

WATER PERMIT NO. 2529-2

Name of Applicant: Prairie Berry LLC

Address: 3301A S Hwy 79, Rapid City SD 57701

Phone: 605 574-3898

Amount of Water Claimed: 0.056 cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Pennington

Type of Waste Disposal System:

Location: near Hill City

PRIORITY Date Received: 4-14-04

Application/License Fee: \$100

Corrected Application Received: 5-10-04

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 21-T1S-R5E

Land to be Irrigated:

Depth of Well: 300 feet

Well Driller: Alexander Drilling Inc.

Remarks:

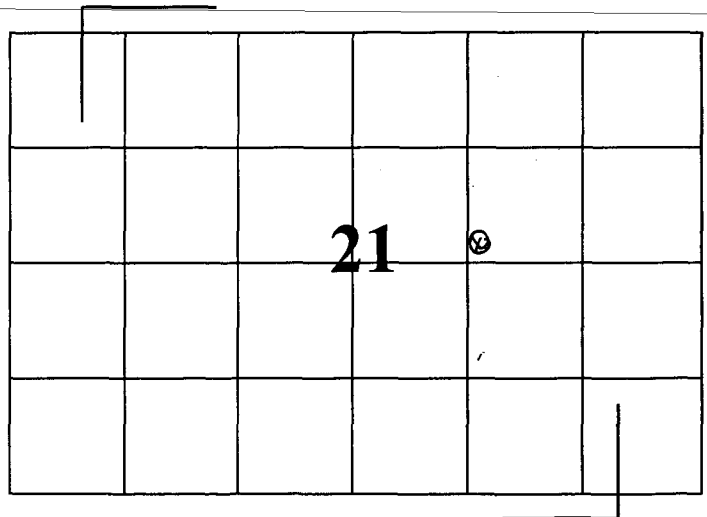
Type of Map: plat

Prepared by: Gary D Renner, PE

Reviewed and the Number Assigned on: 5-10-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 2529-2 (office use only)
Hydrologic Unit 10120109
Basin Upper Cheyenne
Newspaper Hill City Prevaler, Hill City SD

RECEIVED
APR 14 2004
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Prairie Berry LLC Phone 605-574-3898
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address PO Box 8 23837 Hwy 385 Hill City SD State SD 57745-0008
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.056 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

1 well in SE 1/4 NE 1/4 Section 21 - T15-R5E

County Pennington

5. County or counties where water will be used Pennington

6. Annual period during which water is to be used year round Jan 1 - Dec 31

7. Give a description of the 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)

Water well for prairie berry winery. Well pump will be
capable of 25 gallons per minute

STATE OF SOUTH DAKOTA)

County of Pennington SS

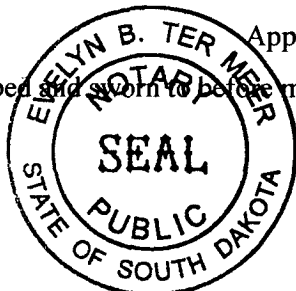
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Matthew Keck, Prairie Berry LLC, 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 Math Keck

MEMBER
PRAIRIE BERRY LLC

Subscribed and sworn to before me this 13th day of April 20 04

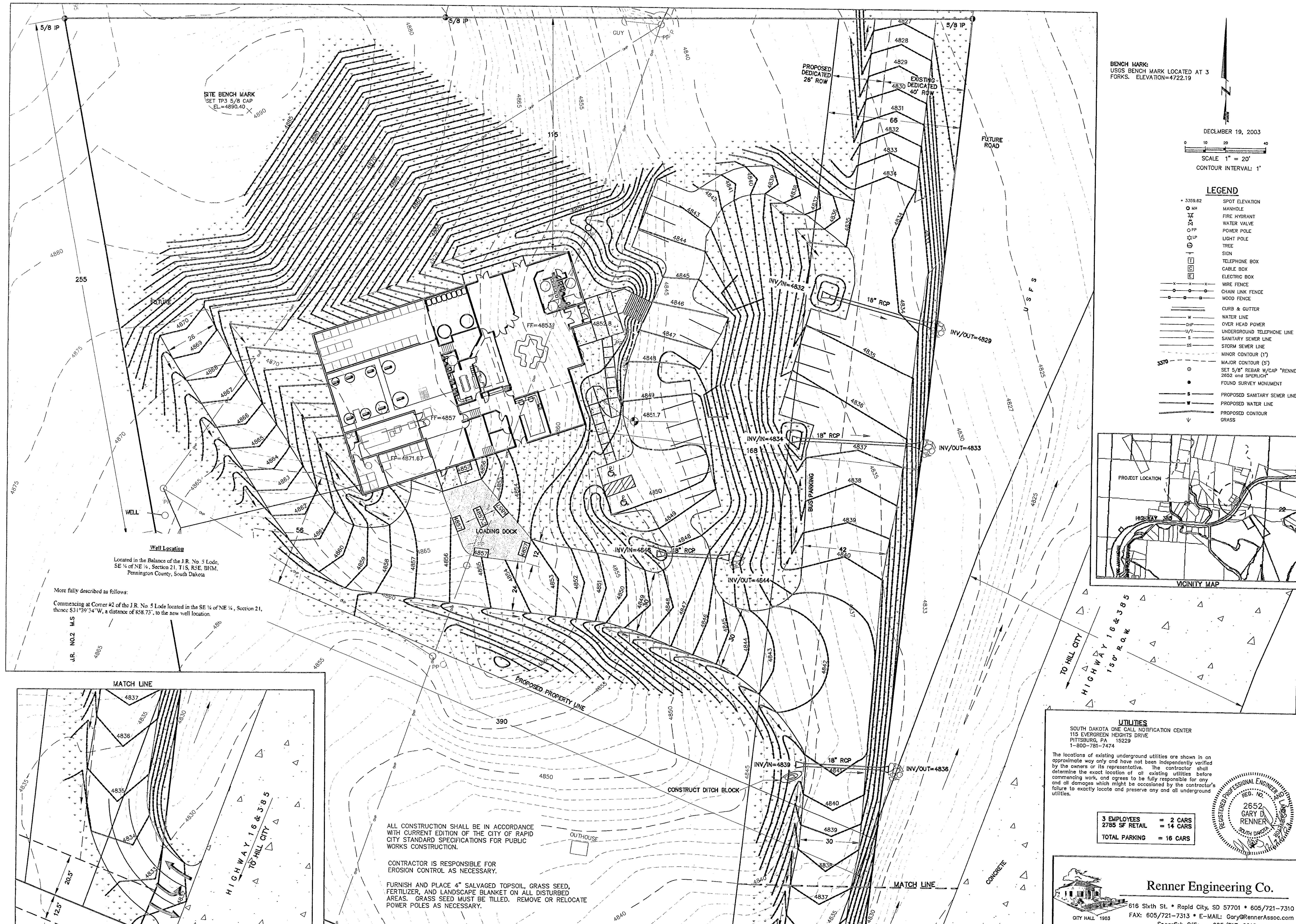


Evelyn B. Ter Maer

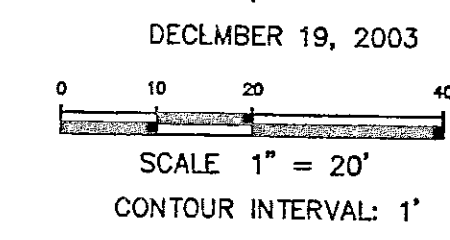
Notary Public signature

My Commission expires 12-31-08

\\GSD\1803_2002\02\path\site.dwg, Paper, 12/22/2003 1:16:02 PM

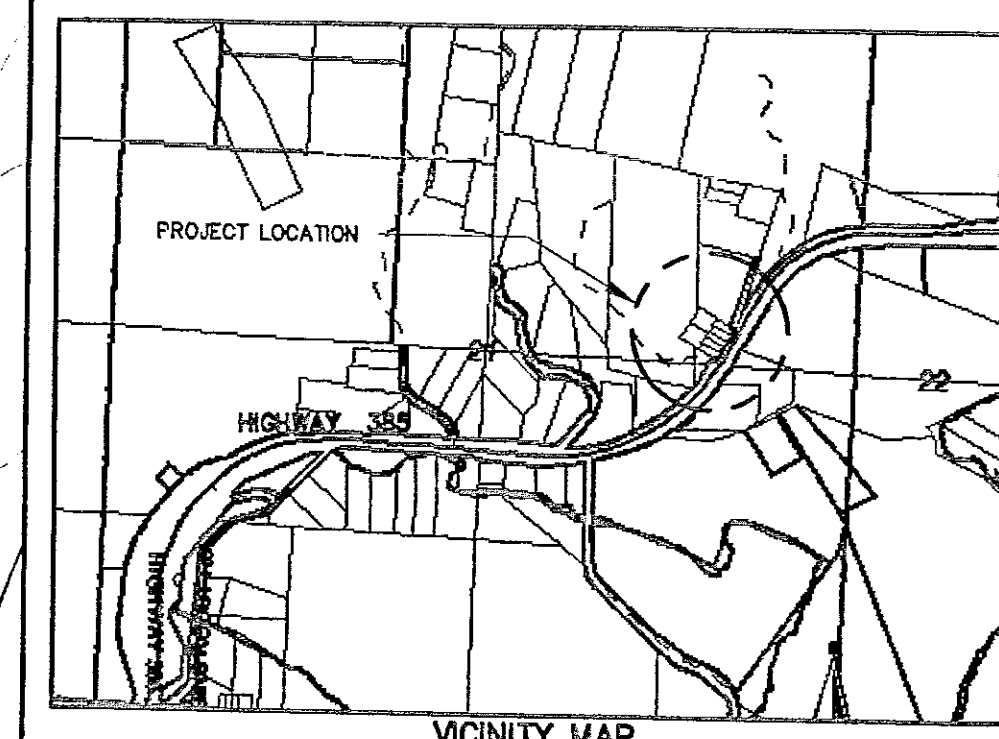


BENCH MARK:
USGS BENCH MARK LOCATED AT 3
FORKS. ELEVATION=4722.19



LEGEND

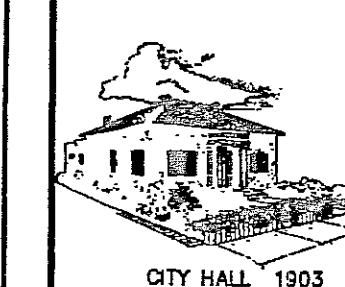
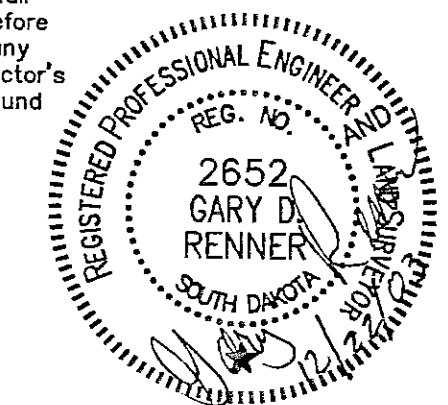
- SPOT ELEVATION
- MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- LIGHT POLE
- TREE
- SIGN
- TELEPHONE BOX
- CABLE BOX
- ELECTRIC BOX
- WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- CURB & GUTTER
- WATER LINE
- OVER HEAD POWER
- UNDERGROUND TELEPHONE LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- MINOR CONTOUR (1')
- MAJOR CONTOUR (5')
- SET 5/8" REBAR W/CAP "RENNER" 2652 and SPERLICH
- FOUND SURVEY MONUMENT
- PROPOSED SANITARY SEWER LINE
- PROPOSED WATER LINE
- PROPOSED CONTOUR
- GRASS



UTILITIES
SOUTH DAKOTA ONE CALL NOTIFICATION CENTER
115 EVERGREEN HEIGHTS DRIVE
PITTSBURG, PA 15229
1-800-781-7474

The locations of existing underground utilities are shown in an approximate way only and have not been independently verified by the owners or its representative. The contractor shall determine the exact location of all existing utilities before commencing work, and agrees to be fully responsible for any and all damages which might be occasioned by the contractor's failure to exactly locate and preserve any and all underground utilities.

3 EMPLOYEES = 2 CARS
2785 SF RETAIL = 14 CARS
TOTAL PARKING = 16 CARS



Renner Engineering Co.

616 Sixth St. • Rapid City, SD 57701 • 605/721-7310
FAX: 605/721-7313 • E-MAIL: Gary@RennerAssoc.com
Spearfish Office: 605/717-0016

1621 SHERIDAN LAKE ROAD
RAPID CITY, SOUTH DAKOTA 57702-3423
605-348-3555

ARCHITECTURE * INTERIOR DESIGN * PLANNING

LUND-RENNER ASSOCIATES LTD.

SHEET

PRAIRIE BERRY WINERY

SHEET TITLE: SITE/GRADING PLAN

DATE: 12/19/2003

DRAWN BY: PMA

REVISIONS:

NO.	DATE	DESCRIPTION
1	12/19/2003	2002.02

COMM: COMM

2529-2

**SOUTH DAKOTA
WATER PERMIT NO. 2529-2**

Date of first receipt of application April 14, 2004.

Date of return to applicant for corrections, amendments or changes April 14, 2004.

Date of receipt of corrected application May 10, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2529-2 to Prairie Berry LLC, PO Box 8, Hill City SD 57745-0008 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. 2529-2 appropriates 0.056 cubic feet of water per second from one well completed into Precambrian Aged Crystalline Rock (300 feet deep) located in the SE ¼ NE ¼ Section 21-T1S-R5E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2529-2 is August 23, 2004.
5. The date from which applicant may claim right is April 14, 2004.
6. One-fifth of the construction is to be completed on or before February 23, 2007.
7. All construction is to be completed on or before August 23, 2009.
8. Water is to be put to beneficial use on or before August 23, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 02 2004

date

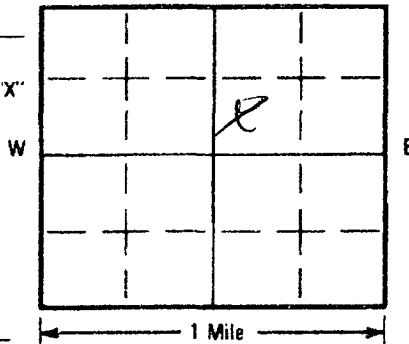


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NE 1/4 Sec 21 Twp 15 Rg 5ECounty Pennington

Please mark well location with an "X"



Well Completion Date

11/17/03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole HammerCASING DATA: ☐ Steel ☒ Plastic ☐ OtherIf other describe 40' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	<u>6</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

 Grout Type Portland II No of Sacks 4 Grout Weight 15 lb./gal From 6 ft. To 38 ft.
Describe grouting procedure trim pipeSCREEN: ☐ Perforated pipe ☐ Manufactured None

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information Open holeWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Casing set in hd rockDISINFECTION: Was well disinfected upon completion? ☒ YES, How: chlorine solution

Laboratory sent to for water quality analysis _____

Well Owner: Math KeckBusiness Name: Prairie Berry WineryAddress: 3301 A. S. Hwy 79
Rapid City SD 57701

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Drift	0	15
Hard grey schist	15	115
Schist fracture 8 gpm	115	116
Hard grey/black schist	116	177
Schist fract. 12-15 gpm	177	178
Hd Grey Schist	178	201
Schist fract. 45 gpm	201	202
Hd grey schist	202	266
Schist fract. 100+ gpm	266	268
Hd grey schist	268	300

STATIC WATER LEVEL _____ 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:

☒ Pumped w/air Describe: 100+ gpm☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

FEB 23 2004

WATER RIGHTS PROGRAM

This well was drilled under license # 924

And this report is true and accurate.

Drilling firm Alexander Drilling Inc.Signature of License Representative: Kevin Sewell

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

2-27-04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2004

Prairie Berry Winery
Matt Keck
3301A S Hwy 79
Rapid City SD 57701

Dear Mr. Keck:

I am writing in regard to a well driller's report filed by Alexander Drilling, Inc... The report shows a new well has been completed for Prairie Berry Winery. 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 April 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
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 2003

Prairie Berry Winery
Matt Keck
3301 S Hwy 79
Rapid City SD 57701

Dear Mr. Keck:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial. In order to complete the application the following is required.

- Enclosed is the map submitted with your application. I have reviewed the map. As I stated in our phone conversation, the map must show the location of the well in relation to a government section corner or quarter corner by direction and distance. The map submitted does not reference a government section corner or quarter corner. The application states the well is located in the SE ¼ NE ¼ Section 21-T1S-R5E. It is our suggestion that you contact the engineer who prepared the map and have him identify the required government section corner or quarter corner location on the map.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



RECEIVED

MAY 10 2004

WATER RIGHTS
PROGRAM

May 7, 2004

Karen Schlaak
Water Rights Program
SD DENR
PMB 2020
523 East Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak:

I have enclosed the site map indicating the location of our well. I have added the additional description of the well that you requested.

Please let me know if you need any further information.

Sincerely,

Matthew J. Keck
Prairie Berry LLC

South Dakota wines since 1876.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 14, 20 04

RECEIVED OF Prairie Berry LLC, 3301A South Hwy 79, Rapid City SD 57701

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

Fee for Application for Permit No. <u>2529-2</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>2529-2</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

WATER PERMIT APPLICATION NO. 2529-2
PRAIRIE BERRY, L.L.C
JULY 9, 2004

Water Permit Application No. 2529-2 proposes to appropriate 0.056 cubic feet of water per second (cfs), (25 gallons per minute) from one existing well completed into the Precambrian Crystalline Rock aquifer (approximately 300 feet deep) located in the SE¼ NE¼ Sec. 21, T1S-R5E. The water is for commercial use.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

Geology and Aquifer Characteristics:

The crystalline rock in this area consists of metagraywacke, quartzite and quartz-mica schist (Redden and Norton, 1975). The aquifer (crystalline rock) is exposed at the surface throughout this area, except where it is covered by alluvium along Spring Creek and its tributaries (Strobel and others, 1999). The aquifer is under unconfined conditions and the static water levels of wells in this area are probably at about the same elevation as Spring Creek. Groundwater is derived primarily through joints, fractures and foliation within the rock. The distribution, orientation and interconnection of these zones of secondary porosity and permeability are unpredictable, and the aquifer characteristics are site specific and highly variable. Recharge to the crystalline rock occurs through infiltration of precipitation and streamflow losses. Average annual recharge to the aquifer has not been quantified.

The Water Rights Program does not monitor any observation wells completed into the Crystalline aquifer in this immediate area. The nearest observation well completed into this aquifer is located in Custer, about 12 miles south-southwest of this site. Water levels in the observation well fluctuate over 50 feet in response to varying climatic conditions, rising during wet years and gradually declining water levels during dry years. The aquifer in this area should behave similarly to the aquifer in the Custer area.

Review of Existing Water Rights:

There are a number of domestic wells completed into the crystalline rock in this area and there are eight Water Rights/Permits appropriating water from the aquifer within approximately one mile of this site. The appropriations include:

PERMIT NO	NAME	USE	CFS
2004-2	GUSTAVE A ORLOSKE	COM	0.020
2159-2	THREE FORKS CAMPGROUND	COM	0.070
2207-2	ROBINS ROOST CABINS	COM	0.020
2232-2	MOUNTAIN VIEW LODGE	COM	0.034
2238-2	LARRY & KAREN MOORE	COM	0.022
2246-2	GORDON W COLLINS	COM	0.022
2492-2	RUSHMORE FOREST PRODUCTS	IND	0.560
2506-2	ROBERT LEMERE	COM	0.040

The nearest appropriation, No. 2246-2 is probably located within 500 feet of the applicant's well site. Since the porosity of the Crystalline aquifer is small, 0.03-0.10, (Driscoll and others, 2002) drawdown from a pumped well or wells, may extend over a fairly widespread area. Although the diversion rate proposed by this application is relatively small (25 gpm), it is possible that drawdown from the Prairie Berry well could be measurable in the Collins' well.

ARSD 74:02:04:20(6) defines an adequate well as a well constructed to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer. An adversely impacted domestic well is defined by ARSD 74:02:04:20(7) as a well in which the pump intake was set at least 20 feet below the top of the aquifer and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs. Since the porosity of the Crystalline aquifer is low, 20 feet of saturated thickness may not be sufficient for a well to be a reliable water supply. In other words, in this hydrogeologic setting, wells that are "adequate" by definition may not be reliable water supplies. Under these circumstances it can be argued that, any measurable interference (drawdown), from a competing well is actually an adverse impact. However, with natural water level fluctuations in this aquifer measured in excess of 50' at the Water Rights' Observation well; drawdown of a few feet could be considered insignificant.

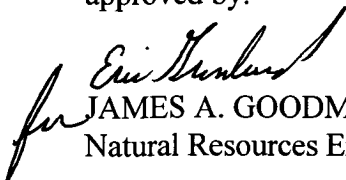
Conclusions:

1. The Precambrian aged Crystalline Rock is a viable aquifer in this area.
2. The aquifer is unconfined and interference is not expected to be a concern.
3. This is an application to divert water from an existing well. The completion report on file for the well indicates it was constructed in accordance with the SD Well Construction Standards



KEN BUHLER
Natural Resource Engineer

approved by:



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Driscoll, D.G., Carter J.M., Williamson, J.E., and Putnam, L.D., 2002, Hydrology of the Black Hills Area, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 02-4094, 1503 p.

Redden, J.A., and Norton, J.J., 1975, Precambrian Geology of the Black Hills in Mineral And Water Resources of South Dakota: U.S. Geological Survey report to Committee on Interior and Insular Affairs, United States Senate. P. 21-32

Strobel, M.L, Jarrell, G.J., Sawyer, J.F., Schleicher, J.R., Fahrenbach, M.D., 1999, Distribution of Hydrogeologic Units in the Black Hills Area, South Dakota: U.S. Geological Survey Hydrologic Investigations Atlas HA-743, 3 sheets, scale 1:100,000

Water Rights, 2004a, Domestic Well Logs, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2004c, Water Permit/Right Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 2529-2, Prairie Berry, LLC**

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. 2529-2, Prairie Berry, LLC, c/o Matthew Keck, 3301A S Hwy 79, Rapid City SD 57701.

The Chief Engineer is recommending APPROVAL of Application No. 2529-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 29, 2004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 29, 2004

Hill City Prevailor
PO Box 266
Hill City SD 57745-0266

ATTENTION: Legal Public Notice

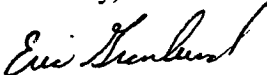
Enclosed is a Notice on Application No. 2529-2 to Appropriate Water to be published twice. Please publish the first notice on August 4, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Prairie Berry LLC, % Matthew J Keck, 3301A S Hwy 79, Rapid City, SD (Ph # 605-574-3898).

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. 2529-2

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

Date _____

We are in receipt of your letter of July 29, 2004 enclosing Notice to Appropriate Water by Application No. 2529-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.

July 29, 2004

Prairie Berry LLC
%Matthew J Keck
3301A S Hwy 79
Rapid City SD 57701

Dear Mr. Keck:

Water Permit Application No. 2529-2 for commercial 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 Hill City Prevalier printed at Hill City, SD (Ph # 605-574-2538). 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.

Instruction to Newspaper - Publish first Notice on August 4, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2529-2 to Appropriate Water

Notice is given that Prairie Berry LLC, 3301A S Hwy 79, Rapid City SD 57701 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second from one well completed into Precambrian Aged Crystalline Rock (300 feet deep) located in the SE ¼ NE ¼ Section 21-T1S-R5E. The water is for commercial use. ^{ck}

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2529-2 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 August 23, 2004.

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.

*called 7/30/04 told of correction and
e-mailed to prairie@hills.net*

Affidavit of Publication

State of South Dakota)

)ss.

County of Pennington)

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Hill City Prevalier-News, a weekly newspaper printed and published in Hill City, said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Prairie Berry

Notice of Application

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 each week for 2 successive week(s), on which said newspaper was regularly published, to wit:

Aug 4, 2004; Aug 11, 2004 ;

_____ ; _____ ;

_____ ; _____ ;

_____ ; _____ ;

_____ ; _____ ;

as stipulated in SDCL 17-2-2.1 through 17-2-2.4 inclusive; the full amount of the fees for the publication of the annexed notice is \$ _____.

Charles W. Najacht

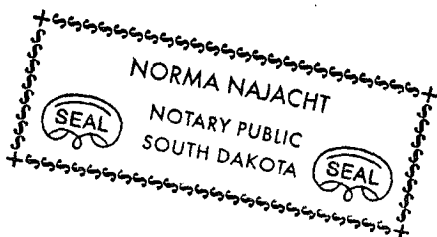
Subscribed and sworn to me before this 11

of August, 2004 ;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2006



NOTICE OF APPLICATION

NO. 2529-2 TO APPROPRIATE WATER

Notice is given that Prairie Berry LLC, PO BOX 8, Hill City SD 57745 has filed an application for a water permit to appropriate 0.056 cubic feet of water per second from one well completed into Precambrian Aged Crystalline Rock (300 feet deep) located in the SE 1/4 NE 1/4 Section 21-T1S-R5E. The water is for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2529-2 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 August 23, 2004.

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.

#179, 8/4, 8/11

RECEIVED

SEP - 1 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

SEP 02 2004

Prairie Berry LLC
% Matthew J Keck
PO Box 8
Sturgis SD 57785

Dear Mr. Keck:

Enclosed is Water Permit No. 2529-2 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

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

Date October 12, 2004

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

RECEIVED
OCT 21 2004
WATER RIGHTS
PROGRAM

FROM: Prairie Berry LLC
(name)
PO Box 81, 23837 Hwy 385
(address)
Hill City, SD 57745
(city, state, zip)

605-574-3898
(phone)

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. 2529-2 states that the water use system is to be constructed by
Aug 23, 2009 (date), and water is to be put to beneficial use by Aug 23, 2013 (date).

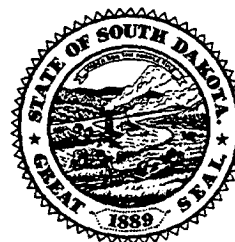
The water use system was completed on May 30, 2004 (date).

Applying the water to beneficial use was completed on June 5, 2004 (date).

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

[Signature]
(signature)

MEMBER
PRAIRIE BERRY LLC



Permit No. 2529-2
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 on this day, 4/12/2011 thorough examination of the water use system constructed by Prairie Berry LLC, PO Box 8; 23837 Hwy 385, Hill City, SD 57745 holder of Permit No. 2529-2, bearing the priority date of April 14, 2004. Permit No. 2529-2 is authorized to appropriate a total of 0.056 cfs (25 gpm) from one groundwater well (Precambrian Crystalline Aquifer) for commercial purposes, in Pennington County.

Inspection contact and relationship to
permit holder, if applicable:

Matt Keck,
Owner

A. Works used to divert the water:

A Franklin submersible pump - 25 gallons per minute capacity (0.056 cfs).

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

20 feet of 2" PVC pipe and pressure tank.

The system is in the following condition good. The point of diversion (well) is located specifically at Lat/Lon - N43.949641/W-103.523047 which is the approximately 2,075 feet south and 1200 feet west of the NE corner of Section 21, T1S-R5E. The works are capable of diverting 0.056 cfs which is to be used for commercial purposes.

Water has been put to beneficial use to the extent of 0.056 cfs.

All structures, wells and lands on map Y

Exceptions to compliance are: none.

Comments:

Aaron R. Tieman

Aaron Tieman
Engineer II
DENR, Water Rights Program

Date report completed: July 6, 2011

FIELD INVESTIGATION REPORT FOR TEMPORARY PERMIT NO. 2529-2

DATE OF INVESTIGATION:	April 12, 2011
NAME & ADDRESS OF PERMIT HOLDER	Prairie Berry LLC PO Box 8; 23837 Hwy 385 Hill City, SD 57745
INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Matt Keck (Owner)
DIVERSION POINT LEGAL LOCATION	SE¼ NE¼ Section 21, T1S-R5E
WATER SUPPLY SOURCE	Ground water, Precambrian Aquifer

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: Alexander Drilling
- 2) No. of Wells One
- 3) Depth(s) 300 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter: 6 inches
- 2) Length: 40 feet
- 3) Type: PVC

Screen:

- 1) Type: Open Hole
- 2) Length: N/A feet
- 3) Static water level: Not listed.

Pump:

- 1) Make: Franklin
- 2) Model: 25JV1P4
- 3) Capacity: 25 GPM

Motor:

- 1) Make: Franklin
- 2) Model No.: 95202545
- 3) Horsepower rating: 1 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type: 20 feet of 2" PVC pipe and pressure tank.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes

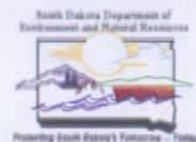
COMMENTS:

Water Right 2529-2
Prairie Berry LLC
July 8, 2011



Aaron R. Tieman

Aaron Tieman
Natural Resources Project Engineer
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 19 2011

2529-2

Matt Keck
Prairie Berry LLC
PO Box 8
Hill City SD 57745

Dear Mr. Keck:

Enclosed is Water License No. 2529-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field 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. 2529-2, 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,

A handwritten signature in black ink, reading "Garland Erbele".

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2529-2

(1) Prairie Berry LLC, PO Box 8, 23837 Hwy 385, Hill City SD 57745 made Application No. 2529-2, April 14, 2004 for a water permit to divert 0.056 cubic feet of water per second from ground water (one well – Precambrian Aged Crystalline Rock), Pennington County, South Dakota for commercial purposes. Permit No. 2529-2, with a priority date of April 14, 2004 was approved August 23, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 23, 2009 and for the application to beneficial use of said water on or before August 23, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.056 cubic feet of water per second (25 gallons per minute) for beneficial use.

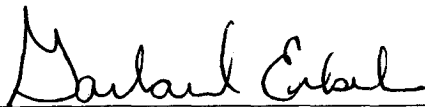
The location of the diversion point is 2,075 feet south and 1,200 feet west of the NE corner of Section 21, T1S, R5E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Prairie Berry LLC, 23837 Hwy 385, Hill City SD 57745 the holder and/or owner of Water Right No. 2529-2 is issued a license to appropriate water, the right to use 0.56 cubic feet of water per second (25 gallons per minute) from ground water (one well – Precambrian Aged Crystalline Rock) with a priority date of April 14, 2004 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2529-2 and subject to the following qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.



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

AUG 19 2011

date



McMath, Genny

From: Gronlund, Eric
Sent: Wednesday, March 26, 2014 2:32 PM
To: Goodman, Jeanne
Cc: McMath, Genny
Subject: RE: Prairie Berry Winery

Prairie Berry holds two water rights

No. 2529-2 for 25 gpm
No. 2719-2 for 27 gpm (just issued in January 2014)

Genny – the water license for No. 2529-2 was issued in error for 0.56 cfs when it should be 0.056 cfs. The database needs correcting also. Thanks for handling.

From: Goodman, Jeanne
Sent: Wednesday, March 26, 2014 2:23 PM
To: Gronlund, Eric
Subject: FW: Prairie Berry Winery

Do they have a water right?

From: Woodmansey, Kent
Sent: Wednesday, March 26, 2014 2:21 PM
To: Tollefsrud, Tim; Buscher, Kelli; Kallemeyn, Vonni; Goodman, Jeanne
Subject: Prairie Berry Winery

We have received plans that we will be approving tomorrow for a lift station and new drain field system to be added to the existing onsite system for the winery. The expansion is necessary because they are taking over the adjacent mistletoe ranch and converting it to an event center for 50-200 people with a kitchen. The plans were prepared by CETEC. If you have any questions, please let me know. Kent.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



APR 14 2014

2529-2

Matt Keck
Prairie Berry LLC
PO Box 8
Hill City SD 57745

Dear Mr. Keck:

Enclosed is your Reissued Water License No. 2529-2. A recent review of the water license issued in August, 2011 found a typographical error in the authorized diversion rate. The license had authorized a diversion rate of 0.56 cubic feet of water per second (cfs) and it should have stated 0.056 cfs. The license has been reissued to correct the error.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 2529-2

(1) Prairie Berry LLC, PO Box 8, 23837 Hwy 385, Hill City SD 57745 was issued Water License No. 2529-2, August 19, 2011 for a water right to divert 0.56 cubic feet of water per second (cfs) from ground water (one well, Precambrian Aged Crystalline Rock), Pennington County, South Dakota for commercial purposes. Water License No. 2529-2, with a priority date of April 14, 2004 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

A review of the original license issued in 2011 found an error in the authorized diversion rate. As outlined in the report of examination of works, the pump is capable of 25 gallons per minute or 0.056 cubic feet of water per second. The water license is being reissued to correct the typographical error of 0.56 cfs and will authorize the permitted and developed diversion rate of 0.056 cfs (25 gallons per minute). The remaining portions of the original license have not been altered.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.056 cubic feet of water per second for beneficial use. The location of the diversion point is 2,075 feet south and 1,200 feet west of the NE corner of Section 21, T1S, R5E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Prairie Berry LLC, PO Box 8, 23837 Hwy 385, Hill City SD 57745 the holder and/or owner of Water Right No. 2529-2 is issued a license to appropriate water, the right to use 0.056 cubic feet of water per second from ground water (one well, Precambrian Aged Crystalline Rock) with a priority date of April 14, 2004 from the location specified in (2) of this license for commercial purposes.

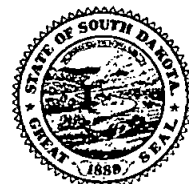
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2529-2 and subject to the following qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 14 2014

date



2529-2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2529-2

Date: August 14, 2025

RECEIVED
AUG 15 2025
Water Rights
Program

I/We request that Water Right/Permit No. 2529-2 formerly owned by:
Prairie Berry LLC be transferred to:

New Owner Name: Addie Camp Water & Septic Association, Inc.
Address: 23839 Hwy 385 mobile: _____
City, State, Zip Hill City, SD 57734 email: addiecampwater@gmail.com

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

☒ I understand that the validity of Water Right/Permit No. 2529-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Matthew Keck, President ACW&SA, the new owner, certify that the above information is true and correct.

Matthew Keck
Matthew Keck (Aug 14, 2025 12:01:00 MDT)
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date August 26th, 2025

RECEIVED OF Addie Camp Water & Septic Association Inc 23839 Hwy 385 Hill City SD 57734

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>#2719-2 & #2529-2</u>	<u>\$100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$100.00</u>

By Mark Mayek
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 27, 2025

2529-2
2719-2

Addie Camp Water & Septic Assoc., Inc.
c/o Matthew Keck, President
23839 HWY 385
Hill City SD 57734

Dear Mr. Keck:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Right Nos. 2529-2 & 2719-2. Enclosed is a receipt of payment for your records.

Water Right Nos. 2529-2 & 2719-2, previously held by Prairie Berry LLC, are now listed under Addie Camp Water & Septic Assoc., Inc. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the licenses (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water rights may be subject to cancellation.

If you have any questions, please contact me via telephone or email.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Right Nos. 2529-2 & 2719-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures