

Considered: _____

WATER PERMIT NO. 5426-3

HAP No. 983-5636

Name of Applicant Kingbrook Rural Water System

Post Office Address Drawer 299, Arlington

Amount of Water Claimed 1.4 Total Acres NA

Source of Water Supply groundwater (Vermillion East Fork Aquifer) 2 wells

Water to be used for rural distribution system County Kingsbury

About 6 miles NW of DeSmet

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received 3/26/90 Fee \$400⁰⁰ Remarks water to
put to beneficial use from Future Use Permit No. 5209-3

Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point N¹/₂ Section 6 - T111N R36W

N¹/₂ SE¹/₄ Section 6 - T111N R36W

NW¹/₄ NW¹/₄, SE¹/₄ NW¹/₄ Section 6 - T111N - R36W

Land to be Irrigated NA

Well Log: Driller Huron Drilling Licensed YES X NO _____

Depth of Well ≈ 50' REMARKS 1

Type of Map Topo PREPARED BY Gary Patton - DGR Reviewed and the Number

assigned on 3/29/90 By Eric Lundberg

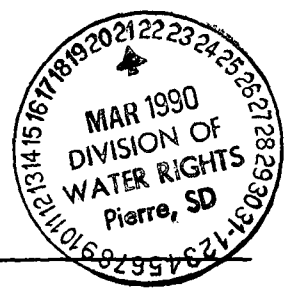
Mail to: Water Rights Div.
DWNr, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. <u>5426-3</u>	Hydrologic Unit <u>10170103</u>
Map No. _____	Basin <u>Vermillion</u>
Newspaper <u>see attached sheet</u>	

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

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

Type of Application: Check one or more of the following



New ☐ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☒ Construction to use water reserved by Future Use Permit No. 5209.3

1. Name of Applicant Kingbrook Rural Water System Phone No. (605) 983-5636

Post Office Address Drawer 299, Arlington, South Dakota State 57212
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 1.4 cfs (550 acre-feet annually)

3. Source of water supply Two wells

4. Location of point of diversion NW 1/4 NW 1/4 Sec. 6 and SE 1/4 NW 1/4 of SE 1/4 Sec. 6.
T 111 N, R 56 W.
County Kingsbury

5. Counties where water will be used Kingsbury, Miner, Lake, Clark, Hamlin

6. Annual period during which water is to be used continuously January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
NEW MEMBER ADDITIONS - Subproject 2

Addition of equipment in expanded water treatment plant, two wells and a reservoir at the plant, Howard Reservoir, and 131 miles of pipeline and service connections to City of Howard and 109 added members.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Kingsbury)^{ss}

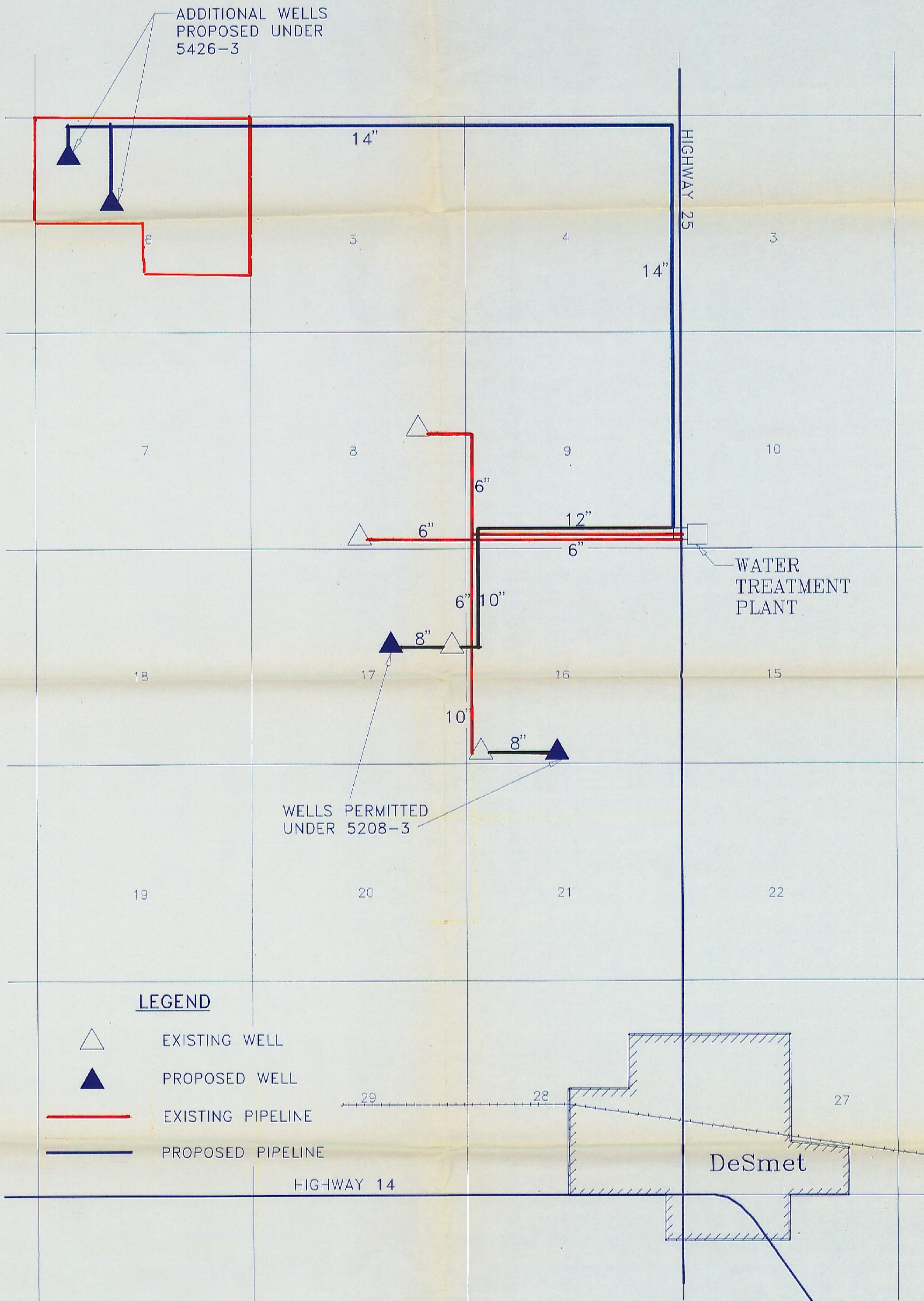
I, Kingbrook Rural Water System the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Larry S. Stirling
President

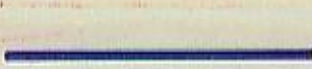
Subscribed and sworn to before me this 19th day of March 19 90

Joelene King
Notary Public

9-29-95



LEGEND

-  EXISTING WELL
-  PROPOSED WELL
-  EXISTING PIPELINE
-  PROPOSED PIPELINE

SOUTH DAKOTA
WATER PERMIT No. 5426-3

Date of first receipt of application March 21, 1990.

Date of return to applicant for corrections, amendments or changes
March 21, 1990.

Date of receipt of corrected application March 26, 1990.

The Water Management Board approved Water Permit Application No. 5426-3 on July 25, 1990 for Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 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. 5426-3 authorizes construction and placement to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW1/4 NW1/4 and SE1/4 NW1/4 of Section 6 T111N-R56W. This water was appropriated and reserved by future use Water Permit No. 5209-3.
2. The water appropriated shall be used for the purpose of supplying a portion of the system's water needs and may not exceed the amount of water needed for beneficial use for a rural water system.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is August 15, 1988.
5. One-fifth of the construction is to be completed on or before January 25, 1993.
6. All construction is to be completed on or before July 25, 1995.
7. Water is to be put to beneficial use on or before July 25, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.

(continued)

2. The wells authorized by Permit No. 5426-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Ch. 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to section 74:02:04:30.
3. The wells 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.
4. The Kingbrook Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn each year from the Vermillion East Fork Aquifer.
5. Permits No. 4137-3, 5186-3 and 5208-3 are herewith amended consistent with this approval decision.

WATER MANAGEMENT BOARD

By:


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 19 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 50'
- b) Casing Type Black steel Diameter 12" Thickness 0.375"
- c) Screen Type Stainless steel Diameter 12" Thickness 3/16"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 660'

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

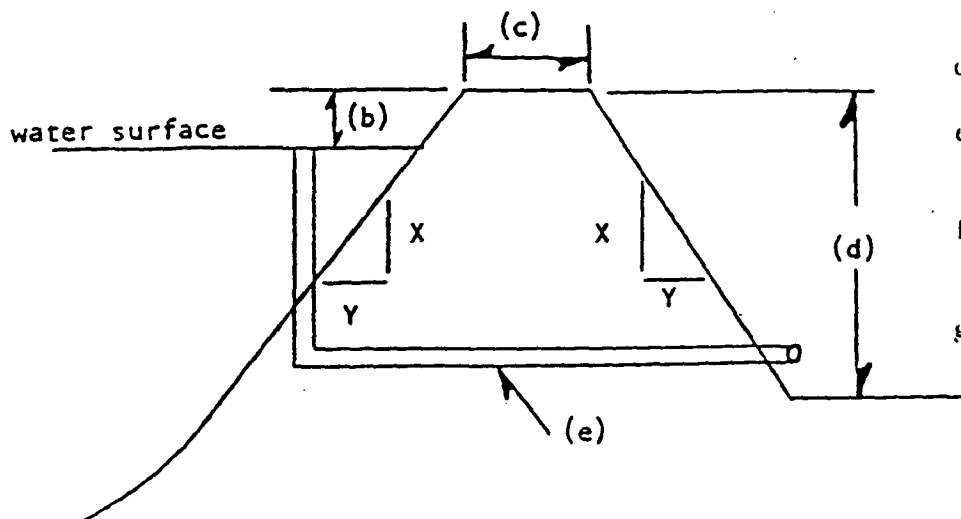
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

5/14/90
(date)

page

Parties of Record before Water Management Board

Kingbrook Rural Water System - 5426-3

Proponent

Kingbrook RWS
Drawer 299
Arlington, SD 57212
attn: Larry Sterling
(attorney)
Alan Glover
Attorney at Law
P.O. Box 686
Brookings, SD 57006

Opponents

City of De Smet
(attorney)
Larry M. Von Wald
Lyon, Jackson, Shultz & LeBrun
First Federal Plaza
P.O. Box 8250
Rapid City, SD 57709
Todd Wilkinson
Wilkinson & Wilkinson
103 Joliet Ave. S.E.
De Smet, SD 57231
(Interested)
Kingsbury Co. Chapter Dakota Rural Action
attn: Marilyn Jones
Rte 1 Box 80
Lake Preston, SD 57249

NAME OF PERSON OR FILE: Kingbrook RWS

ADDRESS: _____ COUNTY Kingsbury

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

In a phone conversation with Gary Patton of DGR, I stated that we are proceeding with Kingbrooks application under the premise that the points of diversion are the NW¹/₄NW¹/₄, SE¹/₄NW¹/₄ of Section 6 - T111N - R56W. The notice of hearing will reflect this. If they drill 660 ft outside of these quarter ~~quart~~ quarters - a change of diversion will be required and Mr. Patton understood this.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Threlkeld



Department of Water & Natural Resources

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

March 21, 1990

Larry Sterling, President
Kingbrook Rural Water System, Inc.
Drawer 299
Arlington, SD 57212

Dear Mr. Sterling:

This letter is in response to your water permit application received on March 21, 1990. The following information still needs to be submitted in order to process your application.

- 1) The correct fee for 1.4 cfs (1014 gpm) is \$400 instead of \$385 as you submitted. I have returned your previous check, please remit the proper amount.
- 2) Please show the approximate location of the two well on the attach map.
- 3) A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the above mentioned items referencing your water permit application and your application will be processed.

If you have any questions, please contact me.

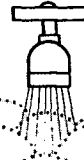
Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

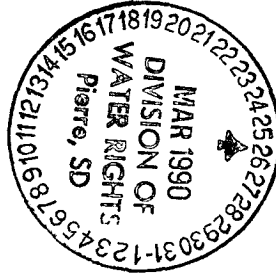
KINGBROOK

RURAL WATER SYSTEM



March 23, 1990

Eric Gronlund
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

Dear Mr. Gronlund:

Enclosed is a check for \$400.00 for the corrected amount for our water permit.

The other information you requested in your letter of March 21, will be forwarded to you from Bruce Jennings of DGR Engineering firm. Their number is 1-800-446-2531 if you have any questions.

If there is anything else you need from us, please let us know.

Sincerely,

Jolene King
Bookkeeper

enclosures

MEMO TO: File 3729.9W, 3729.6
FROM: Gary Patton
DATE: April 19, 1990
RE: Kingbrook Rural Water System
Water Withdrawal Permit

Eric Gronlund of the Water Rights Division called today and asked how much of the volume of Future Use Permit No. 5209-3 was being requested under the 1.4 cfs withdrawal permit application. I told Eric that one-half of the 1,100 ac. ft. reserved by the Future Use Permit is being requested. This application thus requests 550 ac. ft. at a maximum withdrawal rate of 1.4 cfs.

By 
Gary Patton, P.E.

GP:jkv

cc: Kingbrook Rural Water System
Division of Water Rights ✓



Conversation or File Documentation

NAME OF PERSON OR FILE: Kingbrook Rural Water SystemADDRESS: Drawer 299, Arlington COUNTY KingsburyDATE: 4/25/90 TELEPHONE (605) 983-5636RE: Discussion with Gary Patton (712) 472-2531 consultant for Kingbrook

COMMENTS:

Permit No. 5426-3 is ^{for 1.4 cfs (550 ac-ft) of} ^{DGR} water reserved by future use No. 5209-3 for Kingbrook RWS. Application No. 5426-3 states that counties where water will be used ~~is~~ ^{are} Kingsbury, Miner, Lake, Clark, and Hamlin counties. There was discussion by Water Rights staff after the legal notice was published that the legal notice should have also been published in Minnehaha, McCook, Moody and Brookings counties because the future use permit No. 5209-3 also describes these areas and the legal notices for this permit were published in all nine counties. If publishing were required in all nine counties this application ^{No. 5426-3} would have to wait until the ~~the~~ July 25th & 26th, 1990 Water Management Board mtg.

Initially we contacted the Kingbrook RWS office in Arlington and the secretary did not know which counties the water from permit No. 5426-3 ^{would be used} (Ron Duval made this call). Later, I received a phone call from Gary Patton of OGR, he stated that water from this permit would only be used in the counties listed on application which is ⁱⁿ the DeSmet service area. He stated the four additional counties (MA, MC, MY, BG) were put on the future use permit No. 5209-3 in case in the future ~~the~~ water ~~was~~ from this F.U. permit would be used outside the service area. However, Mr. Patton assured me that the water is to only be used within the boundaries of Kingbrook RWS in Kingsbury, Miner, Lake, Clark and Hamlin counties (the "DeSmet Service Area" as he called it.)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric S. Hummel 4/25/90



Department of Water & Natural Resources

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

April 26, 1990

John Bixler
Dakota Rural Action
Box 549
Brookings SD 57006

Dear Mr. Bixler:

This letter is in response to our phone conversation on April 25, 1990.

Enclosed are copies of the following: 1) notice of hearing for Application No. 5426-3 to develop water reserved by Future Use Permit No. 5209-3, 2) Application No. 5426-3 and a map, 3) Future Use Permit No. 5209-3, 4) Findings of Fact, Conclusions of Law and Final Decision for No. 5209-3 and 5) the report and recommendation for No. 5209-3.

A copy of the report and recommendation for Application No. 5426-3 will be forwarded to you under separate cover. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large initial "R" and "D".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

KINGBROOK RURAL WATER SYSTEM

APPLICATION 5426-3

1. Existing Kingbrook Rural Water System Data.

The Kingbrook Rural Water System provides potable water to farms, ranches, rural residents and towns in a nine-county area of east central South Dakota. The water system includes three well fields with water treatment plants, six reservoirs and over 1,200 miles of pipeline.

Water sources for the Kingbrook system are as follows:

	<u>Number of Individual Consumers</u>	<u>Towns</u>
Bruce, 5 wells	955	Badger, Lake Norden
DeSmet, 4 wells	610	Erwin, Oldham
Chester, 2 wells	<u>763</u>	Junius
Total	2,328	

Historical annual water withdrawals for each source are as follows:

<u>Source</u>	<u>Year</u>	<u>Water Pumped</u>	
		<u>Gallons</u>	<u>Acre-Feet</u>
Bruce	1989	108,485,000	297.2
	1988	107,672,000	295.0
	1987	106,968,000	293.1
	1986	94,721,000	259.5
	1985	111,995,000	306.8
Chester	1989	152,267,000	417.2
	1988	153,046,000	419.3
	1987	141,627,000	388.0
	1986	122,016,000	334.3
	1985	143,081,000	392.0
DeSmet	1989	110,495,000	302.7
	1988	109,003,000	298.6
	1987	92,928,000	254.6
	1986	86,602,000	237.3
	1985	92,253,000	252.7

2. Water System Improvements.

Kingbrook completed preliminary planning in 1987 for a substantial water system improvement project. The project included the addition of water service to new consumers and

was amended in 1988 to include water service to the City of Howard.

Due to funding limitations, the Kingbrook improvements project was divided into three subprojects. Subproject 1 included expansion of the DeSmet water treatment plant, addition of about 65 new individual consumers, and added water storage. Subproject 1 is nearly complete at this time.

Subproject 2 provides for the addition of pipelines, wells and water storage to extend water service to about 109 new individual connections and to the communities of Howard and Oldham. Funding has been committed for construction of Subproject 2, and construction will begin as soon as appropriate water rights are in place.

Subproject 3 will include pipeline and reservoirs to serve approximately 225 additional rural consumers. With completion of Subproject 3, Kingbrook will serve about 2,660 individual members.

The owners of new individual connections to Kingbrook requested water service because they view Kingbrook as a safer, more reliable, or more economical water source when compared to on-site wells or hauling water. Many individual wells in the Kingbrook area have previously been found to be unsafe due to bacteriological activity, high nitrate, or other contamination. Shallow wells in the area are often unreliable. Kingbrook is a safe, reliable water source alternative for the project area.

Oldham requested water service from Kingbrook because EPA compelled the community to stop using their existing source, which was high in fluoride. The City of Howard requested water service because two existing wells have excessive radium and a third well showed signs of depletion.

3. DeSmet Water Plant Water Needs.

The DeSmet water treatment plant presently serves 610 individual connections and the community of Oldham. The 1990 water use at the DeSmet plant will be about 350 acre-feet. With the completion of Subproject 3 of the Kingbrook improvements, the DeSmet plant will serve approximately 880 individual connections, and the communities of Oldham and Howard.

The additional water demands at the DeSmet plant will result in a peak day water demand of about 900 gallons per minute. The water plant is designed for a maximum flow rate of 1,200 gallons per minute, allowing for moderate growth of water demand.

Kingbrook presently has four wells at the DeSmet well field. The combined capacity of the four wells is about 765 gallons per minute. Additional well capacity is needed to serve the proposed new water users, and to match the plant design capacity.

Kingbrook was granted a water permit (No. 5208-3) in 1989 for two additional wells having a combined diversion rate of 630 gallons per minute. Kingbrook constructed new pipeline in the well field in anticipation of adding the wells. However, the water system is presently unable to purchase property for the two new wells.

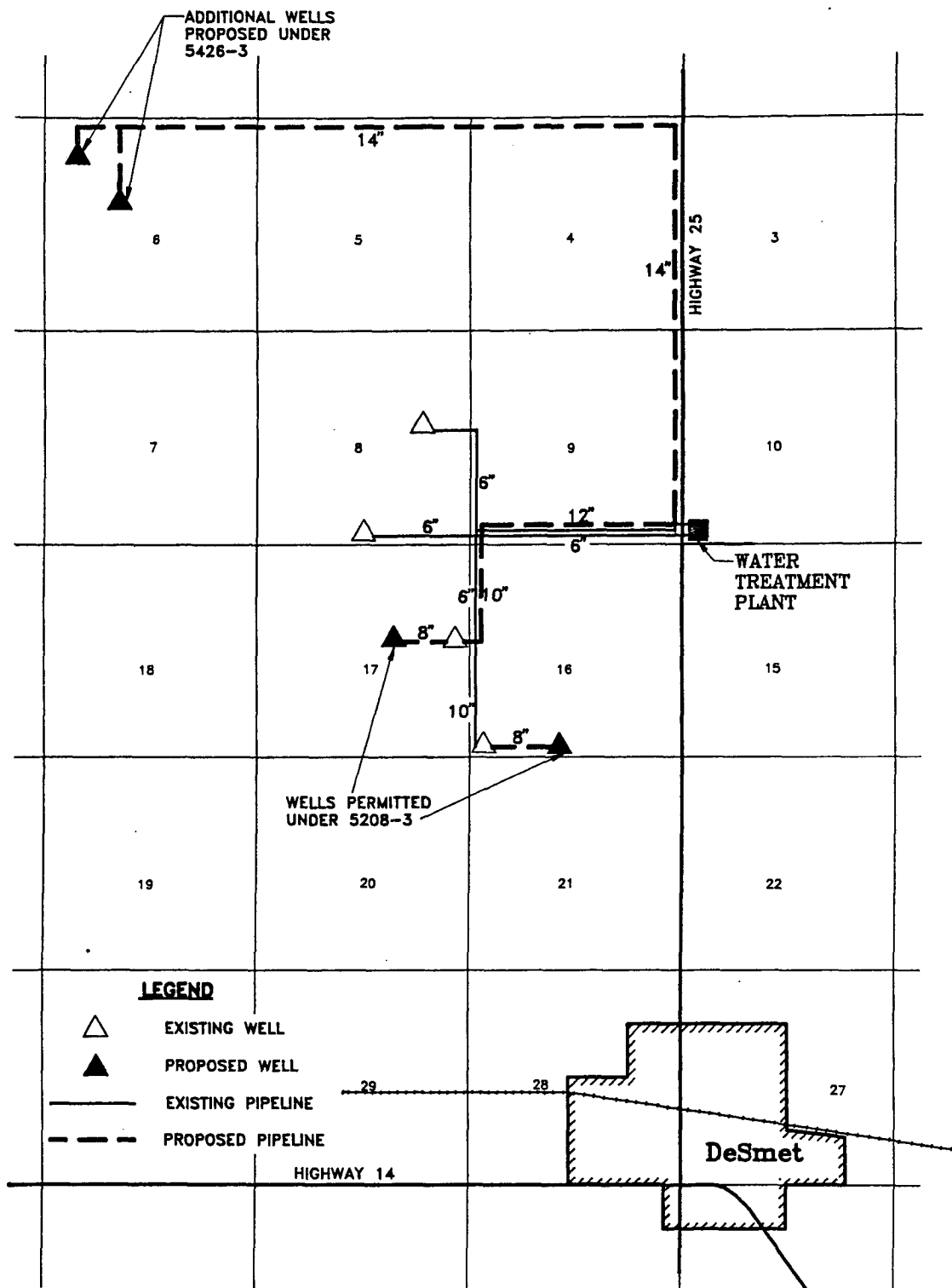
This application (5426-3) is for two additional diversion points, with a combined diversion rate of 630 gallons per minute. The wells will be located on property presently owned by Kingbrook, approximately three miles northwest of the present Kingbrook wells. Immediately, these new wells will provide adequate water for the community of Howard and proposed new water users. In the future, Kingbrook intends to develop both these wells and the wells previously authorized by 5208-3.

Kingbrook has several reasons for wishing to develop four new wells for a total of eight wells at the DeSmet water plant. These include:

- a. Adequate operational flexibility for routine maintenance. Presently, four wells have just sufficient capacity for maximum day demands of existing water users. Any well equipment failure, or reduction in flow rate, is treated as a priority maintenance task. Personnel and equipment are interrupted from routine activity to repair the problems. Additional wells will allow scheduling of down-time for one or two wells with sufficient reserve capacity from the remaining wells.
- b. Capability to balance water withdrawals in the aquifer area. The location of wells proposed by this application is several miles distant from the existing Kingbrook wells. Kingbrook will manage withdrawals from among the wells to equalize drawdowns in the aquifer area.
- c. Protection from contamination. The Vermillion East Fork aquifer is shallow and, as is typical of most shallow aquifers in Eastern South Dakota, susceptible to contamination from surface sources. Kingbrook will, with wells proposed by this application, achieve a separation among wells which will provide for at least partial continued pumping if a concentrated contamination should occur.

With construction of pipeline last year, Kingbrook already has made a substantial investment in development of wells permitted under 5208-3. Kingbrook is confident that suitable sites will be located for these two wells in the future. However, in order for Subproject 2 to proceed in a timely manner, and to provide the long term needs of Kingbrook members, it is reasonable to proceed with the two wells requested under this application at this time.

Kingbrook concurs with the recommendation of the chief engineer to limit total annual withdrawals to 1,350 acre feet annually. Application for additional wells is being made only to provide for management of equipment and water withdrawal as described above, and Kingbrook has no additional volumetric need for water over that which was authorized by 5208-3.



KINGSBROOK RURAL WATER SYSTEM DESMET WELL FIELD



Sheet



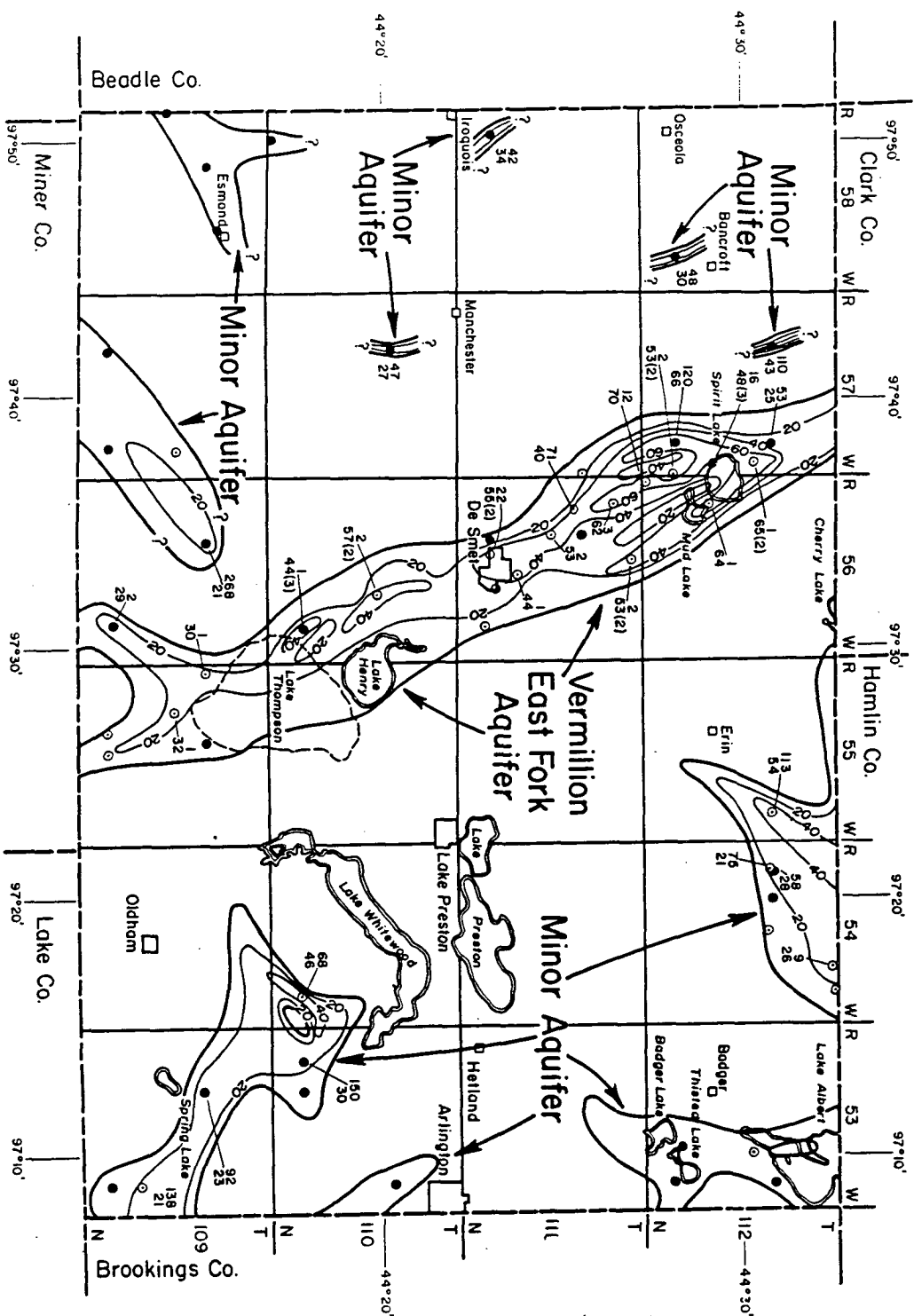
DeWitt Grant Reckert & Associates Co.
Architecture Engineering Planning

Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date JULY 1990
Drawn By BH
Approved GJP
Revised

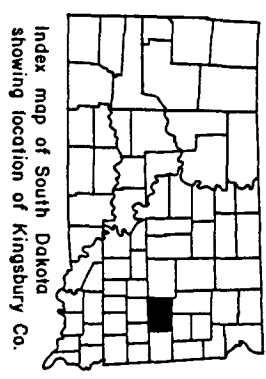
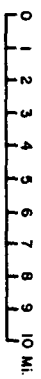
KINGSBROOK RURAL WATER SYSTEM
ARLINGTON, SOUTH DAKOTA

Figure 2. Extent, depth, and thickness of the Vermillion East Fork and minor aquifers.



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

Sectionized township



Index map of South Dakota showing location of Kingsbury Co.

Explanation

— 40 — Line of equal thickness of sand and gravel.
(Interval = 20 feet.)

○ 32 Well or test hole not drilled into bedrock.

● 44(3) Well or test hole drilled into bedrock--Numbers are for holes that penetrate more than 20 feet of aquifer. Upper number is depth, in feet, to sand and gravel. Lower number is thickness, in feet, of sand and gravel, including the unsaturated zone. Number in parenthesis is number of aquifer units where greater than one.

— Aquifer boundary

— ? — Aquifer boundary inferred

PAGE NO.

LOCATION

DATE _____

19

RIG NO.

Steve Kuehl

FOREMAN

Empire Irrigation Test Holes:

No. 1: 11/29/76

0-1' Topsoil
1-18' Coarse sand & medium gravel
18-20' Coarse sand & medium gravel with some silt
20-30' Fine to medium sand
30-42' Fine sand
42-50' silt and/or fine sand
50-62' Pea size gravel in clay
62-70' clay with cobbles
70-76' sand
76-80' clay
80-86' fine sand
86-90' clay

No. 2: 11/30/76

0-1' topsoil
1-22' coarse gravel
22-47' clay
47-80' fine gravel, coarse sand
80-84' clay
84-95' medium sand
95-110' clay
Installed 70' of 2" dia. Sch. 80 PVC casing with 15' of saw cut screen. Static water level at 31'. Water sample taken after well test pumped one hour at about 5 gpm.

No. 3: 11/30/76

0-62' clay with some gravel in clay matrix
62-83' clay with some gravel layers
83-91' clay

No. 4: 12/1/76

0-10' brown clay
10-30' grey clay with gravelly clay layers
30-35' grey clay with gravelly or sandy clay layers
35-39' grey clay
39-44' gravel
44-58' grey clay
58-59' sand
59-60' grey clay
60-76' sandy, gravelly clay, some gravel layers
76-80' clay

No. 5: 12/1/76

0-5' sandy silty topsoil
5-20' brown sandy clay
20-30' clay
30-36' grey clay
36-45' medium sand
45-50' clay
50-75' gravel
75-80' sandy clay



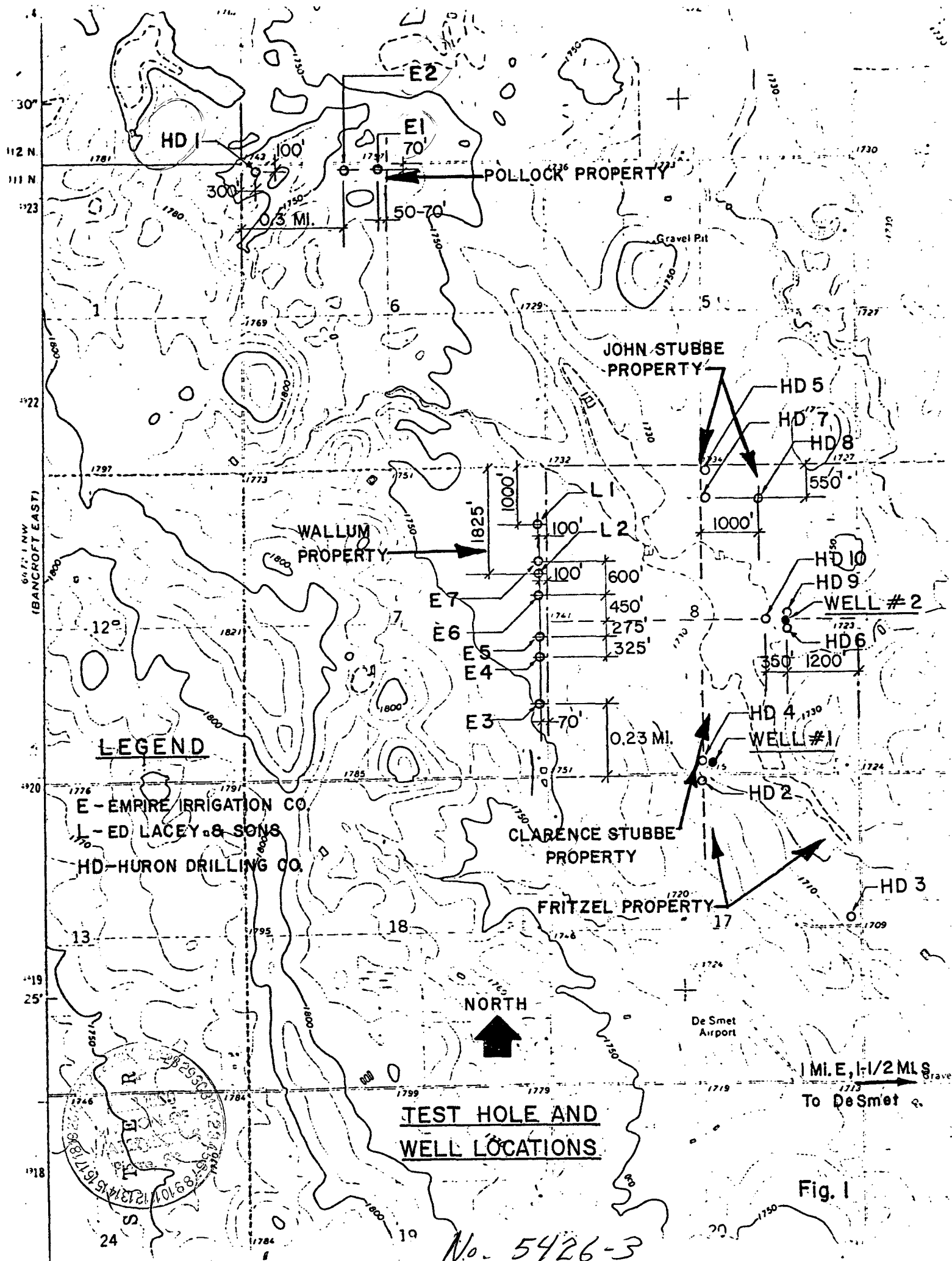


Fig. 1

No. 5426-3



DeWild Grant Reckert and Associates Company
Consulting Engineers

315 First Avenue
Rock Rapids, Iowa 51246
(712) 472-2531

March 23, 1990

Department of Water and Natural Resources
Water Rights Division
Foss Building
Pierre, SD 57501

Attn: Ron Duvall

Re: Kingbrook Rural Water System
DGR File No. 3729

Dear Ron:

This is in response to your request for driller's logs and more specific well locations for the Kingbrook application to use water reserved by Future Use Permit No. 5209-3. The enclosed map shows S.D.G.S. test hole locations and information. We assume you have these logs available to you, however we will pull them from our files at your request. Also enclosed are logs and a location map for three test holes drilled by private drillers for Kingbrook in 1976 and 1977.

Exact well locations will be determined after additional test drilling work is done. It is anticipated that the wells will be located on or near the following parcels:

NW 1/4 of NW 1/4, Sec. 6
SE 1/4 of NW 1/4, Sec. 6

These 40-acre tracts are shown shaded on the enclosed maps.

Please call me if you require any further information.

Very truly yours,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Gary Patton, P.E.

GP:jkv

Enclosure

cc: Kingbrook Rural Water System

0372999A.L23



~~PAGE 115~~

Dennis D.
FOREMAN

07-92

Date: 9/11/95

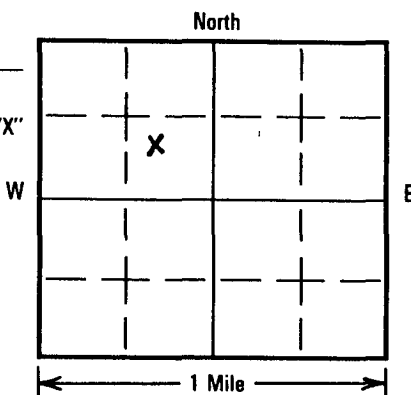
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 6 Twp 111 Rg 56County KINGBURY

Please mark well location with an "X"

WELL #8

Well Completion Date 3-23-95PUMP INSTALLED 8-8-95

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD ROTARY

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56 LB/FT</u>	<u>12 IN</u>	<u>12 FT</u>	<u>82 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>CEMENT</u>	<u>15</u>	<u>15.8 lb./gal</u>	<u>10 ft</u>	<u>30 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure PUMPEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 10' FEETMaterial STAINLESSSlot Size 70 Set From 82 Feet to 92 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: JET WITH CHLORINE
_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: KINGBROOK R/W

Business Name: _____

Address: Box 299
ARLINGTON S.D. 57212

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Rock & GRAVEL	1	5
CLAY w/ Rock & GRAVEL	5	16
CLAY	16	28
GRAVEL	28	35
SANDY CLAY	35	39
SAND & GRAVEL	39	46
SANDY CLAY	46	47
SAND	47	57
SANDY CLAY	57	62
SAND & GRAVEL	62	70
Rock	70	71
SAND	71	92
SANDY CLAY	92	107

STATIC WATER LEVEL 50 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 Describe: SUB. PUMP☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

73.2 ft. After 6 Hrs. pumped 665 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 395 GPM

REMARKS

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm L.T.P. ENTERPRISES, INC.

Signature of License Representative:

Randy P. Pulkert 9-7-95

Signature of Well Owner or Equitable Property Holder:

Morris ElcockDate: 9/11/95

REPORT ON APPLICATION NO. 5426-3
FOR KINGBROOK RURAL WATER SYSTEM
April 27, 1990

This application proposes to construct and put to beneficial use 1.4 cfs (550 acre feet per year) from 2 wells 50 to 80 feet deep located in the NW 1/4 NW 1/4 of section 6, T111N R56W in Kingsbury County. This water is reserved by Future Use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

AQUIFER - VERMILLION EAST FORK (V-EF)

The Vermillion East Fork (V-EF) is a Pliestocene outwash (sand and gravel) aquifer generally under water table conditions in this area. The aquifer underlies 94 square miles and averages about 25 feet in saturated thickness and contains approximately 300,000 acre feet of water in storage (Hamilton, 1988). The aquifer is in hydraulic connection with the Vermillion East Fork Spirit Lake aquifer to the north and to area lakes Spirit, Henry and Thompson. The ground water moves generally from north to south with the lakes acting as discharge areas. Recharge is accomplished through direct infiltration of rainfall and snowmelt into the aquifer. The SDGS (Hedges, 1983) has calculated an average rate of recharge of about 4 inches per year which would equate to about 20,000 acre feet per year for the entire Kingsbury County area. Major water users from the aquifer are Kingbrook RWS, DeSmet and the irrigators. Irrigation pumping records indicate an annual water use of approximately 1000 acre feet per year with a high useage of 2250 acre feet in 1979 (Irrigation Reports, 1988). These withdrawals fluctuate considerably based upon need and have been as low as 657 acre feet in 1986.

The Division of Water Rights monitors 9 observation wells completed into the VEF aquifer in Kingsbury County. Hydrographs for these wells show good correlation with wet and dry weather. Water levels in this area reached the highest ever recorded in 1986 because of unusually wet conditions. The affects of pumping high capacity wells are not evident from looking at the hydrographs (Water Rights, 1990).

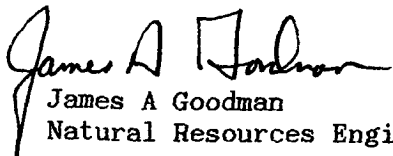
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous existing permits/rights in this area. There are 25 irrigation permits/rights, 3 permits/rights for DeSmet and 4 permits for Kingbrook RWS. The proposed diversions will be about 1/2 mile from any existing diversion. The aquifer is under water table conditions and interference is not expected to be a problem. Typically significant drawdowns do not occur in aquifers of this type and actual drawdowns do not extend very far from an individual production well.

CONCLUSIONS

1. Water is available from the VEF aquifer.
2. Interference is not expected to be a problem. There appears to be adequate distance between existing and proposed wells.
3. This water has been reserved by Future Use Permit No. 5209-3.
4. Any wells must be completed in accordance with SD Well Construction Standards.

5. This application was made in order to develop water for expansion of the rural water system. Permit No. 5208-3 authorizes water for the same need; however, the rural water system has not been able to obtain access to drill those wells and is requesting this application to complete the project.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

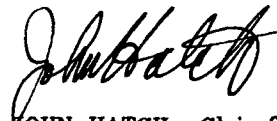
- Hamilton, L.J., 1988, MAJOR AQUIFERS IN KINGSBURY COUNTY, SD, Inf. Pamphlet No. 41, SD DWR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., 1983, TASK 7: GROUND WATER RECHARGE, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Irrigation Reports, 1988, IRRIGATION REPORTS FOR YEARS 1979 THROUGH 1988, SD DWR, Div. of Water Rights, Pierre, SD, 57501.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR VEF AQUIFER IN KINGSBURY COUNTY, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5426-3, Kingbrook Rural Water System

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5426-3, Kingbrook Rural Water System, Drawer 299, Arlington SD.

The Chief Engineer is recommending APPROVAL of Application No. 5426-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.
2. The wells authorized by Permit No. 5426-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. The wells 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.
4. The Kingbrook Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn each year from the Vermillion East Fork Aquifer.
5. Permits No. 4137-3, 5186-3 and 5208-3 are herewith amended consistent with this approval decision.



JOHN HATCH, Chief Engineer
April 27, 1990

NOTE: Kingbrook Rural Water System has experienced delays in purchasing the land where the two wells authorized by Permit No. 5208-3 are to be located. Rather than delay the System's proposed expansion, Application No. 5426-3 to place 550 acre-feet of water reserved by Future Use Permit No. 5209-3 to beneficial use has been filed. The application for Permit No. 5208-3 and Application No. 5426-3 each state that the additional water will be used for the same expansion project.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5426-3, Kingbrook Rural Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5426-3, Kingbrook Rural Water System, Drawer 299, Arlington SD.

The Chief Engineer is recommending APPROVAL of Application No. 5426-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest.

(A Revised APPROVAL Recommendation with qualifications will be prepared prior to May 23, 1990 hearing.)

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
April 12, 1990



Department of Water & Natural Resources

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

April 19, 1990

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

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington, SD 57212

Dear Mr. Sterling:

Water Permit Application No. 5426-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Clark Co. Courier, Hamlin Co. Herald Enterprise, DeSmet News, Daily Leader and the Miner County Pioneer printed at Clark, Hayti, DeSmet, Madison and Howard SD respectively. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund". The signature is written in black ink and is positioned above the typed name and title.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 19, 1990

Miner County Pioneer
Box P
Howard, SD 57349

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5426-3 to be published twice. Please publish the first notice on or before April 26, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

April 19, 1990

Daily Leader
Box 348
Madison, SD 57042-0348

ATTN: Legal Publications:

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Sincerely,

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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No. _____

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

Date _____

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Name

Newspaper



Department of Water & Natural Resources

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

April 19, 1990

DeSmet News
Box 69
DeSmet, SD 57231-0069

ATTN: Legal Publications:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 19, 1990

Hamlin Co. Herald Enterprise
Box 207
Hayti, SD 57241-0207

ATTN: Legal Publications:

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Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

April 19, 1990

Clark Co. Courier
Box 189
Clark, SD 57225-0189

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5426-3 to be published twice. Please publish the first notice on or before April 26, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212-0299.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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

No. _____

Date _____

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Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before April 26, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5426-3 to
Develop Reserved Water

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW1/4 NW1/4 and SE1/4 NW1/4 of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5426-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Miner) ss.

I, Garry Schwan

certify that the attached printed Notice was taken
 from the Miner County Pioneer

A newspaper which during the whole time of publication,
 said notice herein after stated, has been and is printed and
 published in the Miner County Pioneer

State of South Dakota

County of Miner and State of South Dakota
 that the said notice was published in said newspaper on the
 following two dates:

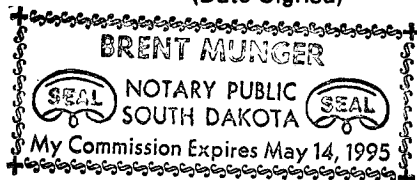
April 26, 1990

May 3, 1990

Brent Munger
 (Signature)

NOTARY PUBLIC
 (Title)

May 11, 1990
 (Date Signed)



Cost of Printing: 38.92

NOTICE ON HEARING ON APPLICATION NO. 5426-3 TO DEVELOP RESERVED WATER

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW¼ NW¼ and SE¼ NW¼ of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

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This hearing is an adversary proceeding. Any person filing a petition and/or or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petition. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(April 26-May 3)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Deanna D. Bergheim

certify that the attached printed Notice was taken
from the Madison Daily Leader

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

_____ City _____ of _____ Madison

County of Lake and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

Monday, April 23, 1990

Tuesday, May 1 1990

Deanna D. Bergheim
(Signature)

Secretary

(Title)

April 30, 1990
(Date Signed)

Cost of Printing: 34.58



NOTICE OF HEARING ON APPLICATION NO. 5426-3 TO DEVELOP RESERVED WATER

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second (550-acre feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be taken to supply Kingbrook Rural Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5426-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy. 212, Watertown, SD on May 23, 1990, at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13; 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.



I, Carla Clarke
certify that the attached printed Notice was taken
from the Herald Enterprise

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

City of Hayti

County of Hamlin and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

April 26
May 17

Carla Clarke
(Signature)
Publisher
(Title)
5/3/90
(Date Signed)

82-2x-April 26 & May 3

NOTICE OF HEARING on Application No. 5426-3 to Develop Reserved Water

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD, 57212, has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW 1/4 NW 1/4 and SE 1/4 NW 1/4 of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5426-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of

Cost of Printing: 89 lines @ \$1.244 = 21.72
2nd run @ 80% = 17.38
39.10

May 3, 1990
Stephanie J. Sauder
STEPHANIE J. SAUDER
NOTARY PUBLIC, South Dakota
My commission expires 3/8/98

water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990, at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26 must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Kingsbury) ss.

I, Dale Elegen

certify that the attached printed Notice was taken
 from the De Smet News

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the City

of De Smet

County of Kingsbury and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

April 25, 1990

May 2, 1990

Dale Elegen
 (Signature)

Publisher
 (Title)

May 2, 1990
 (Date Signed)

Cost of Printing: 36.94

NOTICE OF HEARING on Application No. 5426-3 to Develop Reserved Water

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second [550 acre-feet annually] from two wells [Vermillion East Fork Aquifer] 50 feet deep located in the NW 1/4 NW 1/4 and SE 1/4 NW 1/4 of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

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Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol,

Pierre SD 57501 [605 773-3352]". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.



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-25-2w-5-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.



I, Bert Moritz
certify that the attached printed Notice was taken
from the Clark County Courier

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

State _____ of South Dakota

County of Clark and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

April 25, 1990

May 2, 1990

(Signature)

Publisher 5-2-90

(Title)

JEANEEN W. BINGNER
Notary Public, South Dakota
Clark County

My Commission Expires 7/1/1996

Bert Moritz
(Date Signed)

Subscribed and sworn to before me this 2nd day of
May, 1990.

Jeaneen W. Binger

Cost of Printing: 34.36

83 lines, 2 times

NOTICE OF HEARING
on Application No. 5426-3 to
Develop Reserved Water

Notice is given that Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6-T111N-R56W. This water was appropriated and reserved by future use Permit No. 5209-3. The water will be used to supply Kingbrook Rural Water System.

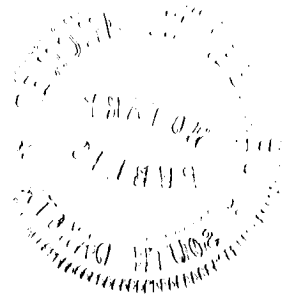
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4-25-20





Department of Water & Natural Resources

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

April 30, 1990

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

Enclosed are the Recommendation and the Revised Recommendation of the Chief Engineer for Water Permit Application No. 5426-3, Kingbrook Rural Water System.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak". The signature is written in black ink.

KAREN SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosures

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

Rapid City Office

Donald R. Shultz
Gene N. Lebrun
Gregory A. Eiesland
Thomas G. Fritz
Haven L. Stuck
Gary D. Jensen
Steven C. Beardsley
Steven J. Helmers
Jay C. Shultz
Larry M. Von Wald
Jane Wipf Pfeifle
Kurt E. Solay
Leah J. Fjerstad
Craig A. Pfeifle

First Federal Plaza • 7th Floor • 9th & St. Joe
P.O. Box 8250 • Rapid City, SD 57709
605-342-2592
Fax 605-342-5185

409 South Second Avenue
Sioux Falls, SD 57102
605-332-5999
Fax 605-332-4249

Sioux Falls Office

William F. Day Jr.
Lee A. Magnuson
Jon C. Sogn
R. Alan Peterson

REPLY TO: Rapid City 605-342-2592

Kelton S. Lynn
(1946-1974)
Horace R. Jackson
(1961-1987)

May 3, 1990



Mr. John Hatch
Chief Engineer
Department of Water and Natural
Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Re: NOTICE OF HEARING on Application No. 5426-3 to Develop
Reserved Water

Dear Mr. Hatch:

This is to advise that this law firm and Mr. Todd Wilkinson of the firm of Wilkinson & Wilkinson, 103 Joliet Avenue S.E., De Smet, South Dakota 57231, shall be appearing on behalf of the City of De Smet, South Dakota, in connection with Application No. 5426-3 to develop reserved water which has been made on behalf of Kingbrook Water System.

Please find enclosed herein the petition of the City of De Smet to oppose the Kingbrook application.

Pursuant to the NOTICE OF HEARING on Application No. 5426-3 and S.D.C.L. 46-2A-5, we are respectfully requesting on behalf of the City of De Smet that the time of hearing be delayed beyond May 23, 1990, for the purpose of allowing the petitioner adequate time in which to prepare to participate in the hearing before the board. We shall be appreciative if you would contact us prior to fixing a time for rescheduling the hearing.

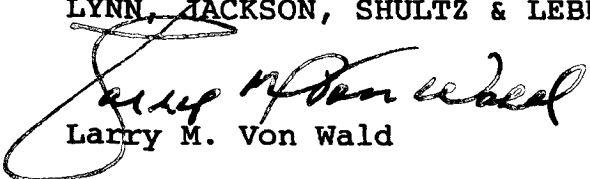
Mr. John Hatch
Page 2
May 3, 1990

Thank you very much.

With kindest regards, I am

Sincerely yours,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.



Larry M. Von Wald

LVW/bar

Enclosure

cc: Alan F. Glover, Esq.
Kingbrook Water System
Todd D. Wilkinson, Esq.

IN THE MATTER OF APPLICATION NO. 5426-3) PETITION TO OPPOSE
TO DEVELOPE RESERVED WATER) APPLICATION

I.

1

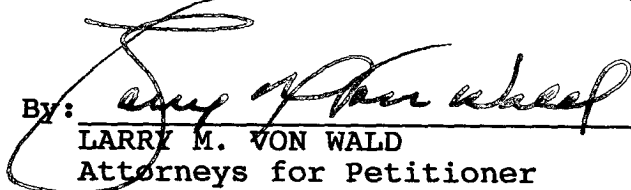
II.

The Petitioner opposes the application for the reasons that there are in existence permits authorizing the use of the water covered by the pending application; and, for the further reason that the granting of such application places in jeopardy the ability of the Petitioner to have available for future use sufficient quantities of water as shall enable it to continue to attract new business and industry and to provide for its development and growth.

WHEREFORE, Petitioner hereby requests that the Board set a time and place for the hearing on Application No. 5426-3 and to provide notice thereof pursuant to law.

Dated this 3rd day of May, 1990.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

By: 

LARRY M. VON WALD
Attorneys for Petitioner
P.O. Box 8250
Rapid City, SD 57709

WILKINSON & WILKINSON

TODD D. WILKINSON
Attorneys for Petitioner
103 Joliet Avenue S.E.
De Smet, SD 57231

CERTIFICATE OF SERVICE

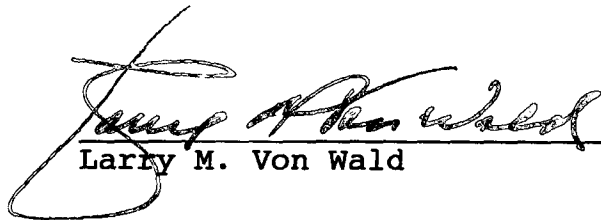
I hereby certify that on the 8th day of May, 1990, I sent
to:

Mr. John Hatch
Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Kingbrook Rural Water System
Drawer 299
Arlington, SD 57212

Mr. Alan F. Glover
Attorney at Law
P.O. Box 686
Brookings, SD 57006

by first class mail, postage prepaid, a true and correct copy of
PETITION TO OPPOSE APPLICATION relative to the above-entitled
matter.


Larry M. Von Wald



Department of Water & Natural Resources

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

May 8, 1990

John Bixler
Dakota Rural Action
Box 549
Brookings SD 57006

Dear Mr. Bixler:

Enclosed are the Recommendation, the Revised Recommendation of the Chief Engineer and the Report for Water Permit Application No. 5426-3, Kingbrook Rural Water System.

Sincerely,

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

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosures



Department of Water & Natural Resources

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

May 9, 1990

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

Enclosed is the Report for Water Permit Application No. 5426-3,
Kingbrook Rural Water System.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosures

At. 1 Box 80
Lake Preston, SD 57249
May 9, 1990

Chief Engineer
Water Rights Division
Foss Building
523 E. Capitol
Pierre, SD 57501



Dear Chief Engineer:

The Kingsbury County Chapter of Dakota Rural Action intends to participate in the hearing before the Water Management Board on May 23, 1990 concerning Application No. 5426-3 by Kingbrook Rural Water System.

Dakota Rural Action wishes to be able to cross-examine witnesses to assure the need for this permit and the use extent of the water involved.

Sincerely,
Marilyn Jones, Chair
Kingsbury County Chapter
Dakota Rural Action

Marilyn Jones

May 10, 1990

Mr. Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington, SD 57212

Dear Mr. Sterling:

Attached is a letter of opposition for water permit application No. 5426-3 for Kingbrook Rural Water System. This letter was received May 10, 1990.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enc.

cc:

Conversation or File Documentation

NAME OF PERSON OR FILE: Betty Poppen (Huron Daily Plainsman)

ADDRESS: _____ COUNTY _____

DATE: 5/11/90 TELEPHONE _____RE: Kingbrook RWS Appl No 5426-3

COMMENTS:

Mrs. Poppen called regarding Appl. No. 5426-3 - wanted to know if any letters of opposition had been received. I told her two petitions had been received and that one asked for an automatic delay. She asked who these letters were from and asked for me to fax her copies.

After discussing this with Ron, John Haak and Pat Pice (since Reese was gone, Pat was in charge) - Pat gave the go ahead to fax the letters

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: _____

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

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

May 14, 1990

NOTICE

TO: Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington, SD 57212
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Automatic Delay of Hearing on Water Permit Application
No. 5426-3

A petition opposing Water Permit Application No. 5426-3 has been filed by Larry M. Von Wald, attorney representing the City of DeSmet. The petition also requests postponement of the hearing. Therefore, the hearing on Application No. 5426-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on May 23, 1990.

The Water Management Board will now consider Application No. 5426-3 on July 25, 1990 at 10:30am, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on April 26 and May 3, 1990 in the Miner County Pioneer and Herald Enterprise; April 23 and May 1, 1990 in the Madison Daily Leader; and April 25 and May 2, 1990 in the Clark County Courier and DeSmet News will still apply at this hearing.

cc: Water Management Board
John Guhin, Assistant Attorney General
John Haak, Assistant Attorney General



Water & Natural Resources

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

June 1, 1990

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington, South Dakota 57212

Dear Mr. Elcock:

I am forwarding a copy of your letter request (received May 29, 1990) for a special Water Management Board Meeting to consider automatically delayed Water Permit Application No. 5426-3 to members of the Board. If the Board is willing to hold a special meeting, it will be necessary to provide at least 20 days notice of a hearing to the City of DeSmet.

I do not believe that a special meeting will help you too much. If the Board approves your application, Findings of Fact, Conclusions of Law and a Final Decision will still need to be adopted at the July 25-26 Board meeting. The decision is subject to appeal for 30 days following issuance the notice of the final decision.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

cc: Water Management Board



Department of Water & Natural Resources

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

July 30, 1990

NOTICE

TO: Kingbrook Rural Water System
Drawer 299
Arlington SD 57212
(and Parties of Record)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval Water Permit Application No. 5426-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, October 3, 1990, Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by September 13, 1990. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by September 24, 1990.

The public hearing was completed July 25, 1990. No additional testimony will be received on October 3, 1990.

cc: John Guhin, Assistant Attorney General
John Haak, Assistant Attorney General

CERTIFICATION

I hereby certify that on July 30, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice for Preparation of Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 5426-3 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of August, 1990.

JOHN HATCH
 (SEAL) NOTARY PUBLIC (SEAL)
 SOUTH DAKOTA
 My Commission Expires Apr. 1, 1993

John Bates
Notary Public



Department of Water & Natural Resources

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

August 22, 1990

NOTICE

TO: Kingbrook Rural Water System
Drawer 299
Arlington SD 57212
(and Parties of Record)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

Regarding the notice dated July 30, 1990 for consideration of the Findings of Fact, Conclusions of Law and Final Decision, the October 3, 1990 meeting location has changed from Pierre to Chamberlain. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, October 3, 1990, in the Brule County Courthouse, Community Room, 300 S Courtland, Chamberlain SD. The other portions of the NOTICE dated July 30, 1990 still apply.

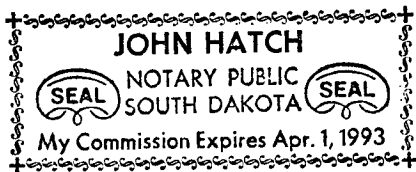
CERTIFICATION

I hereby certify that on August 22, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice for Preparation of Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 5426-3 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of August, 1990.



John Hatch
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT,
FOR WATER PERMIT NO. 5426-3,	)	CONCLUSION OF LAW
KINGBROOK RURAL WATER SYSTEM.	)	AND FINAL DECISION

FINDINGS OF FACT

I

This is an application for a water permit to construct and place to beneficial use 1.4 cubic feet of water per second, with a maximum use of 550 acre feet annually, from two wells in the Vermillion East Fork aquifer approximately 50 to 80 feet deep.

II

The water permit is requested from the future use Permit No. 5209-3 held by the Kingbrook Rural Water System.

III

The water will be used to supply the Kingbrook Rural Water System.

IV

The Vermillion East Fork is a Pleistocene outwash aquifer generally under water table conditions in the area.

V

The aquifer underlies 94 square miles. It averages about 25 feet in saturated thickness and contains approximately 300,000 acre feet of water in storage.

VI

The Board has previously adopted Findings of Fact, Conclusions of Law and Final Decision in a case entitled

"In the Matter of the Application for Water Permit No. 5208-3 and Amendment of Water Permits Nos. 4137-3 and 4182-3 for Kingbrook Rural Water System" (hereinafter Permit No. 5208-3). The Board herewith incorporates Findings 4 through 7 of those Findings, as follows:

4. There is an average rate of recharge of the aquifer of about four inches per year throughout the aquifer. This equates to about 20,000 acre feet per year of recharge.

5. The main stress on the aquifer is, however, restricted to about one-half of the aquifer. It is this half of the aquifer in which the present application is made.

6. A movement of water from one part of the Vermillion East Fork aquifer to the remainder of the aquifer is probably limited; it is therefore appropriate to consider recharge and withdrawals from only that half of the aquifer.

7. Recharge in the critical part of the aquifer is about 10,000 acre feet per year.

VII

There is, at this time, 7,000 acre feet of water committed to future uses and other uses. Of this water, only 2,200 to 2,500 acre feet of water is actually being used on an annual basis. The grant of this permit will not preclude additional development of irrigation or other uses in the area.

VIII

The purpose of this permit is to allow development of the project approved in Permit No. 5208-3. Kingbrook has reasonably pursued this project by attempting to obtain and

exercise purchase options with Kingsbury County for a certain area in which Kingbrook planned to construct wells. Although Kingsbury County originally agreed to honor the purchase option, it thereafter rescinded its approval.

IX

The same rationale justifying approval of Permit No. 5208-3 justifies the grant of this permit.

X

The opponents of the grant of the permit have raised a concern based upon geographic circumstances. Essentially, the opponents argue that (1) Kingbrook has an obligation, cognizable by this Board as a matter of public interest, to serve persons within the immediate area of the aquifer before serving other persons, (2) that Kingbrook failed in this obligation by refusing to serve persons in the Bancroft area and therefore, (3) under the public interest consideration, the Board should not grant this permit.

XI

The Board finds it unnecessary to determine whether, in another case, the public interest might justify denial of a permit for failure of a rural water system to serve particular residents in the immediate area of an aquifer in preference to other residents.

XII

The Board finds that failure to serve a particular person or groups of persons could not justify, under the

public interest, denial of a permit unless, at the very least, the denial was arbitrary or constituted discrimination relating to a legally protected characteristic. No such showing was made here.

XIII

Kingbrook demonstrated to the satisfaction of the Board that would not have been economically feasible for Kingbrook to serve the few persons in the Bancroft area who showed interest in the Kingbrook system at any time previous to this date. Moreover, Kingbrook has now included the Bancroft area within the next phase of its proposed development and has made appropriate applications for loans and funding for that area.

XIV

The action of the Kingbrook system in declining service prior to this date to the Bancroft area is not arbitrary or discriminatory but merely reflects sound economic and business practice.

XV

The city of DeSmet also voices a concern on the basis that it may not be able to develop to its fullest potential if Kingbrook is allowed to employ Kingbrook's future use permit. DeSmet points to the difficulty which might exist should it be able to obtain a large plant, such as a corn processing plant, and be forced to use more of its future use reserved water for that project. Such a

situation would leave it with little or no future use water under its present future use permit for other development.

XVI

DeSmet, however, will not be allowed, under the public interest umbrella or otherwise, to prohibit the employment of a validly granted future use permit merely because it wishes to reserve that water for itself. If DeSmet has a viable, demonstrable need for future water, DeSmet is free to apply to the Board for additional future use permits for its use. The effect of recognizing the legitimacy of the DeSmet argument would be to recognize that DeSmet had a generalized future use throughout the aquifer instead of the specific future use recognized by statute and permit.

CONCLUSIONS OF LAW

1. This Board has jurisdiction of this matter.
2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
3. The proposed use for the Kingbrook Rural Water System is a beneficial use.
4. The proposed diversion can be developed without unlawful impairment of any existing water rights, including any future use rights of city of DeSmet.
5. The proposed use in the rural water system is in the public interest. The Board specifically concludes that the use of the water to serve the city of Howard at

this time, rather than the city of Bancroft is in the public interest as demonstrated more fully in the findings above. The Board also concludes that the public interest does not extend, to the city of DeSmet, a generalized future use interest in the waters of the aquifer in question but that the city of DeSmet must, to establish such a interest, apply for, and be granted a future use permit pursuant to South Dakota statute.

FINAL DECISION

The application for Water Permit No. 5426-3 is granted pursuant to the following qualifications:

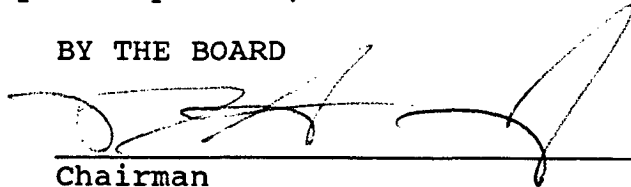
1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.
2. The wells authorized by Permit No. 5426-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well construction Rules, ch. 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to section 74:02:04:30.
3. The wells 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.
4. The Kingbrook Rural Water System shall report to the chief engineer

annually the amount of water withdrawn each year from the Vermillion East Fork Aquifer.

5. Permits No. 4137-3, 5186-3 and 5208-3 are herewith amended consistent with this approval decision.

Dated this 16th day of ^{October}~~September~~, 1990.

BY THE BOARD

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Chairman
Water Management Board

a:m-pld3.jpg



Department of Water & Natural Resources

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

October 22, 1990

NOTICE

TO: Kingbrook Rural Water System
Drawer 299
Arlington SD 57212
(and Parties of Record)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script, appearing to read "John Hatch".

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for Water Permit Application No. 5426-3 which was considered at the July 25, 1990 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

cc: John Haak, Assistant Attorney General

CERTIFICATION

I hereby certify that on October 22, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on adoption of Findings of Fact, Conclusions of Law and Final Decision on Water Permit Application No. 5426-3 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of October, 1990.

John Hatch
Notary Public





Department of Water & Natural Resources

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

DEC 19 1990

Larry Sterling, President
Kingbrook Rural Water System
Drawer 299
Arlington, South Dakota 57212

Dear Mr. Sterling:

Enclosed is Water Permit No. 5426-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



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

Date December 13, 1991

TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181

FROM: Kingbrook Rural Water System 505 East Ash St. Arlington
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5426-3.

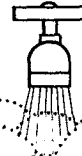
Water Permit No. 5426-3 states that the diversion system is to be constructed by July 25, 1995, and that the water it put to beneficial use by July 25, 1999.

The diversion system was completed on April 15, 1991.
Applying the water to beneficial use was completed on May 30, 1991.

You may schedule an inspection so that the Water License may be issued.

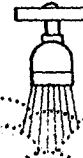
Marius Elcock General Manager
signature Kingbrook Rural Water System

DEC 1991
DIVISION OF
WATER RIGHTS
Pierre, SD



enclosures

**KINGBROOK
RURAL WATER SYSTEM**



January 7, 1993

Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

Barry McLaury, Natural Resources Analyst
JOe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. McLaury:

Enclosed find the information requested on December 23, 1992 for water diverted under the permit(s) during 1992.

Permit #4137-3 is for wells #1, #2 and #3 Phase II
gallons pumped for 1992 - 2,299,800 gallons

Permit #5186-3 is for well #4 Phase II
gallons pumped for 1992 - 61,005,000 gallons

Permit #5426-3 is for wells #5 and #6 Phase II
gallons pumped for 1992 - 118,335,000 gallons

Permit #5208-3 was changed to Permit #5208A-3 which was a change of diversion and is for wells #7 and #8 which have not been constructed yet.

Permit 5209-3 is a future use permit for Phase II

Permit #4367-3 is for well #1 and #2 for the Phase III plant
gallons pumped with these two wells total 139,980,000 gallons.

Permit #5646-3 is for well #3 in Phase III and is set for construction during early 1993.

Permit #5643-3 is a future use permit for Phase III

If you have any questions, please give me a call.

Sincerely,

Morris Elcock
Manager

ME/jk



5426-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1994

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington, SD 57212

Dear Mr. Sterling:

Pursuant to a qualification on Water Permit/Right Nos. 5785-3, 5208-3, 5208A-3, 5186-3, 4137-3, 5426-3 (Vermillion East Fork Aquifer) & 5646-3 (Big Sioux:Northern Skunk Creek Aquifer), I am requesting that the Kingbrook Rural Water System report the total amount of water diverted from the Vermillion East Fork Aquifer and the Big Sioux:Northern Skunk Creek Aquifer during 1993. Please respond by January 31, 1994.

If you have any questions concerning this or other water rights questions, please contact Barry McLaury, Natural Resources Analyst, (605) 773-3352.

Sincerely,

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

Vermillion E.F.A. = 221,910,000 gal.

Big Sioux = 140,064,000 gal.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 1994

4137-3
5186-3
5426-3

Morris Elcock, General Manager
Kingbrook Rural Water System
P.O. Box 299
101 West Elm
Arlington, SD 57212

Dear Mr. Elcock:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4137-3, 5186-3 and 5426-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per License for the inspection and issuance of the Water License. Upon receipt of the \$150.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$150.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414115

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 29, 19 94

RECEIVED OF Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5426-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

LICENSE FOR PERMIT NUMBER 5426-3

1. Legal location of wells: The SE 1/4 of the NW 1/4 T111N R56W SEC. 6
well
 dams & structures: _____

2. Well Information: Well Drilling Firm Huron Well Drilling Huron S.D.

Completion Report Yes X No _____ No. of Wells 1 Depth 74 FT

Casing a) diameter 12" Screen a) type 60 slot stainless
 b) length 59 FT b) length 15 FT.
 c) type steel Static Water Level 45.6 F 4-3-91

Pump a) make Layne Motor a) make Franklin
 b) model 7CL b) model No. _____
 c) size 7" c) horsepower rating 15
 d) capacity 400 gpm
 e) turbine pump - no. of stages 2 stage, Submersible
 f) operating PSI 44 PSI

3. Distribution lines or canals

a) size 14"
 b) type PVC
 c) length 23,760 ft.

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
 b) height to primary spillway _____ 1) diameter _____
 c) height to secondary spillway _____ 2) type _____
 d) crest width _____ 3) valved (Y/N) _____
 e) crest length _____ 4) valve type _____
 f) spillway length _____ 5) location on structure _____
 g) spillway width _____
 h) approx. storage _____ n) Category of Dam _____
 i) approx. storage to crest _____
 j) date constructed _____
 k) inspection sheet completed (Y/N) _____
 l) Name of Contractor _____

LICENSE FOR PERMIT NUMBER 5426-3

1. Legal location of wells: The NW 1/4 of the NW 1/4 of T111N R56W Sec 6

dams & structures: _____

2. Well Information: Well Drilling Firm Muron Well Drilling Muron S.D

Completion Report Yes X No _____ No. of Wells 1 Depth 90 FT

Casing a) diameter 12" Screen a) type 50 slot Stainless
 b) length 50 FT b) length 40 FT.
 c) type Steel Static Water Level 30.0 FT 2-12-91

Pump a) make Lynne Motor a) make Franklin
 b) model 7CL b) model No. _____
 c) size 7" c) horsepower rating 15 HP.
 d) capacity 400 gpm
 e) turbine pump - no. of stages 2 stage Submersible
 f) operating PSI 44 PSI.

3. Distribution lines or canals

a) size 14"
 b) type PVC
 c) length 26,400.

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
 b) height to primary spillway _____ 1) diameter _____
 c) height to secondary spillway _____ 2) type _____
 d) crest width _____ 3) valved (Y/N) _____
 e) crest length _____ 4) valve type _____
 f) spillway length _____ 5) location on structure _____
 g) spillway width _____
 h) approx. storage _____ n) Category of Dam _____
 i) approx. storage to crest _____
 j) date constructed _____
 k) inspection sheet completed (Y/N) _____
 l) Name of Contractor _____

Permit No. 5426-3

Vermillion River Water District:

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by Kingbrook Rural Water P.O. Box 299 101 West Elm of Arlington, SD 57212 holder of Permit No. 5426-3, bearing the priority of August 15, 1988 authorizing the diversion of 1.40 cu. ft. per second of the waters of groundwater for Rural Water System purposes, in Kingsbury County.

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

A. Works used to divert the water: Well #5 & #6: 7" Layne Submersible Pump Model No. 7CL using Franklin motors each capable of 400 gpm with HP=15

B. Works used to transport water to place of use:
Well #5: 14" PVC piping 23,760 FT & Well #6: 14" PVC piping 26,400 FT

C. Works used to apply water to beneficial use: Rural Water distribution systems throughout the counties of Kingsbury, Miner, Lake, Minnehaha, McCook, Moody, Brookings, Hamlin, Clark

The system is in the following condition good. The point of diversion is located Well #5: 150' N and 600' W of the center of Section 6-T111N-R56W. Well #6: 300'S and 500' E of the NW corner of Section 6-T111N-R56W. The works are capable of diverting and conveying to the place of use 1.77 cu. ft. per second of water which is to be used for rural water system use. Water has been put to beneficial use to the maximum extent as follows: through the rural water distribution system comprising a total of N/A acres of land and the license should be issued for 1.40 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

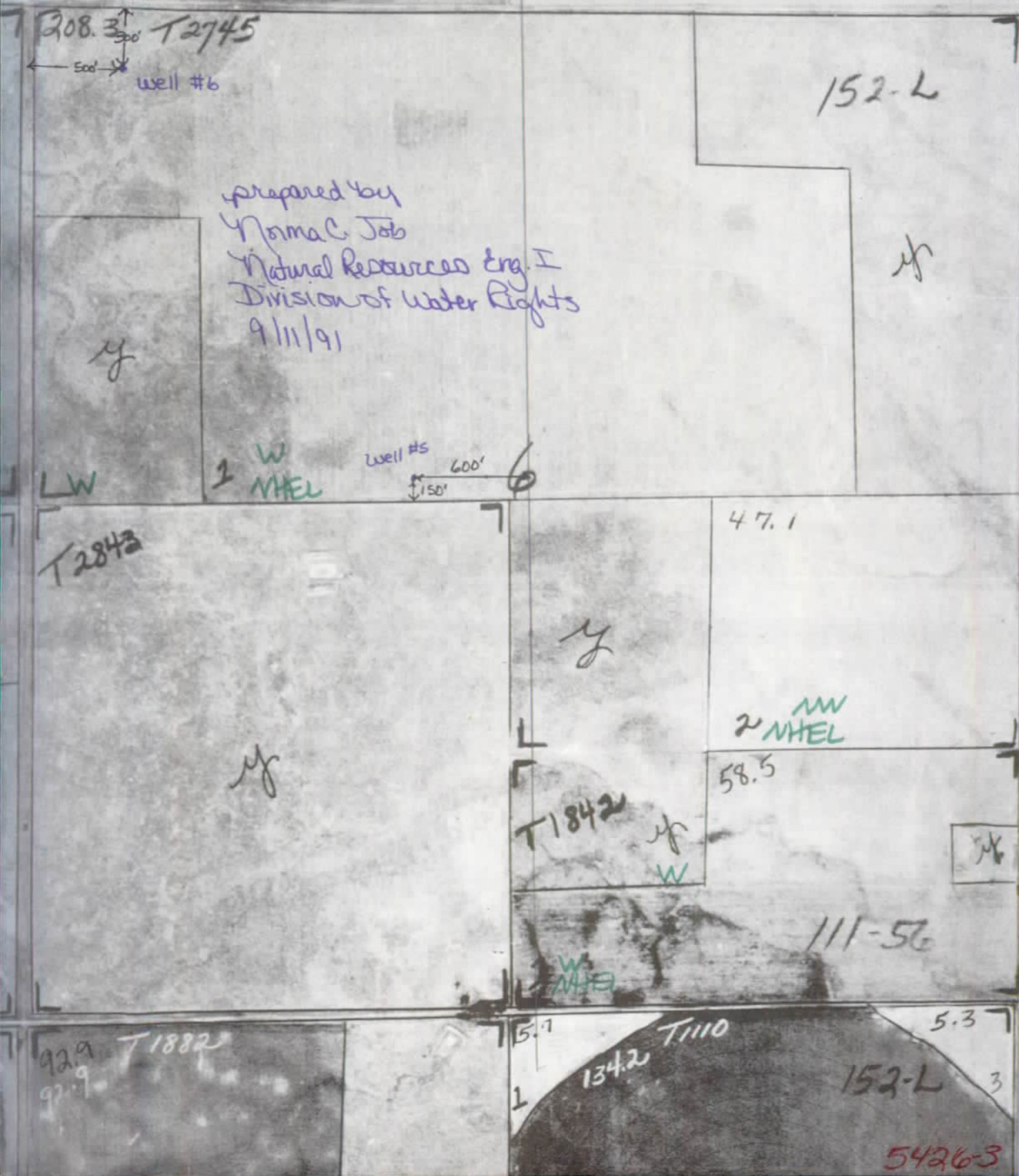
Date: 8/27/1991

Norma C. Job

** Maximum combined annual withdrawals under Permit No. 4137-3, 5186-3, 5208-3, and 5426-3 may not exceed 1,350 acre-feet.

NORMA C. JOB
Natural Resources Engineer I
DENR, Water Rights Division

NOT TO SCALE



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5426-3

(1) The Kingbrook Rural Water System, Inc., of PO Box 299, Arlington, SD 57212-0299 made Application No. 5426-3, March 21, 1990 for a water permit to appropriate 1.40 cubic feet of water per second from groundwater (two wells - labeled Wells 5 & 6), Kingsbury County, South Dakota for rural water system purposes. Permit No. 5426-3, with a priority date of August 15, 1988 (established under Future Use Permit No. 5209-3) was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

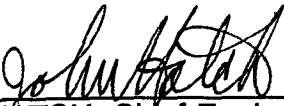
On December 19, 1991 the rural water system submitted a "Notice of Completion of Works and Application of Water to Beneficial Use". The "Notice" stated the diversion system had been completed on April 15, 1991 and the water applied to beneficial use on May 20, 1991.

Approval of Water Permit No. 5426-3 increased the total authorized withdrawal under Water Permit Nos. 4137-3, 5186-3 and 5426-3, however the maximum combined annual withdrawals authorized under Permit Nos. 4137-3, 5186-3, and 5426-3 may not exceed 1,350 acre feet".

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.40 cubic feet of water per second for beneficial use. The location of the two diversion points are: Well #5 - 150'N and 600'W of the center of Section 6, T111N, R56W (SE $\frac{1}{4}$ NW $\frac{1}{4}$); Well #6 - 300'S and 500'E of the NW corner of Section 6, T111N, R56W (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for a rural water distribution system which serves Kingsbury, Miner, Lake, Minnehaha, McCook, Moody, Brookings, Hamlin and Clark Counties in South Dakota.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kingbrook Rural Water System, Inc. of PO Box 299, Arlington, SD 57212-0299 the holder and/or owner of Water Permit No. 5426-3 is issued a license to appropriate water, the right to use 1.40 cubic feet of water per second from groundwater (two wells) with a priority date of August 15, 1988 from the location specified in (2) of this license. The water is diverted through the distribution system for rural water system purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5426-3 and subject to South Dakota State Law.



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

AUG 19 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

4137-3
5186-3
5426-3

Morris Elcock, General Manager
Kingbrook Rural Water System, Inc.
P.O. Box 299
Arlington, SD 57212-0299

Dear Mr. Elcock:

Enclosed are Water License Nos. 4137-3, 5186-3 and 5426-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 414113, 414114 and 414115 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 4137-3, 5186-3 and 5426-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1995

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Elcock:

I am writing in response to your December 14, 1995, request for a summary of your water permits. Attached is a listing dated December 15, 1995, of the requested permits.

The listing of permits is grouped by aquifer: BS-NSC (Big Sioux-Northern Skunk Creek aquifer); VEF (Vermillion East Fork aquifer); BS-B (Big Sioux-Brookings aquifer.) The amount of water appropriated in CFS (cubic feet of water per second), AF (acre-feet of water), priority date, diversion point location, and status (PE - permit, LC - licensed, and FU - future use) is listed for each permit. Any water permit with a "PE" status will eventually be licensed following completion of an on-site investigation.

A couple points to consider when reviewing this list:

- The "CFS" listed for "PE" status permits will be reduced upon licensing if the actual diversion rate is less than the specified rate, and
- The "AF" listed for each future use permit is the number of acre-feet remaining in reserve.

Please let me know if you need any further assistance (605) 773-3352. Have a Merry Christmas!

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

PERMIT	NAME	CFS	AF	PRIORITY	DIV. PT. LOCATION	AQUIFER	STATUS
4367-3	KINGBROOK RWS	3.00	*	1979-01-09	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-105N-51W NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-105N-51W	BS-NSC	PE
5646-3	KINGBROOK RURAL WATER SYS	1.00	425	1992-03-19	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9-105N-51W	BS-NSC	PE
*No acre-foot limitation specified on Permit No. 4367-3							
5643-3	KINGBROOK RWS, INC		425	1992-03-19	Portions of sections 8, 9, 17; all in 105N-51W	BS-NSC	FU
4137-3	KINGBROOK RWS INC	1.06	*	1977-03-04	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8-111N-56W SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-111N-56W SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-111N-56W	VEF	LC
5186-3	KINGBROOK RWS INC	0.70	*	1988-03-29	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-111N-56W	VEF	LC
5208-3	KINGBROOK RWS	1.40	*	1988-08-15	5208A-3 changes location of diversion points	VEF	PE
5208A-3	KINGBROOK RURAL WATER SYS		*	1988-08-15	E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6-111N-56W	VEF	PE
5426-3	KINGBROOK RWS	1.40	*	1988-08-15	SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6-111N-56W	VEF	LC
5785-3	KINGBROOK RWS, INC.		*	1993-08-25		VEF	PE
*Combined diversions under all permits in the Vermillion East Fork aquifer may not exceed 1,350 acre-feet annually							
5209-3	KINGBROOK RWS		550	1988-08-15	Portions of sections 10 & 8, 6; all in 111N-56W	VEF	FU
5079-3	BROOKINGS-DEUEL-KINGBROOK	2.90	*	1975-05-05 1977-06-06	NE $\frac{1}{4}$ 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25; 112N-51W; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-112N-50W	BS-B	LC
2612A-3	BROOKINGS-DEUEL-KINGBROOK	0.89	210	1976-03-01	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W	BS-B	LC
5434-3	BROOKINGS-DEUEL-KINGBROOK		224	1990-04-02	Same as 2612A-3	BS-B	PE
5602-3	BROOKINGS-DEUEL-KINGBROOK	1.00	434	1977-06-06	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W	BS-B	PE
5821-3	BROOKINGS-DEUEL-KINGBROOK			1994-05-05	Connect City of Arlington	BS-B	PE
*No acre-foot limitation specified on Permit No. 5079-3							
3982-3	BROOKINGS-DEUEL-KINGBROOK		869	1977-06-06	Parts of 24,25-112N-51W and 19-112N-50W	BS-B	FU
3982A-3	BROOKINGS-DEUEL-KINGBROOK			1994-01-10	Added all SW $\frac{1}{4}$ sec 19	BS-B	FU

December 15, 1995

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Kingbrook Rural Water System

ADDRESS: PO Box 299, Arlington SD 57212

DATE: October 18, 2006

TELEPHONE: 605 203-0409

RE: Amount of water appropriated in the Vermillion East Fork aquifer

COMMENTS:

I received a phone call from Kingbrook RWS concerning the total amount of water appropriated from the Vermillion E Fork aquifer. The question is whether the amount of water appropriated by Future Use Permit No. 5209-3 (1,100 AF) is included within the 1,350 AF cap on diversions from the aquifer. Based on the following I believe the 1,100 AF is reserved in addition to the 1,350 AF cap. Here is why:

From the findings on Permit No. 5208-3 adopted March 22, 1989:

5. Approval of Permit No. 5208-3 authorizes
maximum combined annual withdrawals under Permits No.
4137-3, 5186-3, and 5208-3 of up to 1,350 acre feet.

From the findings for Permit No. 5209-3 adopted at the same meeting and immediately following 5208-3:

4. Approval of this Permit reserves 1100 acre
feet annually.

These findings are in agreement with a recommendation apparently made by John Hatch in response to the contested nature of the applications:

File Nos. 5209-3 & 5426-3

John Hatch, Chief Engineer
Water Rights Division
S.D. Department of Water & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181



Dear Sir:

In regards to letter on the follow-up of the public meeting in DeSmet and your proposed changes on our permit applications. I have visited with Gary Patton, our engineer, about your recommendations and we are agreeable with them.

1. Condition approval of Application No. 5208-3 with the following qualification:

"Approval of Permit No. 5208-3 authorizes maximum annual withdrawals under Permit No. 4137-3, 5182-3 and 5208-3 of up to 1350 acre feet".

2. Condition approval of Future Use Application No. 5209-3 with the following qualification:

"Approval of Permit No. 5209-3 reserves 1100 acre feet annually.

I again want to thank you for taking time out of your busy schedule to attend the informational meeting in DeSmet on October 18, 1988. Attached is a copy of those in attendance at that meeting.

Sincerely,

Marie Elcock

Following approval of the these permits, Application No. 5426-3 was filed to place water to beneficial use reserved by No. 5209-3 and was issued as follows:

1. Water Permit No. 5426-3 authorizes construction and placement to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW1/4 NW1/4 and SE1/4 NW1/4 of Section 6 T111N-R56W. This water was appropriated and reserved by future use Water Permit No. 5209-3.

and qualified as:

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.

The above qualification allows pumping in excess of the 1,350 AF if "evidence of need is presented." The qualification allows an additional 550 AF to be pumped for a total of 1,900

File Nos. 5209-3 & 5426-3

AF if that condition is met. It appears that 550 AF is intact and available with the priority date established under No. 5209-3 if the RWS shows a need to exceed the 1,350 AF cap.

The license issued for No. 5426-3 makes no mention of the 1,900 AF but the license does not repeat "word for word" the qualifications included in the permit. The current practice is to repeat the qualifications word for word to avoid any confusion. Also, any change to permit qualifications requires Water Management Board approval.

Approval of Water Permit No. 5426-3 increased the total authorized withdrawal under Water Permit Nos. 4137-3, 5186-3 and 5426-3, however the maximum combined annual withdrawals authorized under Permit Nos. 4137-3, 5186-3, and 5426-3 may not exceed 1,350 acre feet.

To sum up, I believe appropriation of water stands capped at 1,350 AF with the potential to go up to 1,900 AF as qualified by Permit No. 5426-3. This 550 AF increase would assume the priority date of the reservation made under No. 5209-3 and subsequently assigned to No. 5426-3. This leaves 550 AF remaining in future use under No. 5209-3.



Ron Duvall
Natural Resources Engineer
Water Rights Program

5426-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 5426-3, Kingbrook RWS

ADDRESS: COUNTY: Kingsbury County

DATE: November 5, 2009 TELEPHONE:

RE: DeSmet well field

COMMENTS:

Guy with Kingbrook RWS called. The RWS is trying to get a handle on the current annual volume they can pump from the DeSmet well field (Vermillion:East Fork Aquifer) and what remains in Future Use Permit No. 5209-3.

Water Permit No. 5426-3 authorized construction and placement to beneficial use 1.4 cfs (550 acre feet annually) from two wells. The water was appropriated and reserved by Future Use Permit No. 5209-3. It contained the qualification below which basically set the RWS annual diversion authority at 1,350 ac-ft annually which is the amount set by its existing permit. The 550 ac-ft additional could not be used until the RWS provided evidence of the need. The 550 ac-ft was taken out of Future Use Permit No. 5209-3 reducing the amount held in reserve down from 1,100 ac-ft to 550 ac-ft.

QUALIFICATIONS

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.

When Water Permit No. 5426-3 was licensed it limited the combined annual withdrawals authorized under Permit Nos. 4137-3, 5186-3 and 5426-3 to 1,350 acre feet of water. This amount is further reinforced by the fact that when Permit Nos. 5785-3 and 6731-3 were issued they included a condition limited the annual diversion from the Vermillion East Fork Aquifer to 1,350 acre feet of water annually.

The 550 acre feet of water that was not developed under No. 5426-3 reverted back to Future Use Permit No. 5209-3 pursuant to ARSD 74:02:01:26.01.

Ron Duvall with Water Rights was consulted on this conclusion and concurred that the 550 ac-ft of water reverts back to the future use permit. As of November 5, 2009, Future Use Permit No. 5209-3 reserves 1,100 acre feet of water.

NAME: 

SOUTH DAKOTA WELL REHABILITATION REPORT

SD EForm - 1623LD V1

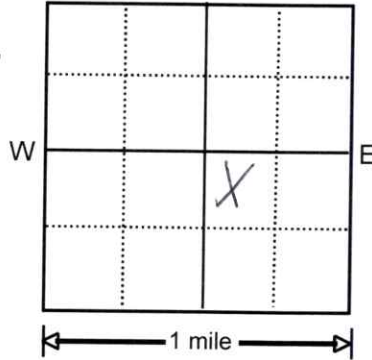
11-02

Location SE ¼ NW ¼ Sec 6 Twp 111 Rg 56

County KINGSBURY

North

Please mark well location with an "X"



Well owner:

Name KINGBROOK RURAL WATER SYSTEMS

Address PO BOX 299

City, State, Zip ARLINGTON SD 57212

Describe original construction if possible.
(Attach original log if available)

12" STEEL WELL CASING W/ STAINLESS STEEL SCREEN

SEE ATTACHED LOG

RECEIVED

DEC 29 2025

OFFICE OF WATER

Rehabilitation Completion Date August 29, 2025

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Stock
☐ Irrigation ☐ Industrial

Description of condition of well before rehabilitation:

TELEVISED WELL: FOUND HOLES IN CASING

Description of rehabilitation work completed:

BAILED WELL TO FULL DEPTH, INSTALLED NEW 8" CASING & SCREEN

Recasing information: Material 0.322 STEEL Diameter 8.0 Inches Depth 90.0 Feet

Describe screen or perforations .100 SLOT STAINLESS STEEL Screen Location From 90 To 105
From _____ To _____

Grout: ☒ YES Describe grouting procedure and grout:
☐ NO

INSTALLED 11 BAGS OF BENTONITE TO 85'

Well Test Data: Specific capacity 14.6 Static water level 51'
If a flowing well _____ GPM Shut in _____ PSI

This well rehabilitation was completed under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY INC

Signature of Licensed Representative: _____

Michael Thein

Signature of Well Owner: _____

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

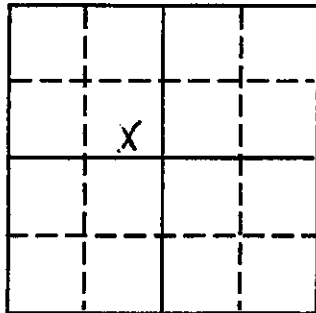
Location SE 1/4 NW 1/4 Sec 6 Twp 111 Rg 56

County

Kingsbury

North

Please mark well location with an "X"



Well Completion Date

6/17/2008

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

20.0 ft. from Abandoned well #7 (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel
 ☐ Plastic
 ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	12.00	0.0	92.5	17.50

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0	88.0
Volclay Grout	35	50.0		

Describe grouting procedure

Pressure grout with tremie line

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 12.00 Inches Length 15.0 FeetMaterial Stainless steelSlot Size 70 Set From 92.5 Feet to 107.5 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? Chlorine
☐ No, Why Not?

Lab sample sent to for water quality analysis

By owner

Well Owner: Kingbrook Rural Water System

Business Name:

Address: PO Box 299City, State, Zip: Arlington SD 57212

WELL LOG:

DEPTH

FORMATION

FROM

TO

See attached formation log

RECEIVED

DEC 29 2025

OFFICE OF WATER

STATIC WATER LEVEL

50.7 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ PumpedDescribe: with submersible pump☐ Bailed☐ Other

Pumping Level Below Land Surface

73.3 Ft. After 8.0 Hrs. pumped 500.0 GPM Ft. After Hrs. pumped GPM

If pump installed, pump rate:

400.0 GPM

REMARKS

Kingbrook - DeSmet #10

This well was drilled under license #

475

And this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

8/18/08