

WATER PERMIT NO. 2552-2

Name of Applicant: **Kjerstad Livestock Partnership**

Address: **20057 Wolf Rd, Quinn SD 57775**

Phone: **605 386-2132**

Amount of Water Claimed: **0.18 cfs (80 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **commercial**

County: **Pennington**

Type of Waste Disposal System:

Location: **5 miles northwest of Quinn**

PRIORITY Date Received: **2-22-05**

Application/License Fee: **\$275**

Corrected Application Received: **3-17-05**

Period of Annual Use: **January 1 – December 31**

Remarks: **cattle feedlot operation**

Diversion Point: **NE ¼ NE ¼ Sec 23-T1N-R17E**

Land to be Irrigated: **NA**

Depth of Well: **3158 feet deep**

Well Driller: : **Materi Exploration, Inc.**

Remarks:

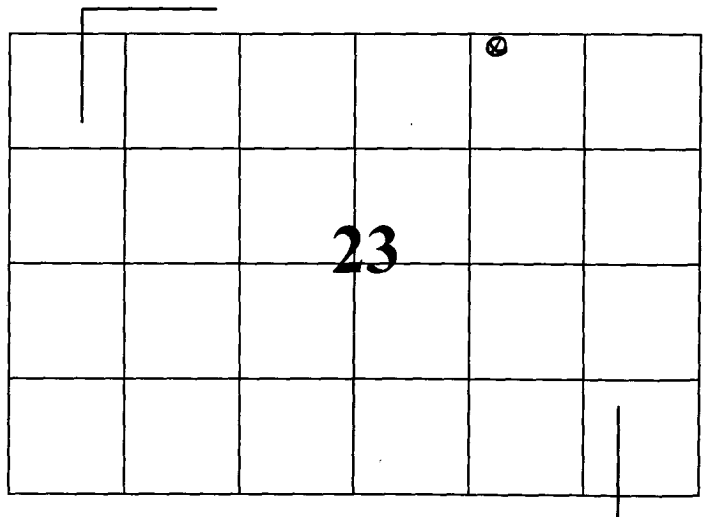
Type of Map: **aerial**

Prepared by: **Dale F Leffers, PE**

Reviewed and the Number Assigned on: **3-18-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2552-2</u> (office use only) Hydrologic Unit <u>10140102</u>
	Basin <u>Bad River</u>
	Newspaper <u>Pennington C. Cowart, Wall</u>

RECEIVED
FEB 22 2005
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: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 Kjerstad Livestock Partnership Phone (605) 386-2132
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 20057 Wolf Rd Quinn State SD 57775
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.18 *CFS or 80 **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) County Pennington
1 well: NE1/4, NE1/4 S23-T1N-17E
5. County or counties where water will be used Pennington
6. Annual period during which water is to be used Jan 1 thru 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)

Open Feedlot

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, Jem Kjerstad, 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 Jem Kjerstad

Subscribed and sworn to before me this 4 day of FEBRUARY 20 05

Kenneth G. Rowan
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2552-2**

Date of first receipt of application February 22, 2005.

Date of return to applicant for corrections, amendments or changes February 22, 2005.

Date of receipt of corrected application March 17, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2552-2 to Kjerstad Livestock Partnership, 20057 Wolf Rd, Quinn SD 57775 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. 2552-2 appropriates 0.18 cubic feet of water per second from one well to be completed into the Inyan Kara aquifer (approximately 3158 feet deep) located in the NE ¼ NE ¼ Section 23-T1N-R17E.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation 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. 2552-2 is June 20, 2005.
5. The date from which applicant may claim right is February 22, 2005.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 2552-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 2552-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

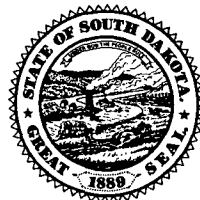
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 29 2005

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6.3-8.8 Depth 3158
- b) Casing Type Steel Diameter 7" & 4 1/2 " Thickness 20lb/10.5lb
- c) Screen Type Perforated pipe Diameter 4.5" Thickness
- d) Gravel Pack Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) Pumping level - 615'
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Application for coverage under the General Animal Permit
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

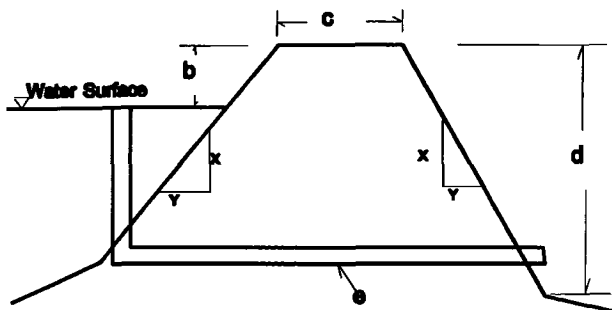
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, 20 05

RECEIVED OF Senior Agri-Services & Engineering, Inc., 4700 W Rock Creek Rd, Raycha, ND

68428-4199

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

Fee for Application for Permit No. <u>2552-2</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>2552-2</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	275.00

No.

001771

By

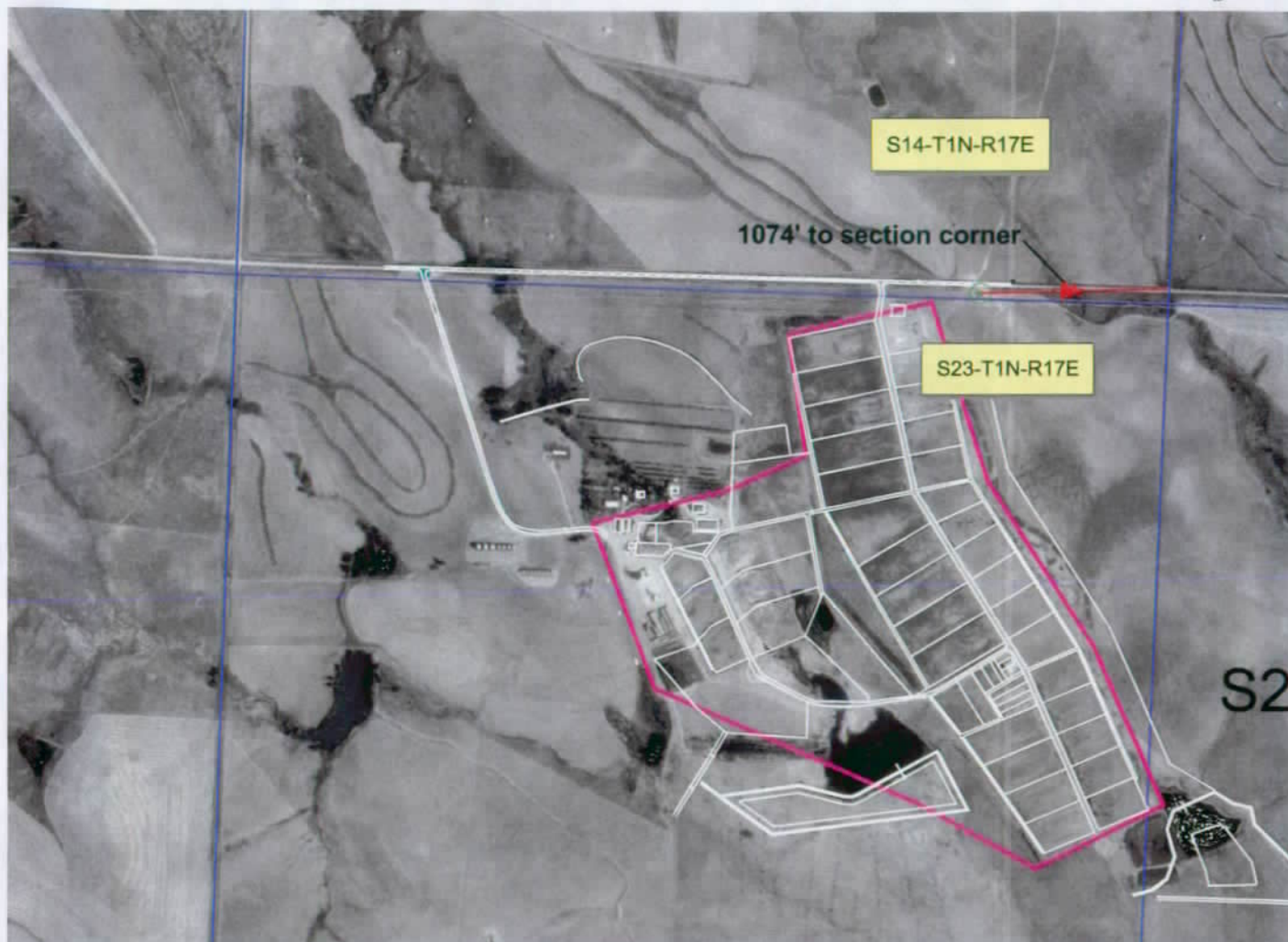
Garland Erbe

Chief Engineer

KS

Kjerstad Livestock Partnership

Private Well Location



2000 0 2000 4000 Feet

- Wells
- Kjerstad for gis.dgn
- 31
- Latitude - longitude.shp
- Facility Boundary
- Section Lines



Settje Agri-Services & Engineering, Inc.

2552-2

10-85

Date _____



February 22, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Settje Agri-Services & Engineering, Inc.
4700 W Rock Creek Road
Raymond NE 68428-4199

RE: Application for Kjerstad Livestock Partnership

Dear Sir:

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

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- Also, the application has not been properly notarized because the notary public did not apply her notary public seal or stamp.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

WATER PERMIT APPLICATION No. 2552-2
KJERSTAD LIVESTOCK PARTNERSHIP
May 17, 2005

Water Permit Application No. 2552-2 proposes to appropriate 0.18 cubic feet of water per second (cfs) from one well completed into the Inyan Kara aquifer (approximately 3,158 feet deep) located in the NE¼ NE¼ Sec. 23, T1N-R17E, Pennington County. The water is for commercial use in a cattle feedlot operation.

AQUIFER: Inyan Kara (INKR)

GENERAL:

The Inyan Kara Aquifer consists of the Fall River Formation and the underlying Lakota Formation. The Fuson Shale sometimes separates these two formations, but it is often difficult to differentiate the bottom of the Fall River from the top of the Lakota. The two formations are probably hydraulically connected and therefore can be considered a single aquifer. In general, the Inyan Kara Aquifer consists of interbedded sandstone (thin bedded to massive), siltstone, and shale. The aquifer is areally extensive, underlying over 36,000 square miles of western South Dakota (Allen and others, 1985). The aquifer underlies 1,245,440 acres and contains an estimated 23,352,000 acre-feet of recoverable water in storage in Pennington County alone (Allen and others, 1985). The top of the Inyan Kara is reported to be approximately 2,548 feet below grade at this well site and the driller reported a static water level of 405 feet below grade. The Inyan Kara is estimated to be 150 feet thick at this site (Allen and others, 1985). The thickness of the Inyan Kara Aquifer does however, vary considerably within short distances. The Inyan Kara is under confined conditions in this area.

WATER AVAILABILITY:

The Water Rights Program does not monitor any observation wells completed into the Inyan Kara aquifer in this area and historic water level data in this area is limited. Data suggests that water levels in the City of Wall (approximately 10 miles southwest of this well site) declined over 100 between 1961 and 1989 (Winter, 1994). The decline of water levels, actually localized drawdown, is probably the result of increased development and usage by the City of Wall rather than an indication of over appropriation. As the city increases pumping from the aquifer the water level in the area of the wells will continue to drawdown until a dynamic equilibrium is achieved.

EXISTING WATER RIGHTS:

There are 11 Water Rights supplied from the Inyan Kara aquifer within approximately 11 miles of either this well site. These existing water rights include:

WATER RIGHT NO	NAME	USE
639-2	CITY OF WALL	MUN
724-2	CITY OF WALL	MUN
1102-2	DONALD & ROBERT KELLY	COM
1103-2	PENO BASIN WATER SYSTEM	RWS
1361-2	CITY OF WALL	MUN
1647-2	TOWN OF QUINN	MUN
1757-2	CEDAR COMM WATER ASSOC	RWS
1834-2	GRINDSTONE RWS	RWS
2075-2	CITY OF WALL	MUN
2464-2	WEST RIVER-LYMAN-JONES	RWS
2465-2	WEST RIVER-LYMAN-JONES	RWS

Table 1. Water Rights within 11 miles of 2552-2

The nearest existing water right from this well, Water Right No. 1103-2 Peno Basin Water System, is located approximately five miles away. The Water Rights program has record of eight domestic wells completed into the Inyan Kara aquifer within 11 miles of this application. Interference is not expected to be a concern due to the distance between wells.

CONCLUSIONS:

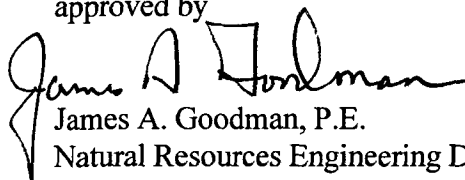
1. The Inyan Kara Aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem at the proposed well sites because of the distance from existing wells.
3. Plans and specifications have been approved for this facility by the Department in April 2005.



Ken Buhler

Natural Resources Engineering Specialist

approved by



James A. Goodman, P.E.

Natural Resources Engineering Director

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Water Rights, 2005a, "Domestic Well Log Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2005c, "Water Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota: U.S. Geological Survey Open-File Report 94-320



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2552-2, Kjerstad Livestock Partnership**

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. 2552-2, Kjerstad Livestock Partnership, Jem Kjerstad, 20057 Wolf Road, Quinn, SD 57775.

The Chief Engineer is recommending APPROVAL of Application No. 2552-2 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 with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 2552-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 2552-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
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 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

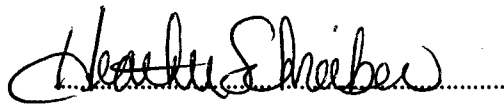
See report on application for additional information.

Garland Erbele, Chief Engineer
May 26, 2005

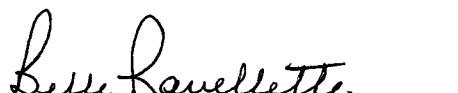
PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF PENNINGTON)

.....Heather Schreiber....., of said County and State, being duly sworn, on oath says:
THE PENNINGTON COUNTY COURANT is a weekly newspaper of general circulation, printed and published in WALL, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PENNINGTON COUNTY COURANT is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned am Legal Advertising Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed
.....Notice of Application....., a printed copy of which is hereto attached, was printed, and published in said newspaper fortwo..... successive issues, the first publication being on the2nd..... day ofJune....., 2005 and the last publication on the9th..... day ofJune....., 2005 that \$.....45.28..... being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this30th..... day ofJune....., 2005


Notary Public, Pennington County
My Commission Expires
September 30, 2008

RECEIVED
JUL - 8 2005
WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION
NO. 2552-2

to Appropriate Water

Notice is given that Kjerstad Livestock Partnership, 20057 Wolf Rd, Quinn SD 57775 has filed an application for a water permit to appropriate 0.18 cubic feet of water per second from one well to be completed into the Inyan Kara aquifer (approximately 3158 feet deep) located in the NE 1/4 NE 1/4 Section 23-T1N-R17E. The water is for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2552-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 20, 2005.

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

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

Publish: June 2 & 9, 2005

Instruction to Newspaper - Publish first Notice on June 2, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2552-2 to Appropriate Water

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 2005

Pennington Co Courant
PO Box 435
Wall SD 57790

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2552-2 to Appropriate Water to be published twice. Please publish the first notice on June 2, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Kjerstad Livestock Partnership, % Jem Kjerstad, 20057 Wolf Rd., Quinn SD (Ph # 605-386-2132).

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. 2552-2

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

Date _____

We are in receipt of your letter of May 26, 2005 enclosing Notice to Appropriate Water by Application No. 2552-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 26, 2005

Kjerstad Livestock Partnership
% Jim Kjerstad
20057 Wolf Rd
Quinn SD 57775

Dear Mr. Kjerstad:

Water Permit Application No. 2552-2 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 Pennington Co Courant printed at Wall, SD (Ph # 605-279-2565). 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.



JUL 29 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Kjerstad Livestock Partnership
% Jem Kjerstad
20057 Wolf Rd
Quinn SD 57775

Dear Mr. Kjerstad:

Enclosed is Water Permit No. 2552-2 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 11/15/05

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

FROM: Kjerstad Livestock Partnership
(name)

20057 Wolf Rd
(address)

Quinn SD 57775
(city, state, zip)

(605) 386-2132
(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. 2552-2 states that the water use system is to be constructed by

11/15/05, and water is to be put to beneficial use by 11/15/05.
(date) (date)

The water use system was completed on 11/15/05.
(date)

Applying the water to beneficial use was completed on 11/15/05.
(date)

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

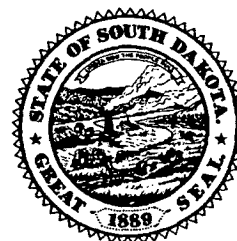
Kelly Kjerstad
(signature)

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WATER RIGHTS
PROGRAM



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2552-2

I have this day, August 22, 2016 made a thorough examination of the water use system constructed by Kjerstad Livestock Partnership, 20057 Wolf Rd, Quinn, SD 57775 of Permit No. 2552-2, bearing the priority of 2/22/2005 authorizing the diversion of .18 cu. ft. per second of the water from one well for commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable: **Gem Kjerstad, Partner**
605-386-2132

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Materi Exploration Inc.
- 2) No. of Wells 1
- 3) Depth(s) 3,158 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 10 3/4" surface casing 0-23 ft
7" casing 0 - 783 ft.
4 1/2" casing 783 - 3,158
- 2) Length 3,158 feet
- 3) Type Steel

Screen:

- 1) Type shot perforated 2,735 ft - 3,090 ft
- 2) Length 355 feet (not continuous)
- 3) Static water level 405 feet

Pump:

- 1) Make Gould
- 2) Model 70L15
- 3) Size 6"
- 4) Capacity 72 GPM
- 5) Horsepower rating 20 hp

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

The well pumps to a 20,000 gallon concrete storage tank. The pump house which sits atop the storage tank houses jet pump boosters to deliver water to the feedlots.

C. Works used to apply water to beneficial use:

The feedlots are permitted for 6,000 head of cattle, but changes in the cattle feeding operation have reduced the projected maximum cattle numbers at the current time to 2,500.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes

Exceptions to compliance are: none, the feedlot is in compliance with all concentrated animal feeding operation requirements (CAFO).

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
124' S and 988' W of the NE corner Section 23 T1N R17E (44.03774, -102.031259)
2. The works are capable of diverting and conveying to the place of use .16 cu. ft. per second (72 gpm) of water which is to be used for **commercial use** and the license should be issued for **.16 cfs**.
3. All structures, wells and lands on map – **Yes**

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

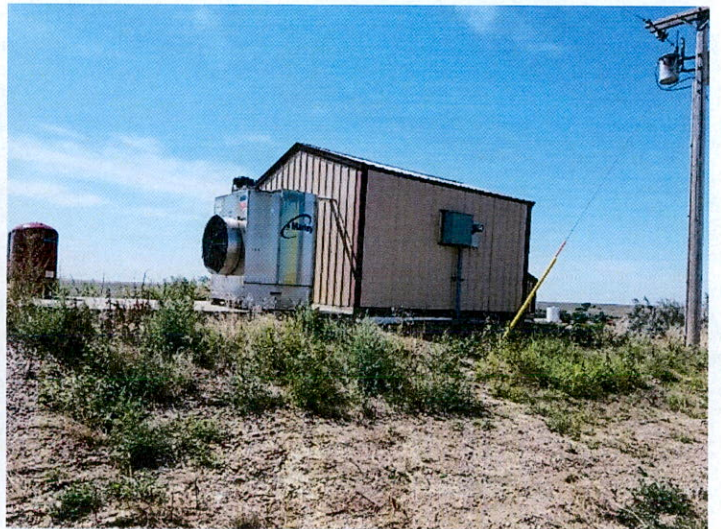


Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/23/2016



well

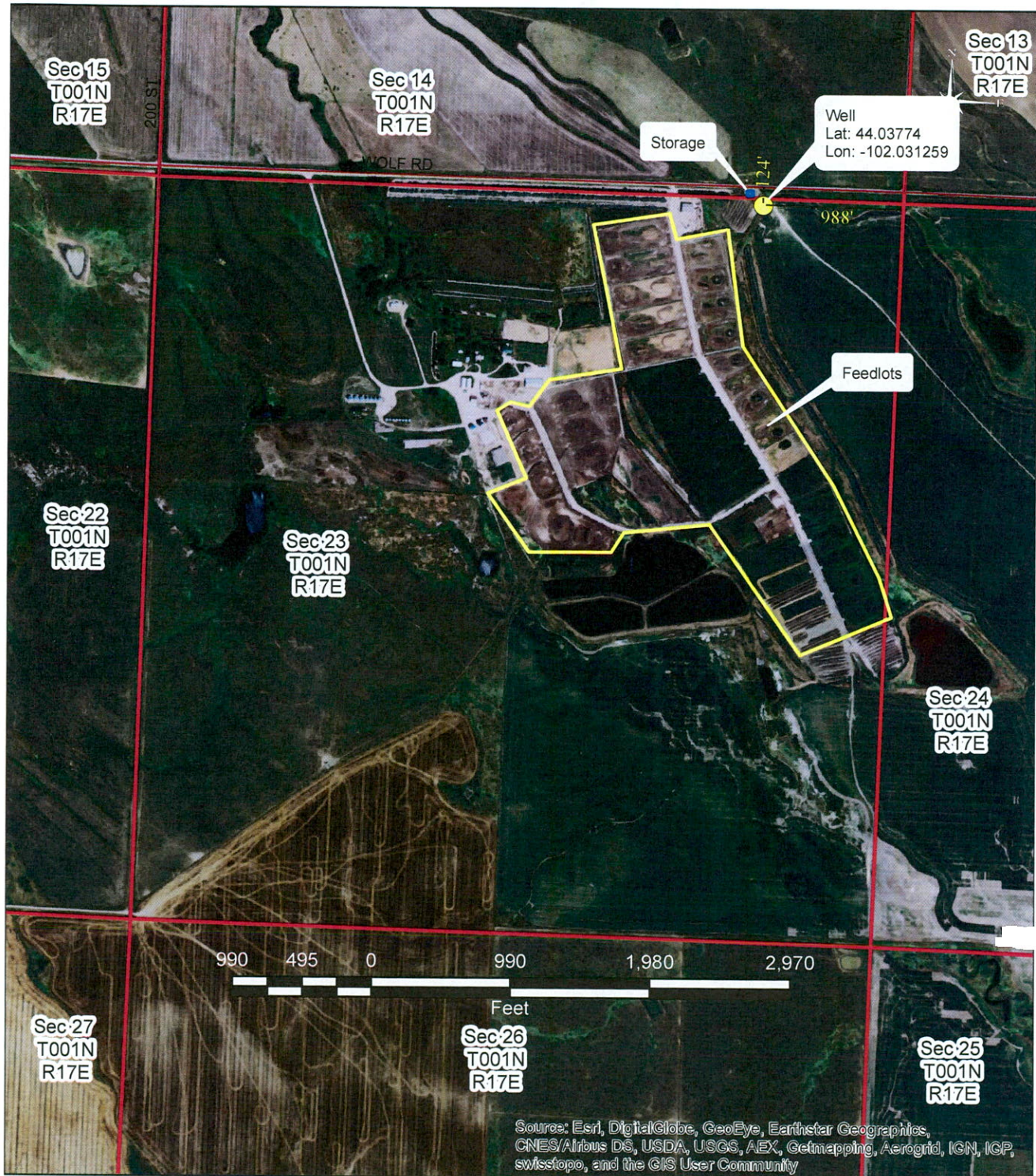


pump house



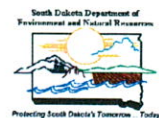
pump house appurtenances

Water Right # 2552-2
Kjerstad Livestock Partnership
8/22/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2552-2**

(1) Kjerstad Livestock Partnership, 20057 Wolf Rd., Quinn SD 57775 made Application No. 2552-2, February 22, 2005 for a water permit to divert 0.18 cubic feet of water per second from ground water (Inyan Kara Aquifer), Pennington County, South Dakota for commercial purposes in a cattle feedlot operation. Permit No. 2552-2, with a priority date of February 22, 2005 was approved June 20, 2005 and issued to the applicant for diversion of water with construction of the water supply system and the application of water to beneficial use completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.16 cubic feet of water per second for beneficial use. The location of the diversion point is 124 feet S and 988 feet W of the NE corner of Section 23, T1N, R17E (NE 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 in a cattle feedlot operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kjerstad Livestock Partnership, 20057 Wolf Rd., Quinn SD 57775 the holder and/or owner of Water Right No. 2552-2 is issued a license to appropriate water, the right to use 0.16 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer) with a priority date of February 22, 2005 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. 2552-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 2552-2 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 2552-2 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

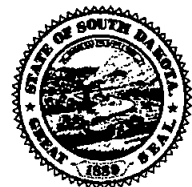


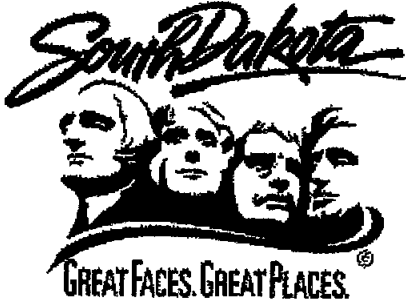
Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

SEP 06 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2016

2552-2

Jem Kjerstad
Kjerstad Livestock Partnership
20057 Wolf Rd
Quinn SD 57775

Dear Mr. Kjerstad:

Enclosed is Water License No. 2552-2. 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. 2552-2, 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,

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

enclosures