERSON
Coffee Cup Fuel Stop
BOX 748
SUMMIT 57266

Dear MS. CHRISTOFFERSON:

I am writing to follow-up on my January 23, 1991 letter concerning the requirement to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply.

Based on information we have received from the Office of Drinking Water, we believe you may need a water permit. A water permit must be obtained for any water use except for domestic uses. Water use by commercial businesses, such as campgrounds, tourist attractions, resorts, cafes, gas stations, etc. must be permitted regardless of the amount or type of water use. Schools using more than 18 gallons of water per minute must also be permitted. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by July 31, 1991.

If you need assistance completing the application forms or if you do not believe you need a water permit, please contact Don Frye at (605) 773-3352.

Thank you for your attention to this matter.

Very truly yours,

Ron Duvall, 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

GREAT FACES. GREAT PLACES.

July 8, 1991

COFFEE CUP TRUCK STOP #1
SANDRA CHRISTOFFERSON
BOX 748
SUMMIT SD 57266

Dear Ms Christofferson:

This letter is a follow up to our phone conversation on July 3, 1991. I have reviewed our records and can find no record of any water permit application listed under your name nor the name of your business.

I'm enclosing some permit application forms and instruction sheets in case you need them. If you have any questions, or if I can help in any way, please call me at 773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 30, 1991

COFFEE CUP TRUCK STOP
SANDRA CHRISTOFFERSON
BOX 748
SUMMIT SD 57266

Dear MS. CHRISTOFFERSON:

I am writing to follow-up on my November 7, 1990 and January 23, 1991 letters concerning the possibility you may need to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply. A well drillers report filed by LEE WELL DRILLING INC. states you completed a new well, and based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 or less gallons of water per minute (GPM), on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing, manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, 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.
2. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by November 29, 1991, or contact Don Frye (605 773-3352) if you need assistance or if you don't believe your water use requires a permit.

Thank you for your attention to this matter.

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

July 15, 1992

Coffee Cup Fuel Stop
Sandra Christofferson, Manager
Box 748
Summit SD 57266

Dear Ms. Christofferson:

In regard to your water permit application received on July 15, 1992,
the filing fee will be \$50.00

Upon receipt of the fee, 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



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MEMO TO FILE

On Friday, August 28, 1992, a receipt was given to us by Cindy Cooper in the Fiscal Office. They had receipted in a check in the amount of \$50.00 for Drinking Water, which was supposed to be an application fee for Water Rights. They credited the fee to our funds, and gave us the receipt.

On Monday, August 31, 1992, I visited with Annie Hollenbeck regarding this situation, as we need a receipt for our files, and how to take care of this matter for auditing purposes. I was advised by Annie to make a copy of the receipt, go ahead and send the original receipt to the customer, and write up a short memo stating the facts of this situation.

Cheryl Frost
Cheryl Frost, Secretary
Water Rights Division

REDIFORM 8L 806/01806

*Sandra Chris Johnson
Summit
398-6493*

RECEIVED FROM <u>The Coffee Cup Fuel Stop No. 1</u>		DATE <u>7-21-92</u>	No. <u>5875</u>																
ADDRESS <u>Summit</u>																			
FOR <u>Drinking Water for Water Rights</u>		DOLLARS \$ <u>50.00</u>																	
<table border="1"><thead><tr><th colspan="2">ACCOUNT</th><th colspan="2">HOW PAID</th></tr></thead><tbody><tr><td>AMT. OF ACCOUNT</td><td></td><td>CASH</td><td></td></tr><tr><td>AMT. PAID</td><td><u>50.00</u></td><td>CHECK</td><td>☒</td></tr><tr><td>BALANCE DUE</td><td></td><td>MONEY ORDER</td><td></td></tr></tbody></table>		ACCOUNT		HOW PAID		AMT. OF ACCOUNT		CASH		AMT. PAID	<u>50.00</u>	CHECK	☒	BALANCE DUE		MONEY ORDER		BY <u>DE NR</u> <u>Sandy Uhlen</u>	
ACCOUNT		HOW PAID																	
AMT. OF ACCOUNT		CASH																	
AMT. PAID	<u>50.00</u>	CHECK	☒																
BALANCE DUE		MONEY ORDER																	

REPORT ON APPLICATION NO. 5704-3
for Coffee Cup Fuel Stop
September 8, 1992

Application No. 5704-3 proposes to appropriate 12 gpm (0.026 cfs) from one well approximately 97 feet deep located in the NE 1/4 NE 1/4 of section 33, T122N R51W in Roberts County within former boundaries of Sisseton Wahpeton Indian Reservation. The water is to be used for commercial use at a truck stop and cafe.

AQUIFER - PLEISTOCENE UNKNOWN (PS-U)

The Pleistocene Unknown aquifer consists of a buried glacial outwash (sand and gravel) under confined (artesian) conditions. The driller's log accompanying this application indicates that the aquifer was encountered at a depth of 83 feet and continued to a depth of 94 feet below land surface. The well reportedly produced 20 gpm and had static water level of 35 feet below land surface. The aquifer is not mapped so the areal extent and amount of water in storage can not be estimated. The Big Sioux North aquifer does underlie some of this area but is apparently not connected with this buried aquifer. However, this can not be totally discounted.

The Division of Water Rights does not monitor any observation wells completed into the Pleistocene Unknown aquifer in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Permit Application No. 5678-3 which is located about 1/8 mile southwest of this application. The water source for this application is apparently different from this application. Interference should not be a problem. The diversion rates for both application are relatively small and any drawdown should not be significant.

CONCLUSIONS

1. Water is available from the Pleistocene Unknown aquifer.
2. This aquifer is confined and under artesian conditions. Interference is not expected to be a concern.
3. The wastewater system for the Coffee Cup Fuel Stop was approved in 1985 (originally called the I-29 Lounge) and later in 1990 the name was changed.
4. The well as built did not comply with existing SD Well Construction Standards in effect at that time.



James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5704-3, Coffee Cup Fuel Stop

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5704-3, Coffee Cut Fuel Stop, c/o Sandra Christofferson, Box 748, Summit, SD 57266.

The Chief Engineer is recommending APPROVAL of Application No. 5704-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
September 18, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 8, 1992

Sandra Christofferson
Coffee Cup Fuel Stop
Box 748
Summit, SD 57266

Dear Ms. Christofferson:

Water Permit Application No. 5704-3 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 Enterprise printed at Wilmot, SD (Ph # 938-4651). 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1992

Enterprise
Box 37
Wilmot, SD 57279

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5704-3 to be published twice. Please publish the first notice on October 14, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Coffee Cup Fuel Stop, Box 748, Summit, SD 57266 (Ph # 398-6493).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

Date _____

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

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 14, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5704-3 to Appropriate Water

Notice is given that the Coffee Cup Fuel Stop, Box 748, Summit, SD 57266 has filed an application for a water permit to appropriate 12 gallons per minute (0.026 cubic feet of water per second) from one well (Pleistocene Unknown) 97 feet deep located in the NE 1/4 NE 1/4 Section 33-T122N-R51W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use at a truck stop and cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5704-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 2, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5704-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the November 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The November 10, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 2, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 2, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF ROBERTS — ss.

Cheryl Rondeau

of said county, being first duly sworn, on oath says that he is the Publisher of the Wilmot Enterprise, a weekly newspaper printed and published in said County of Roberts and State of South Dakota, and has full and personal knowledge of all facts herein stated; that said newspaper has a bona fide paid circulation of more than two hundred copies weekly, and has been published in the English language at Wilmot, in Roberts County, South Dakota, and has been admitted to the United States mail under the second class mailing privilege, for more than one year prior to the making of this affidavit, and the same is printed in whole in an office maintained at the place of publication, viz: Wilmot, Roberts County, South Dakota, and the same is therefore a legal newspaper; that the advertisement or legal notice headed:

Notice of Hearing on
Application No. 5704-3
to appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once

in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Oct. 14, 1992
Oct. 21, 1992
_____, 19____
_____, 19____

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 60.44

[Signature]

Subscribed and sworn to before me this

22 day of Oct, A.D., 1992

[Signature]
Notary Public, County of Roberts, S. Dak.



NOTICE OF HEARING on Application No. 5704-3 to Appropriate Water

Notice is given that the Coffee Cup Fuel Stop, Box 748, Summit, SD 57266 has filed an application for a water permit to appropriate 12 gallons per minute (0.026 cubic feet of water per second) from one well (Pleistocene Unknown) 97 feet deep located in the NE1/4NE1/4 Section 38-T122N-R51W within the former boundaries of the Sisseton Wahpeton Indian Reservation. The water is for commercial use at a truck stop and cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5704-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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For purposes of publishing 1) the notice of hearing on Application No. 5704-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 10, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommenda-

tion is contested, the November 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The November 10, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 2, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 2, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.
(Oct. 14 & 21, 1992)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

Sandra Christofferson
Coffee Cup Fuel Stop
Box 748
Summit, SD 57266

Dear Ms. Christofferson:

Enclosed is Water Permit No. 5704-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

413713

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, April 5, 19 93

RECEIVED OF Coffee Cup Fuel Stop, I-29, Hwy 12, Summit, SD 57266

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5704-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 5704-3
Water District: Big Sioux River

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

I have this day made a thorough examination of the water use system constructed by The Coffee Cup Truckstop holder of Permit No. 5704-3, bearing the priority of July 15, 1992 authorizing the diversion of 0.026 cu. ft. per second of groundwater for commercial purposes in Roberts County.

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

- A. Works used to divert the water:
One well, 97' deep and a submersible pump rated at 12 GPM.
- B. Works used to transport water to place of use:
300' of 1 1/4" PVC pipe from the well to the truck stop.
- C. Works used to apply water to beneficial use:
Distribution pipes to bathrooms, drinking fountain and kitchen area.

The system is in the following condition good. The point of diversion is located 900' west and 495' south of NE corner Sec 33, T122N, R51W.

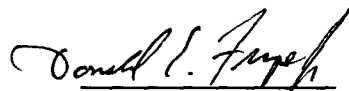
The works are capable of diverting and conveying to the place of use 0.026 cu. ft. per second of water which is to be used for commercial purposes.

Water has been put to beneficial use to the maximum extent as follows:
Water is used in a truck stop and snack bar and should be issued for 0.026 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 7/7/92


DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division

NOT TO SCALE

122-51

T-3286

A-5

WELL

Sennie Jensen

T-422

Everett Dancer Trust
St. Marys Fish & Park

T-5288

T-350

33

CRP
87-96

4.9 CRP
88-97

43.0

Prepared by:
Don Frye
Natural Resources Analyst
DEAR, Water Rights Division
7/7/92

Carroll Christad

T-376

49.1

James & Johanna
Wohlleben

Gloria Bogenrief

122-51

T-331

Appl. No. 5704-3

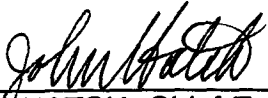
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5704-3

(1) The Coffee Cup Fuel Stop of Box 748, Summit, SD 57266 made Application No. 5704-3, July 15, 1992 for a water permit to divert 0.026 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota, for commercial purposes. Permit No. 5704-3, with a priority date of July 15, 1992 was approved November 10, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and application to beneficial use of said water completed.

(2) It is certified that the applicant 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 0.026 cubic feet of water per second for beneficial use. The location of the diversion point is 900 feet W and 495 feet S of the NE corner of Section 33 T122N-R51W within the former boundaries of the Sisseton Wahpeton Indian Reservation (NE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial use at the truck stop and cafe.

(4) Pursuant to South Dakota Water Law 46-5-30.1 The Coffee Cup Fuel Stop of Box 748, Summit, SD 57266 the holder and/or owner of Water Permit No. 5704-3 is issued a license to appropriate water, the right to divert 0.026 cubic feet of water per second from groundwater (one well) with a priority date of July 15, 1992 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5704-3 and subject to South Dakota State Law.



SEP 17 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

5704-3

Sandra Christofferson
The Coffee Cup Fuel Stop
Box 748
Summit, SD 57266

Dear Ms. Christofferson:

Enclosed is Water License No. 5704-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413713 in the amount of \$50.00 which you paid for the inspection 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. 5704-3, 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 Division
(605) 773-3352

rd
enclosures



WATER USE FOR 1995

PERMIT NO. # 0131

NAME FIRST 5704-3
ADDRESS 1 COFFEE CUP FUEL STOP
BOX 748
ADDRESS 2 SUMMIT, SD 57266
CITY _____ STATE _____ ZIPCODE _____

SOURCE OF WATER (PLEASE CHECK):

GROUND WATER _____ NUMBER AND DEPTH OF WELLS 1 well 32 ft

SURFACE WATER _____ NAME OF STREAM OR LAKE _____

TYPE OF WATER USE (PLEASE CHECK): Private Well

INDUSTRIAL _____ COMMERICAL _____ INSTITUTIONAL _____
GEOTHERMAL _____ POWER _____ MINING _____
MUNICIPAL WATER SUPPLY _____

ESTIMATED TOTAL 1995 WATER USE 3 to 4 thousand gallons a day GALLONS

NAME OF CONTACT PERSON Sandra Christofferson
TELEPHONE NO. 605-398-6493

ADDRESS CORRECTION P.O. Box 748
Summit S.D 57266

07-92

Date: _____



December 10, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Coffee Cup Fuel Stop
Sandra Christofferson
Box 748
Summit SD 57266

Dear Ms. Christofferson:

I am writing in regard to a well driller's report filed by Lee Well Drilling Inc. The report shows a new well was completed for the Coffee Cup Fuel Stop on September 27, 1999. A review of our files indicates that Coffee Cup Fuel Stop holds Water Right No. 5704-3 for 12 gallons per minute (gpm) from one well, 97 feet deep located in the NE ¼ NE ¼ Section 33-T122N-R51W for commercial use at the truck stop and café.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Ms. Christofferson, does the peak diversion rate from the two wells exceed 12 gpm? If so, a new permit application will be required for the additional diversion rate above 12 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 12 gpm, please let me know.

If you have any questions, please 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

enclosures

Water Rights Program - File Documentation

NAME: Coffee Cup Fuel Stop

ADDRESS: Summit

DATE: 12-28-99 **COUNTY:** Roberts **TELEPHONE:** 605 229-4793

RE: Replacement well

COMMENTS:

Joel called regarding my letter dated December 10, 1999. Joel said that this well was drilled right beside the existing well. It was is replacement well because the original well was pumping sand. He stated they were not using any more water.

Joel stated that Sandra Christofferson was no longer associated with the business and the contact person should be Brenda Habeck.

Karen Schlaak

Karen Schlaak
Environmental Scientist