

WATER PERMIT NO. 2719-2

Name of Applicant: Prairie Berry LLC

Address: PO Box 8, Hill City SD 57745 Phone: 605 574-3898

Amount of Water Claimed: 0.06 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Pennington

Type of Waste Disposal System:

Location: near Hill City

PRIORITY Date Received: 10-15-13 Application/License Fee: \$ 300

Corrected Application Received: 11-6-13 Period of Annual Use: Jan 1 – Dec 31

Remarks: In addition to Water Right No. 2529-2

Diversion Point: SE 1/4 NE 1/4 Sec 21-T1S-R5E

Land to be Irrigated: NA

Depth of Well: 460 feet deep

Well Driller: Alexander Drilling

Remarks:

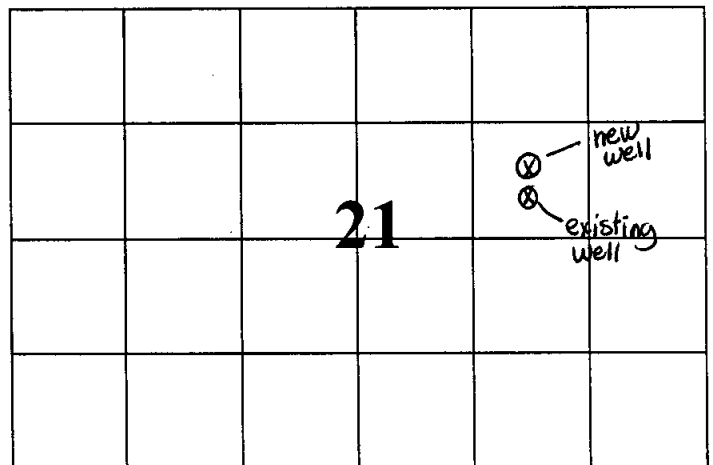
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-6-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2719-2</u> (office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>
	Newspaper <u>Rapid City Journal</u>
	<u>PO Box 430 57709-605-394-8300</u>

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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 to Appear on Water Permit Prairie Berry LLC(check one) ☐ Owner ☒ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 23837 Hwy 385 Hill City SD 57745
 (Address) (City) (State) (Zip Code)

Home Phone 605-574-3898 Cell _____ Email matt@prairieberry.com

2. Amount of water claimed 0.06 *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 1 well in SE 1/4 NE 1/4 Section 21 T1S R5E County Pennington
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Pennington6. Annual period during which water is to be used Year Around January 1 - December 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)

Second well serving water system for Addie Camp Subdivision Lots #1, 2 and 3. Addie Camp is a commercial subdivision zoned highway service.

I, Matthew J. Keck, member, Prairie Berry LLC, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 2719-2

Date of first receipt of application October 15, 2013.

Date of return to applicant for corrections, amendments or changes October 21, 2013.

Date of receipt of corrected application November 6, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2719-2 to Prairie Berry LLC, c/o Matthew J Keck, 23837 Hwy 385, Hill City SD 57745 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. 2719-2 appropriates 0.06 cubic feet of water per second (25 gallons per minute) from one well completed into the Precambrian aged Crystalline Rock (460 feet deep) located in the SE 1/4 NE 1/4 Sec 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. 2719-2 is January 13, 2014.
5. The date from which applicant may claim right is October 15, 2013.
6. One-fifth of the construction is to be completed on or before July 13, 2016.
7. All construction is to be completed on or before January 13, 2019.
8. Water is to be put to beneficial use on or before January 13, 2023.
9. 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. The well authorized by Permit No. 2719-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

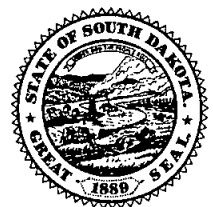
WATER MANAGEMENT BOARD

By: _____

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

JAN 29 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Alexander Drilling

c) Well Depth 460 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property 175 ft

On property owned by others unknown

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic system with drainfield, 5,000 GPD capacity

b) System Capacity (gallons) ____ Year Constructed 2013

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 (e.g. 3 to 1 is a typical slope)

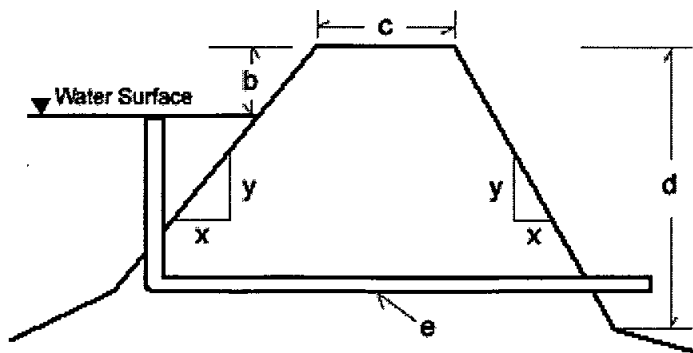
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

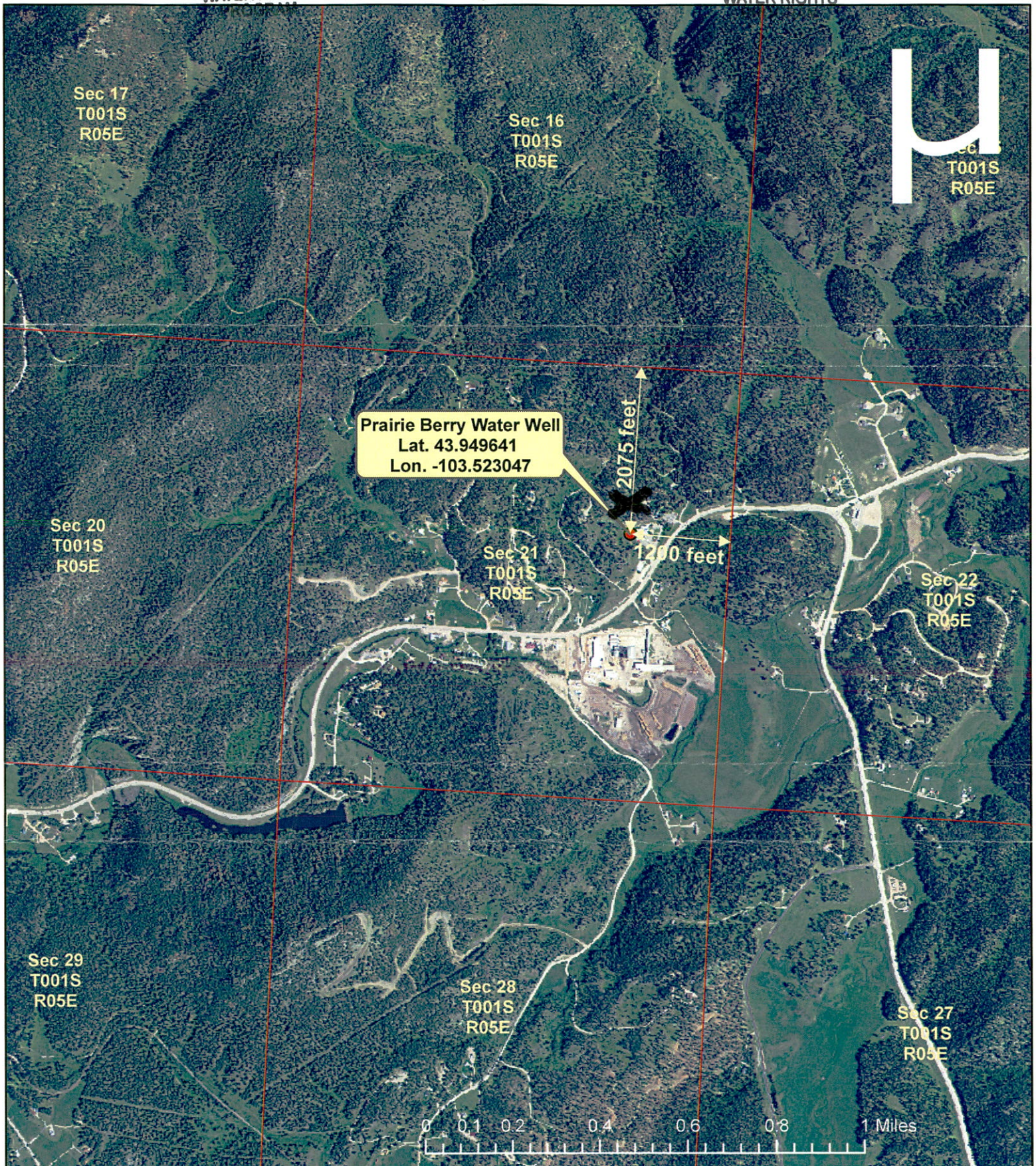
j) Drainage Area Above Dam ____ Acres



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

RECEIVED
OCT 15 2013
WATER RIGHTS



Aaron R. Tieman

Aaron Tieman
Natural Resources Project Engineer
DENR Water Rights Program

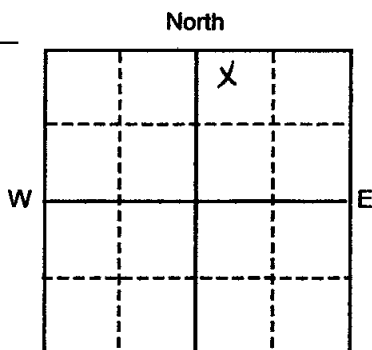


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 21 Twp 15 Rg 5E

County Pennington

Please mark well
location with an "X"

Well Completion Date

December 3, 2012

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Downhole Hammer

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe 30' of 6" 160 PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0.0 FT	28.0 FT	8.75 IN
LB/FT	IN	28.0 FT	460.0 FT	6.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Portland II	3	Lb/gal	28.0 Ft	4.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
through trim pipe

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? w/chlorine solution

☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____

Well Owner: Prairie Berry LLC

Business Name: _____

Address: 23837 Hwy 385

City, State, Zip: Hill City SD 57745

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Hard Grey Schist	0	83
Schist Fracture	83	85
Hard grey schist	85	230
Schist fracture 6 gpm	230	232
Hard Grey schist	232	378
Grey schist fracture 12 gpm	378	380
Hard grey schist	380	430
Grey Schist fracture 45 gpm	430	435
Hard grey schist	435	460

STATIC WATER LEVEL 85.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow 45.0 through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

REMARKS

OCT 15 2013

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report is true and accurate.

Drilling firm: Alexander Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/15, 20 13

RECEIVED OF Prairie Berry LLC PO Box 8 Hill City SD 57745

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

Fee for Application for Permit No. <u>2719-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>2719-2</u>	200	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	300 00

No. **06457**

By James Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 15, 2013

Prairie Berry Winery
Matt Keck
Po BOX 8
Hill City SD 57745

Dear Mr. Keck:

I am writing in regard to a well drillers report filed by Alexander Drilling Inc. The report shows a new well was completed for you on December 3, 2012.

A review of our files indicates Water Right No. 2529-2 was issued for 25 gallons per minute (gpm) from one well located in the SE 1/4 NE 1/4 Section 21-T1S-R5E for commercial use.

Mr. Keck, is this a replacement well or an additional well which does not increase the total appropriation of 25 gpm? If the authorized 25 gpm diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure your water right reflects your water use.

Please contact Eric Gronlund or me regarding the status of this well or if you have any questions.

Sincerely,

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

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

From: Matt Keck [<mailto:matt@prairieberry.com>]

Sent: Tuesday, July 23, 2013 6:04 PM

To: Schlaak, Karen

Subject: Prairie Berry

Hi,

I am responding to your letter dated July 15, 2013 regarding water right no. 2529-2 and a new well that was completed by Alexander Drilling. This new well is in addition to our existing well.

We have purchased the properties to our north (formerly mistletoe ranch) and to our south (formerly wool n stuff), and have abandoned those wells. The report is attached.

We are installing a central water system, which the new well will be utilized for. This new centralized water system will serve Prairie Berry Winery as well as these new properties.

Please let me know if you have any further questions. Thank you.

Matt Keck

Prairie Berry LLC

PO Box 8

23837 Hwy 385

Hill City, SD 57745

p: 605-574-3898 x 2140

f: 605-574-4614

e: matt@prairieberry.com

i: www.prairieberry.com

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 25, 2013 10:00 AM
To: 'Matt Keck'
Subject: RE: Prairie Berry
Attachments: 2529-2 prairieberry.pdf

Matt,

Since Water Right No. 2529-2 authorizes 1 well for 25 gallons per minute, you will be required to file an *Application for a Permit to Appropriate Water* for the additional well and an additional 25 gallons per minute. You can find the application form and instructions at this web site:

<http://denr.sd.gov/des/wr/app/E1585LDV4-NONIRRIG.pdf> If you would rather, I can mail you this info also.

I have attached the aerial photo map for No. 2529-2. Please mark the location of the new well on this map. Return the completed application, map and application/license fee of \$300.00 to: Water Rights Program, 523 E Capitol, Pierre SD 57501

After the application is complete, an engineer will prepare a report and the chief engineer will make a recommendation. Notice of an application must be published once in the Rapid City Journal. The publication notice will be sent to you and the newspaper by the Water Rights Program. You will be responsible for contacting the newspaper to authorize publication of the notice and to arrange for payment.

If you have questions about completing the application forms or any other questions, please let me know.

Karen Schlaak

Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

From: Matt Keck [<mailto:matt@prairieberry.com>]
Sent: Wednesday, July 24, 2013 5:23 PM
To: Schlaak, Karen
Subject: RE: Prairie Berry

The total diversion rate would be 50 gpm, 25 gpm from each well. Is this the information you needed? Thanks,

Matt Keck
Prairie Berry LLC

From: Schlaak, Karen [<mailto:Karen.Schlaak@state.sd.us>]
Sent: Wednesday, July 24, 2013 3:18 PM
To: Matt Keck
Subject: RE: Prairie Berry

Thanks for your reply. Before we determine what further action is required, we need to know the combined peak diversion rate from the two wells. Once we have this information, I will let you know how to proceed.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 21, 2013

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

Dear Mr. Keck:

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

- I am returning the enclosed aerial photo map. Please mark the second well location with an "X" and return it to us.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

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

enclosures



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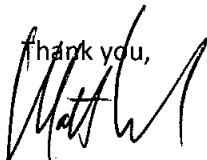
November 2, 2013

Karen Schlaak
Water Rights Program
SD DENR
523 East Capital
Pierre, SD 57501-3182

Re: Water Right 2529-2, Prairie Berry LLC

Attached please find the aerial photo map with our second well marked. The second well is 30' east and 150' north of our existing well.

Please contact me should you have any further questions.

Thank you,

Matt Keck

South Dakota wines since 1876.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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JOE FOSS BUILDING
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2719-2, 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. 2719-2, Prairie Berry LLC, c/o Matt Keck, PO box 8, Hill city SD 57745.

The Chief Engineer is recommending APPROVAL of Application No. 2719-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2719-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
December 20, 2013

REPORT TO THE CHIEF ENGINEER

WATER PERMIT APPLICATION NO. 2719-2

Prairie Berry LLC

December 2, 2013

Water Permit Application No. 2719-2 proposes appropriate water at a maximum diversion rate of 0.06 cubic feet per second (cfs) from one well completed into the Precambrian Crystalline Rock aquifer. The well is 460 feet deep, located in the SE¼ of the NE¼ of Section 21, T1S-R5E in Pennington County. Water is used for commercial use.

AQUIFER: Precambrian aged Crystalline Rock (CRSL)

HYDROGEOLOGY:

The crystalline rock containing the aquifer in this area consists of gray to tan metagraywacke and quartzite containing quartzite or siliceous schist. The crystalline rock is exposed at the surface in the area of the well except near stream beds containing alluvial deposits (Redden and DeWitt, 2008). The aquifer is under unconfined conditions. Well yields depend on local fractures, joints, and foliation within the rock. The distribution, orientation, and interconnection of these porous zones and permeability of the aquifer are site specific, highly variable, and unpredictable.

Based on an estimated exposed area of 574,000 acres, water bearing material down to 500 feet, and an effective porosity of one percent, Rahn (1979) estimated the amount of recoverable water in the crystalline rock is 8,600,000 acre feet (ac-ft).

The well completion report submitted with the application documented grey schist from ground surface to a depth of 460 feet. Fractures were documented at depths of 83 feet, 230 feet, 378 feet, and 430 feet. The crystalline rock was able to produce water at a rate of 45 gallons per minute. The static water level was 85 feet below ground surface.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Although the aquifer is older or lower

than the greenhorn formation, a public water system is not involved; therefore, withdrawal/recharge issue must be considered.

Hydrologic Budget:

Discharge from the aquifer occurs through well withdrawals. Recharge to the aquifer occurs through infiltration of precipitation and streamflow losses. Recharge rate has not been quantified for this aquifer, locally or entirely.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the [Water Management Board] shall rely upon the record of observation well measurements... to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors two observation wells completed into the crystalline rock (Water Rights, 2013a). The hydrograph of the nearest, CU-86A, is shown in Figure 1. Well CU-86A is located approximately 12 miles. Due to the distance from the well site and the unpredictable nature of the aquifer, these observation wells do not describe the local characteristics of the aquifer. However, this data can provide representative general characteristics of the aquifer.

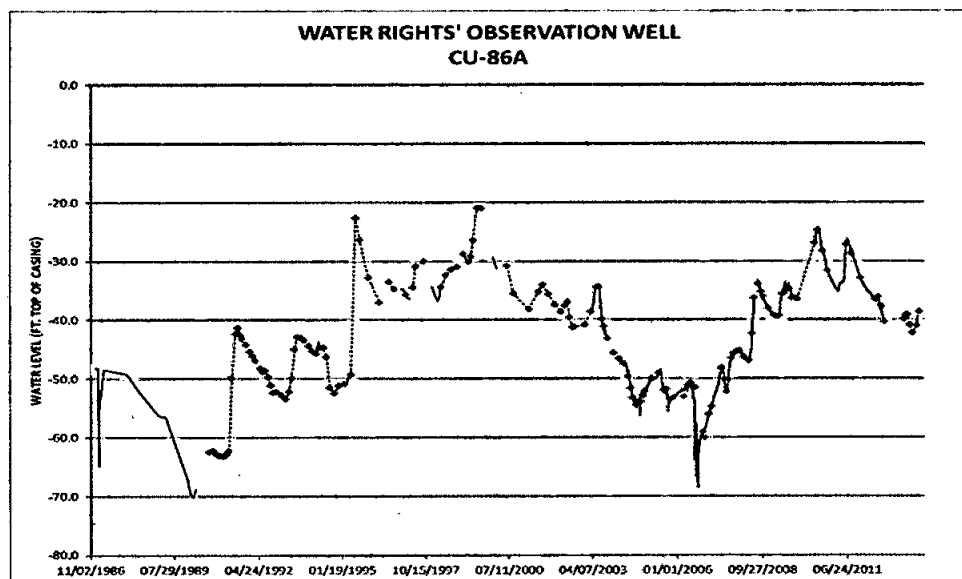


Figure 2: Hydrograph of an observation well CU-86A

The well site and CU-86A are both under unconfined conditions, and so, the aquifer is expected to act similarly in these areas. Water levels in this observation well fluctuate approximately 50 feet. This is primarily in response to climatic conditions, recharging during wet years and declining during dry years. Pumpage is generally masked by climatic conditions. The proximity of streams to the well site could dampen the effects of climatic conditions. Therefore, the proposed appropriation is not expected to cause withdrawals to exceed recharge in the aquifer in the crystalline rock in the area of the well site.

IMPAIRMENT OF EXISTING RIGHTS:

The well for this water permit application is located near other wells that could obtain water from the same aquifer in the crystalline rock. There are nine water rights/permits, excluding a previous water permit authorized to the applicant, and 54 domestic wells on file completed into the crystalline rock within one mile of the well site (Water Rights, 2013b; Water Rights, 2013c).

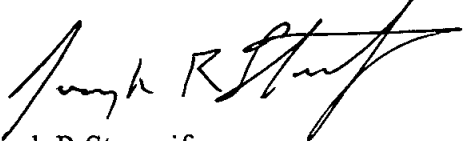
Pumping groundwater in the crystalline rock will result in water level drawdown, which is dependent on aquifer characteristics in the immediate area of the well site. Some wells could be completed into porous zones in the rock that are not hydraulically connected to those of the proposed well. In which case, well interference issues pertinent to this well are not expected. Also, the effects of drawdown are not necessarily dependent on distance between wells because drawdown is not expected to be uniform in all directions due to fracture flow. Precise drawdown effects at the well site can only be quantified with aquifer testing.

The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. SDCL 46-6-6.1 does not require protection of artesian head pressure as a means of groundwater delivery. To balance interests ARSD 74:02:04:20(7) defines an adversely impacted domestic well and implies that 20 feet of saturated thickness of the aquifer is adequate. However, because the porosity of the crystalline rock is often low, 20 feet of saturated thickness could be insufficient for a dependable source, and so this definition of an adequate well could be inapplicable. In assessing adverse impairment of an adequate well in the crystalline rock, the well depth must also be considered. While minimum well depth is not regulated, ARSD 74:02:04:60 provides a quasi-minimum well depth standard by specifying that the depth of the pump shall be determined by dividing the specific capacity into the required yield and adding at least ten feet.

In conclusion, while the effects of drawdown have not been quantified, water level fluctuations due to drawdown from pumpage is not expected to be significant compared to natural water level fluctuations in the aquifer. Regardless, withdrawals should be controlled so there is not an unlawful impairment of existing rights considering SDCL 46-6-6.1, ARSD 74:02:04:20(7), and ARSD 74:02:04:60.

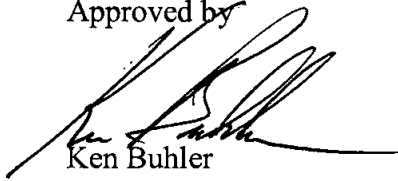
CONCLUSIONS:

1. This application proposes to divert water at a maximum rate of 0.06 cfs from one well completed into the aquifer in the crystalline rock for commercial use.
2. Precambrian aged crystalline rock is a viable aquifer in this area.
3. Information is unattainable to quantify a hydrologic budget.
4. Observation well data indicates that there is a reasonable probability that withdrawals will not exceed recharge.
5. There is a reasonable probability that any possible well inference due to the proposed diversion will not unlawfully impair existing users.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

Rahn, P.H. 1979. Ground Water Resources of Western South Dakota. SDSM&T Project 2533. Department of Geology and Geological Engineering, SD School of Mines and Technology, Rapid City, South Dakota.

Redden, J.A. and DeWitt, E. 2008. Maps Showing Geology, Structure, and Geophysics of the Central Black Hills, South Dakota, Scientific Investigations Map 2777 Scale 1:100,000

Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Affidavit of Publication

JAN - 9 2014

WATER RIGHTS
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STATE OF SOUTH DAKOTA

County of Pennington

SS:

Jan. 2
L20837796

NOTICE OF APPLICATION

NO. 2719-2 to Appropriate Water

Notice is given that Prairie Berry LLC, c/o Matt Keck, PO Box 8, Hill City SD 57745 has filed an application for a water permit to appropriate 0.06 cubic feet of water per second (25 gallons per minute) from one well completed into the Precambrian aged Crystalline Rock (460 feet deep) located in the SE 1/4 NE 1/4 Sec 21-T1S-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2719-2 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

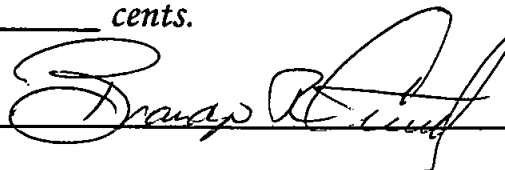
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss 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 January 13, 2014.

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. Pinner, Secretary, Department of Environment and Natural Resources.

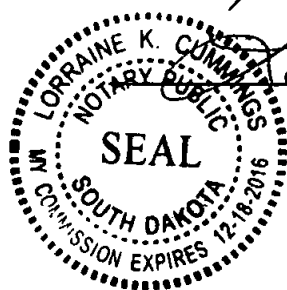
(Published once at the total approximate cost of \$48.72).

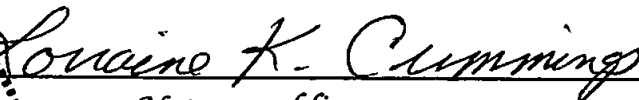
Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each

Week for one successive Week, the first publication there of being on the 2nd day of January that the fees charged for the publication there of are 48 dollars and 72 cents.



Subscribed and sworn to before me this 7th day of January, 2014.





Notary public

Dec. 18, 2016

My commission expires



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 20, 2013

Rapid City Journal
PO Box 450
Rapid City SD 57709

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2719-2 to Appropriate Water. Please publish the notice once on January 2, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Prairie Berry LLC, c/o Matt Keck, PO Box 8, Hill City SD 57745 (Ph # 605-574-3898).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

December 20, 2013

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

Dear Mr. Keck:

Water Permit Application No. 2719-2 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 Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on January 2, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2719-2 to Appropriate Water

Notice is given that Prairie Berry LLC, c/o Matt Keck, PO Box 8, Hill City SD 57745 has filed an application for a water permit to appropriate 0.06 cubic feet of water per second (25 gallons per minute) from one well completed into the Precambrian aged Crystalline Rock (460 feet deep) located in the SE 1/4 NE 1/4 Sec 21-T1S-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2719-2 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov



JAN 29 2014

Prairie Berry LLC
Matthew J Keck
23837 Hwy 385
Hill City SD 57745

Dear Mr. Keck:

Enclosed is Water Permit No. 2719-2 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,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2719-2

I have this day, May 9, 2017 made a thorough examination of the water use system constructed by **Prairie Berry LLC, 23837 Hwy 385, Hill City, SD 57745** of Permit No. **2719-2**, bearing the priority of **10/15/2013** authorizing the diversion of **.06** cu. ft. per second of the water from one well for commercial purposes, in Pennington County.

Inspection contact & relationship to permit holder, if applicable:

Matthew Keck, member
% Prairie Berry LLC.
23837 Hwy 385, Hill City, SD 57745
605-574-3898

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Alexander Drilling (12/2012)
- 2) No. of Wells 1
- 3) Depth(s) 460 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6"
- 2) Length 30 feet (+2' – 28')
- 3) Type PVC

Screen:

- 1) Type n/a
- 2) Length - feet
- 3) Static water level 85 feet

Pump:

- 1) Make Grundfos
- 2) Model 25S50-26
- 3) Size 4"
- 4) Capacity 25 GPM
- 5) Horsepower rating 5 hp

Note: The well was air tested at 45 gpm

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

The well is immediately adjacent to a 50,000 gallon above ground storage tank which then gravity feeds to the water treatment facility and booster station.

C. Works used to apply water to beneficial use:

The well serves **Prairie Berry Winery, Miner Brewing Company and the Homestead Event Center** through a central water system which is also served by a well installed in 2003.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes,
- 2) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,878' S and 1,276' W of the NE corner Section 21 T1S R5E (43.950097, -103.523313)
2. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second (25 gpm) of water which is to be used for **commercial** use and the license should be issued for 0.06 cfs.
3. All structures, wells and lands on map: **No, wells only**

F. Comments or other permit(s) associated with the project: Water Right No. 2529-2 appropriated .056 cfs (25 gpm) in addition to Water Permit No. 2719-2 authorizing .06 cfs (25 gpm) for a total diversion rate of 0.11 cfs (50 gpm) authorized for the central water system serving **Prairie Berry LLC** businesses. The wells will typically operate simultaneously filling the central storage tank during the evening hours.



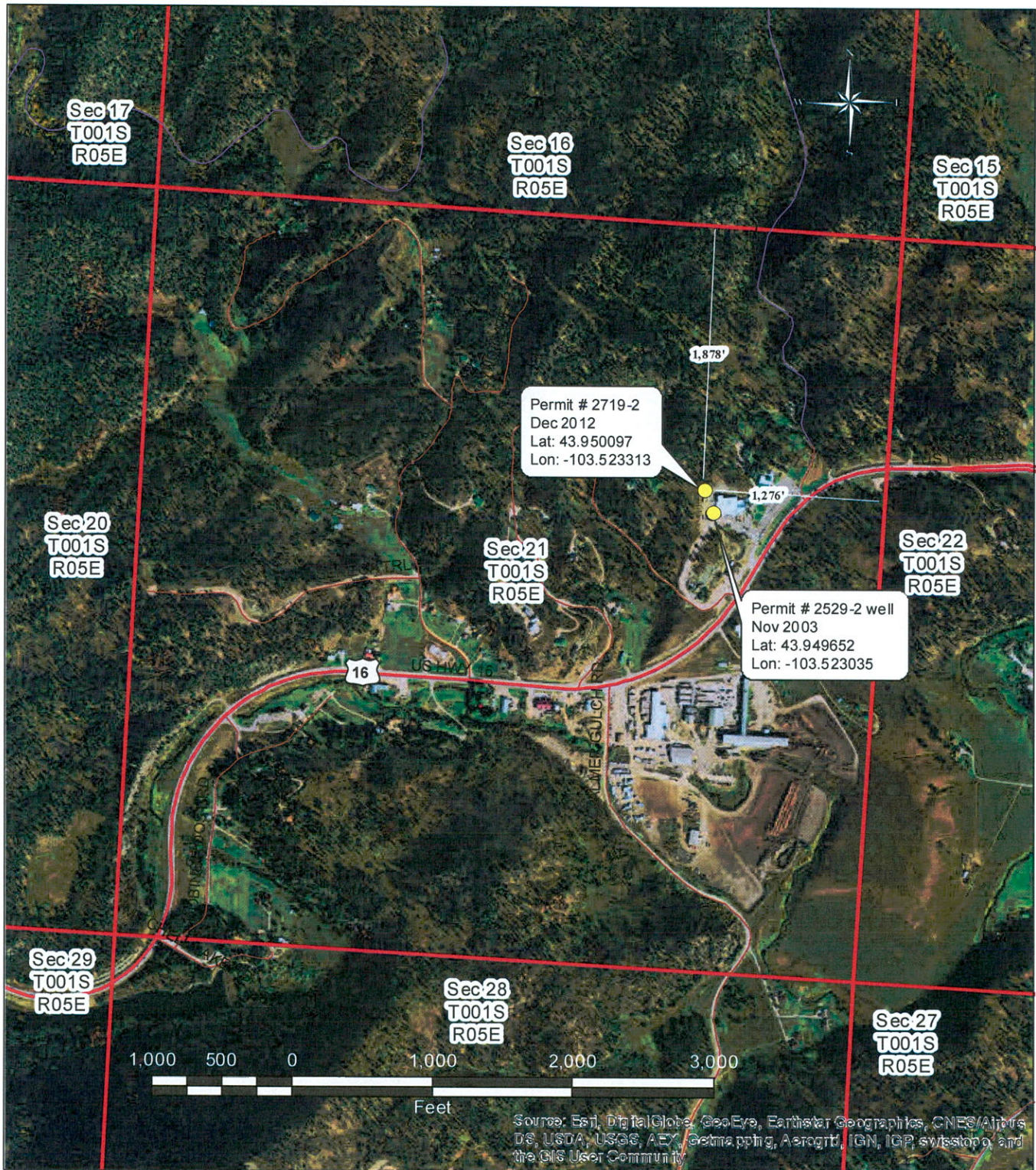
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 5/9/17



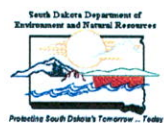
Well in foreground and 50,000 gallon storage

Water Right #2719-2
Prairie Berry LLC
5/9/2017



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



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

MAIL TO: PMB 2020

DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

Date

5/9/17

FROM:

MATTHEW KECK (Prairie Beauty LLC)
(name)

23837 Hwy 385
(address)

Ken City S.D.
(city) (state)

57745
(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. 2719-2 states that the water use system is to be constructed by

1/13/19
(date)

, and water is to be put to beneficial use by

1/13/23
(date)

The water use system was completed on

12/3/2012
(date)

Applying the water to beneficial use was completed on

12/3/2012
(date)

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

X Matthew Keck



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2719-2**

(1) Prairie Berry LLC, 23837 Hwy 385, Hill City SD 57745 made Application No. 2719-2, October 15, 2013 for a water permit to divert 0.06 cubic feet of water per second from ground water, one well (Precambrian aged Crystalline Rock), Pennington County, South Dakota for commercial purposes. Permit No. 2719-2, with a priority date of October 15, 2013 was approved January 13, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 13, 2019 and for the application to beneficial use of said water on or before January 13, 2023.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on May 9, 2017. The "*Notice*" stated the water use system was completed and the water placed to beneficial use in 2012.

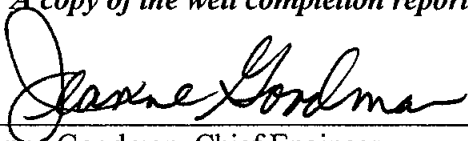
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is 1,878'S and 1,276'W 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. The well serves Prairie Berry Winery, Miner Brewing Company and the Homestead Event Center. The water use system is also supplied water from a well authorized under Water Right No. 2529-2.

(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. 2719-2 is issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from ground water, one well (Precambrian aged Crystalline Rock) with a priority date of October 15, 2013 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. 2719-2 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.
- The well authorized by Permit No. 2719-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in December 2012, by Alexander Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.*



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

JUN 21 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 21 2017

2719-2

Matthew Keck
Prairie Berry LLC
23837 Hwy 385
Hill City SD 57745

Dear Mr. Keck:

Enclosed is Water License No. 2719-2. 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. 2719-2, 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 "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal line extending from the end.

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

enclosures

2719-2

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. 2719-2

Date: August 14, 2025

RECEIVED
AUG 15 2025
Water Rights
Program

I/We request that Water Right/Permit No. 2719-2 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. 2719-2 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 11:59:16 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 #2719-2 & #2529-2	\$ <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 Mayke
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