

WATER PERMIT NO. 8442-3

Name of Applicant: **Precision Capital LLC SD / Huset's Speedway**

Address: **2012 S Split Rock Blvd, Brandon SD 57005** Phone: **507 920-7368**

Amount of Water Claimed: **0.44 cfs** Total Acres: **NA**

Source of Water Supply: **Split Rock**

Water to be used for: **commercial** County: **Minnehaha**

Type of Waste Disposal System:

Location: **south edge of Brandon**

PRIORITY Date Received: **8-1-20**

Application/License Fee: **\$ 700**

Corrected Application Received: **8-27-20**

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **NE 1/4 NW 1/4 Sec 10-T101N-R48W**

Land to be Irrigated: **NA**

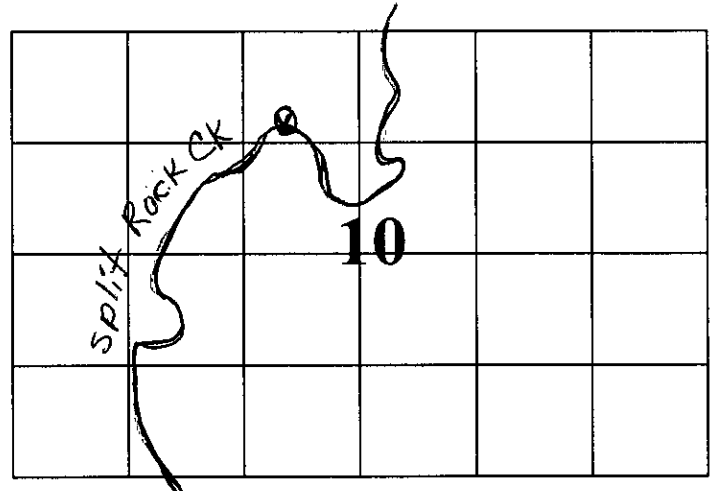
Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **8-27-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8442-3**

Date of first receipt of application August 10, 2020.

Date of return to applicant for corrections, amendments or changes August 11, 2020.

Date of receipt of corrected application August 27, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8442-3 to Precision Capital LLC SD / Huset's Speedway, c/o Tod Quiring, 2012 S Split Rock Blvd, Brandon SD 57005 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. 8442-3 authorizes appropriation of an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.44 cubic feet of water per second from Split Rock Creek located in the E 1/2 NW 1/4 Section 10-T101N-R48W for industrial use for racetrack watering. This site is located on the south edge of Brandon SD.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: May 1 – September 30.
4. The date of approval of Permit No. 8442-3 is November 9, 2020.
5. The date from which applicant may claim right is August 10, 2020.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Low flows as needed for downstream domestic use, including livestock water, must be bypassed.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 24 2020
date



PAID

AUG 10 2020

Ck# 263
RECEIVED

AUG 10 2020

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8442-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader</u>	

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

Check use(s) of water:

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

Type of Application: (check one)

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

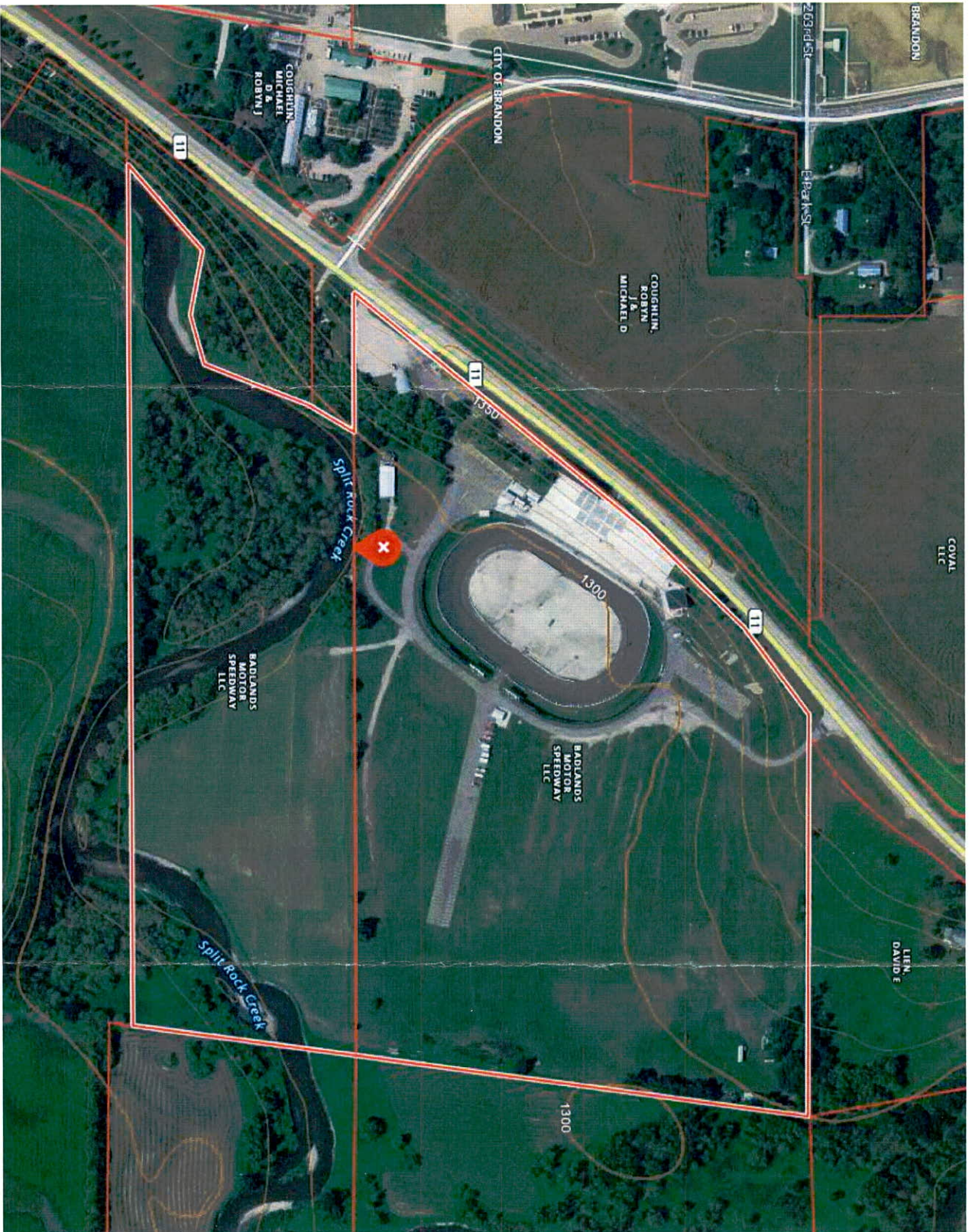
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Water Permit Precision Capital, LLC SD/Husets Speedway
Mailing Address 2012 South Split Rock Blvd., Brandon SD 57008
PO Box 731 (Address) (City) (State) (Zip Code)
Phone _____ Mobile 507-900-7368 Email tquiring@mscapital.org
245,000
- Amount of water claimed 0.44 *CFS or 200 **GPM and X ***AF or 245,000 Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Trash Pump from Split Rock Creek
- Location of point of diversion 1 - trash pump E 1/2 NW 1/4 Sec 10 - T104N - R48W County Minnehaha
(example - 3 wells in SW 1/4 NE 1/4 section 12 - T104N - R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12 - T104N - R53W)
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used May - Sept. 30
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water intended use for racetrack watering once per week.
See attached map.

I, Tod Quiring Manager, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.



102N 48W
Section: 33

102N 48W
Section: 34

101N 48W
Section: 04

101N 48W
Section: 03

101N 48W
Section: 02

101N 48W
Section: 09

101N 48W
Section: 10

101N 48W
Section: 11

101N 48W
Section: 16

101N 48W
Section: 15

101N 48W
Section: 14





DL183207

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Filing Fee: \$150

Total Fee: \$150

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Article I

The name of the Company: **PRECISION CAPITAL SD, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**2012 S. SPLITROCK BLVD
BRANDON, SD 57005**

Mailing Address

**2012 S. SPLITROCK BLVD
BRANDON, SD 57005**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Tod K. Quiring**

Actual Street Address in this State

**2012 S SPLITROCK BLVD
BRANDON, SD 57005**

Mailing Address in this State

**2012 S SPLITROCK BLVD
BRANDON, SD 57005**

Article IV

The name and address of each organizer

Name

Address

Randy J. Zellmer

111 South 2nd 6 Street, Suite 400, Mankato, MN 56001.

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

B0144-2405 06/17/2020 1:29PM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 11, 2020

RECEIVED OF Tod Quiring/Precisian Capital LLC SD/Huset's Speedway PO Box 441 Windom MN 56101-0441

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

Fee for Application for Permit No. <u>8442-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$200.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8442-3</u>	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$700.00

By Eric Gronlund
Chief Engineer *em*



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 2020

Tod Quiring
Huset's Speedway
2012 South Split Rock Blvd
Brandon SD 57005

RECEIVED

AUG 10 2020

**WATER RIGHTS
PROGRAM**

Dear Mr. Quiring:

A recent news story on Keloland indicates that you are now the owner of Huset's Speedway. It is DENR's understanding there is a pump site on Split Rock Creek which is utilized by the speedway. A review of our records does not find a water right permit for this commercial water use. I am writing to ensure that you are aware of the water permit requirements in South Dakota.

According to state law, a water permit is needed for any water use except for reasonable, private domestic use.

Enclosed is an application form and instruction sheet to apply for a Permit to Appropriate Water within the State of South Dakota. If you have any questions, please contact Ron Duvall or me. We want to work with you to get the necessary permitting in place.

You can find more information about using water in South Dakota and the permitting process by visiting our website at <https://denr.sd.gov/des/wr/wr.aspx>.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 2020

Tod Quiring
Precision Capital LLC SD / Huset's Speedway
2012 S Split Rock Blvd
PO Box 371
Brandon SD 57005

Dear Mr. Quiring:

Thank you for submitting the *Application for a Permit to Appropriate Water* for water use from Split Rock Creek. In order to complete the application, the following is required.

- As marked on the map submitted with application, the point where the water is taken from the creek is located in the NE 1/4 NW 1/4 Section 10-T101N-R48W. Do you agree?
- Regarding the amount of water claimed:
 - What is the pump capacity (gallons per minute) at the creek?
 - What is the storage capacity (gallons) of the truck transporting the water?
 - What would be the maximum number of truckloads of water hauled per week and how many weeks per year?

From this information, we can determine the amount of water claimed.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

Schlaak, Karen

From: Tod Quiring <tquiring@mscapital.org>
Sent: Thursday, August 27, 2020 10:33 AM
To: Schlaak, Karen
Subject: RE: [EXT] Application for a Permit to Appropriate Water

Yes I agree.



Tod K. Quiring
1905 1st Ave.
Windom, MN 56101
PH: 507-920-7368

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Thursday, August 27, 2020 10:31 AM
To: Tod Quiring <tquiring@mscapital.org>
Subject: RE: Application for a Permit to Appropriate Water

Thank you for the information.
Do you agree that where the water is taken from the creek is the NE ¼ NW ¼ Section 10-T101N-R48W?

Karen

From: Tod Quiring <tquiring@mscapital.org>
Sent: Thursday, August 27, 2020 10:09 AM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Application for a Permit to Appropriate Water

Karen,

Please see answers to your questions.

Pump Capacity: 200 Gallons per minute
Storage capacity: 1750 gallons
Maximum loads/Week: 10
Weeks/year: 14 weeks

Please let me know if you have any further questions?

Thank you,



Tod K. Quiring

1905 1st Ave.

Windom, MN 56101

PH: 507-920-7368

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 4:55 PM
To: Tod Quiring
Subject: RE: [EXT] Water Permit Application for Huset's Speedway
Attachments: 0100.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you tomorrow.

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

From: Tod Quiring <tquiring@mscapital.org>
Sent: Thursday, October 22, 2020 4:40 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: Re: [EXT] Water Permit Application for Huset's Speedway

Huset's Speedway
2012 South Splitrock Blvd PO Box 731
Brandon, SD 57005

Tod Quiring
Mainstream Capital
PO Box 454
Windom, MN 56101
507-920-7368

On Oct 22, 2020, at 9:52 AM, Schlaak, Karen <Karen.Schlaak@state.sd.us> wrote:

We are preparing the public notice, just wondering what mailing address should be used. The application states PO Box 731, Brandon SD.

I also note an address for you at 1905 1st Ave, Windom MN. Please advise.

Karen Schlaak



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8442-3, Precision Capital, LLC SD / Huset's Speedway**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8442-3, Precision Capital, LLC SD / Huset's Speedway, 2012 South Split Rock Blvd., Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 8442-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

Low flows as needed for downstream domestic use, including livestock water, must be bypassed.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 22, 2020

**REPORT ON WATER PERMIT APPLICATION NO. 8442-3
PRECISION CAPITAL, INC. SD/ HUSET'S SPEEDWAY
OCTOBER 19, 2020**

Application No. 8442-3 proposes to appropriate an amount not exceeding 1.0 acre-feet of water annually (ac-ft/yr), at a maximum pump rate of 0.44 cubic feet per second (cfs) from Split Rock Creek. The location of the diversion point is the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 10-T101N-R48W and the water is for industrial use at a racetrack on the south edge of the City of Brandon (Figure 1).

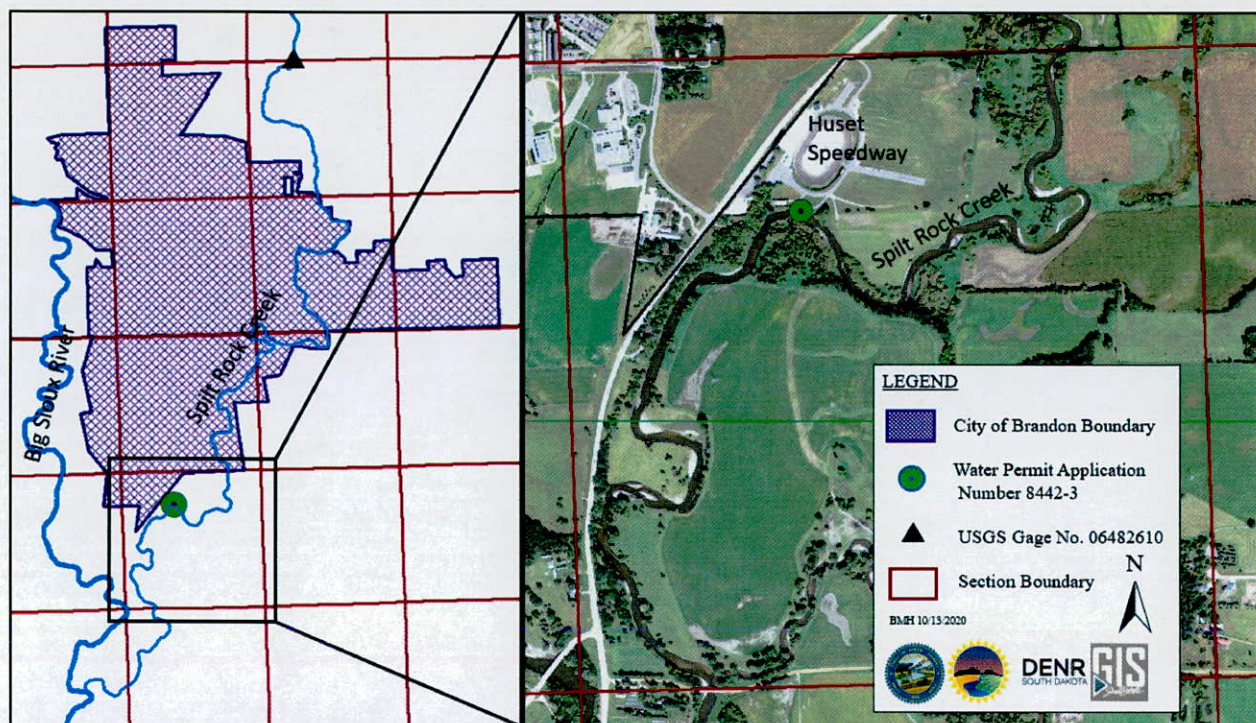


Figure 1. Map showing location of Water Permit Application No. 8442-3.

Review of the Proposed Project and Water Source

The water source for the proposed project is Split Rock Creek in Minnehaha County. Its headwaters are near the town of Pipestone, MN, and flows southwest into South Dakota, near the town of Sherman, before joining the Big Sioux River, approximately 1.5 miles southwest of the City of Brandon.

Mean, often referred to as the average, and median, also referred to as the 50th percentile, are statistical terms which delineate the predominant tendency of a data set. Mean is often considered a representative value of a data set and is calculated by summing of the data values then dividing that sum by the total number values in the data set. A median value is considered the central value which divides the data set into a set of values higher than the central value and a set of values lower than the central value. The 50-percentile represents the amount of water expected once out of every two years. The U.S. Geological Survey (USGS) operates stream flow gaging station No. 06482610, on Split Rock Creek near Corson, SD, located approximately 3.4 river miles upstream of the proposed project (USGS, 2020). Figure 2 is a graph comparing daily mean flow values

versus daily median flow values, for the years 1965 – 2019, obtained from gaging station No. 06482610. The mean line shows that at least 130 cfs of water is available from March through mid-July, steadily declines to approximately 35 cfs by the beginning of September, fluctuates between 400 and 100 cfs through mid-October, then declines back to approximately 35 cfs by the end of December. In contrast, the median line shows 100 cfs available from mid-March through the beginning of May, oscillates between 69 to 132 cfs until the beginning of July where it then decreases to approximately 30 cfs for the remainder of the year. The most significant difference between these two lines is the extreme flow peaks of the mean line. It shows an amount of water 3 to 6 times greater than the median line available at several different periods during the year. This can be expected because the mean value is significantly affected by anomalous high or low values within the data set, which tends to skew the mean value toward the anomaly. Figure 2 demonstrates this emphasis on high flow events which can exaggerate the expectation for more water being available over a longer period of time when compared to the median line.

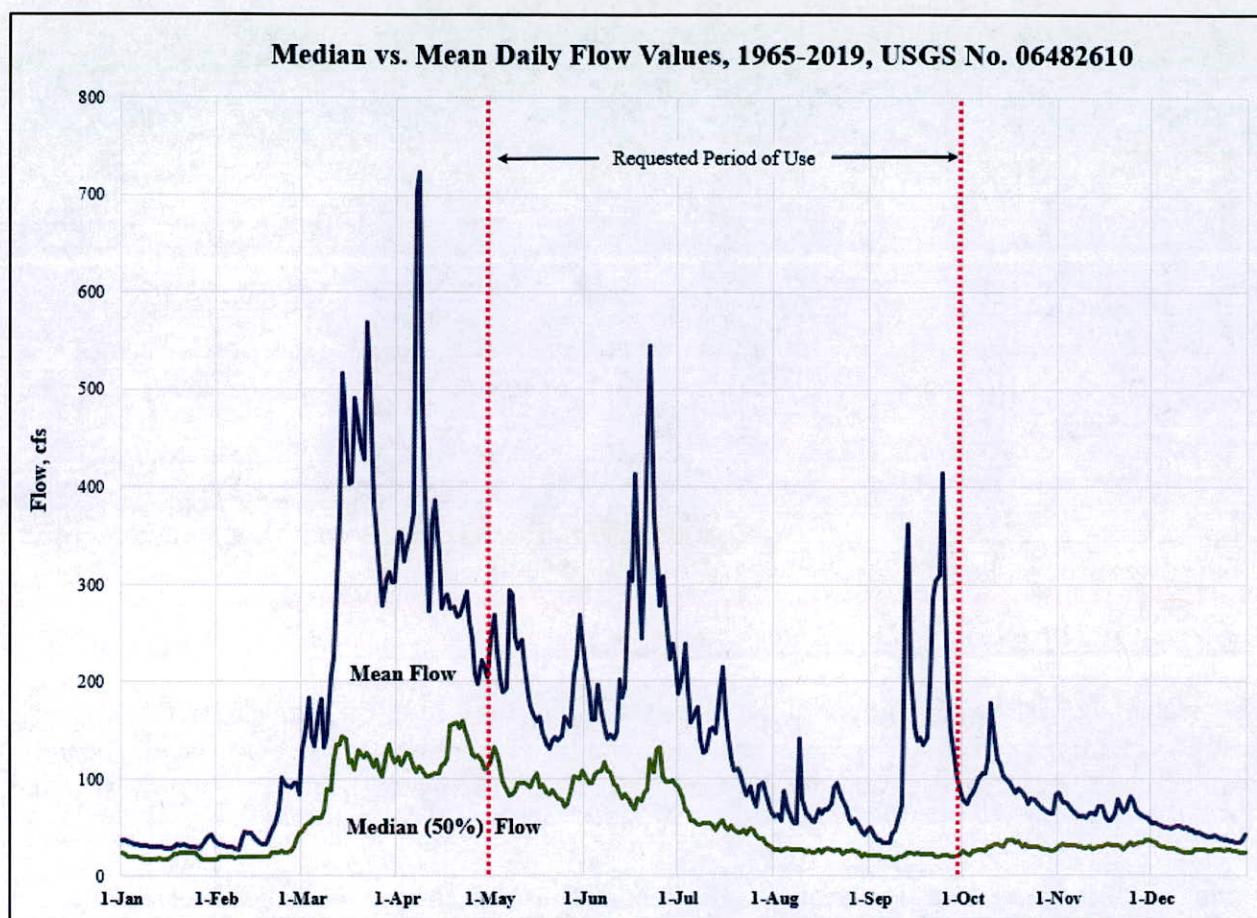


Figure 2. USGS gaging station No. 06482610 Split Rock Creek at Corson, SD, Median versus Mean of daily flow values 1965-2019. Contributing drainage area of 482 mi² (USGS, 2020).

Figure 3 shows plots of historical percentile data from 1965 to 2019 for gaging station No. 06482610. At the 50-percentile level, the mean daily flow indicates a base flow of less than 25 cfs in January and February then sharply increasing to above 100 cfs by mid-March. While flow does occasionally exceed 150 cfs, flow is consistently between 50-75 cfs through mid-July, before steadily decreasing to around 25 cfs by mid-August. Flow oscillates (never surpassing 40 cfs)

around this value for the remainder of the winter season months. At the 10-percentile level, winter flows are around 5 cfs until the beginning of March when they increase to approximately 25 cfs from the beginning of May through mid-June. Flow rate then steadily decreases to around 5 cfs by mid-August and remain around this value for the rest of the year. Based upon the historic stream gaging record, under most conditions, there should be adequate flow to supply the proposed use

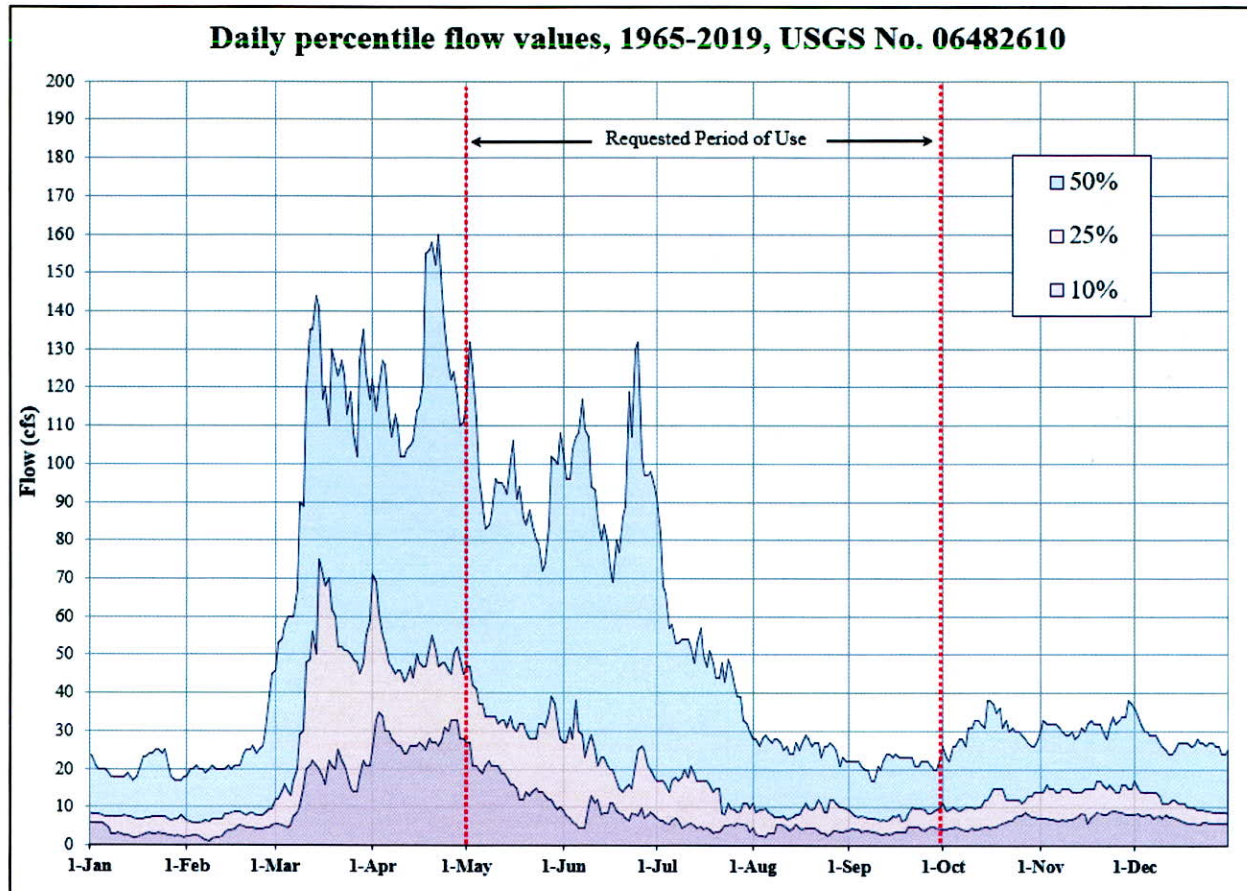


Figure 3. Daily percentile flow hydrograph for the USGS Stream Gage No. 06482610 Spilt Rock Creek near Corson, 1965-2019. Contributing drainage area of 482 mi² (USGS, 2020).

Review of Existing Water Rights and Current Appropriation

There are 10 existing water rights/permits appropriating 28.96 cfs from within the South Dakota reach of Spilt Rock Creek. All of which are located upstream of the proposed application site.

Water is available to meet the needs of this proposed industrial use. Except during extremely dry climatic conditions, unappropriated water should be available from Split Rock Creek. However, to account for the occasion when water availability may be an issue, the permit should contain a low flow bypass qualification.

Conclusions

1. The applicant proposes to appropriate an amount not exceeding 1.0 acre-feet of water annually (ac-ft/yr), at a maximum pump rate of 0.44 cubic feet per second (cfs).
2. The source of water is from Split Rock Creek, a tributary to the Big Sioux River.
3. As the furthest downstream diversion on Split Rock Creek, approval of this application will not adversely impact existing appropriative or domestic users.
4. Except under extremely dry climatic conditions, water availability from Split Rock Creek is not expected to be an issue if this application is approved.
5. If approved, the permit should contain the following "low flow bypass" qualifications:

Low flows as needed for downstream domestic use, including livestock water, must be bypassed.



Blaise M. Hansen
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

1. United States Geological Survey. 2020. *National Water Information System – USGS Surface-Water Daily Statistics for South Dakota*. 1 October 2020: <https://waterdata.usgs.gov>.
2. Water Rights. 2020. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

RECEIVED

OCT 29 2020

WATER RIGHTS
PROGRAM

Account No.: 5079207368PREC

Ad No.: 0004436929

PO #: AD#4436929

Lines : 108

Ad Total: \$71.17

This is not an invoice

of Affidavits 1

PRECISION CAPITAL LLC SD
2012 SOUTH SPLIT ROCK BOULEVARD
BRANDON, SD 57005

Account No.: 5079207368PREC
Ad No.: 0004436929

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, October 29, 2020

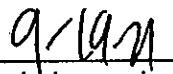
Sworn to and subscribed before me this 29 day of October, 2020.



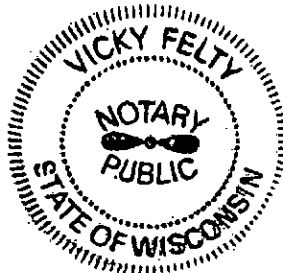
Legal Clerk



Notary Public, State of Wisconsin, County of Brown



My Commission expires



NOTICE OF
APPLICATION NO. 8442-3
to Appropriate Water

Notice is given that Precision Capital LLC SD / Huset's Speedway, c/o Tod Gurling, 2012 South Split Rock Blvd, PO Box 731, Brandon SD 57005 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.44 cubic feet of water per second from Split Rock Creek located in the E 1/2 NW 1/4 Section 10-T101N-R45W for industrial use for racetrack watering. This site is located on the south edge of Brandon SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8442-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 9, 2020.

The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the

application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total
approximate cost of \$71.17
4436729 Oct. 29, 2020

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 22, 2020 4:53 PM
To: 'legals@argusleader.com'
Subject: 8442-3, Precision Capital LLC SD - Huset's Speedway
Attachments: 8442-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 29, 2020.

Precision Capital LLC SD / Huset's Speedway, c/o Tod Quiring, 2012 South Split Rock Blvd, PO Box 731, Brandon SD 57005 (507 920-7368) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 22, 2020

Tod Quiring
Precision Capital, LLC SD / Huset's Speedway
2012 South Split Rock Blvd
PO Box 731
Brandon SD 57005

Dear Mr. Quiring:

Water Permit Application No. 8442-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed at Sioux Falls SD (Ph # 605 331-2200). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8442-3 to Appropriate Water

Notice is given that Precision Capital LLC SD / Huset's Speedway, c/o Tod Quiring, 2012 South Split Rock Blvd, PO Box 731, Brandon SD 57005 has filed an application for a water permit to appropriate an amount not exceeding 1.0 acre-feet of water annually at a maximum pump rate of 0.44 cubic feet of water per second from Split Rock Creek located in the E 1/2 NW 1/4 Section 10-T101N-R48W for industrial use for racetrack watering. This site is located on the south edge of Brandon SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8442-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 9, 2020.

The petition may be informal but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOV 24 2020

Precision Capital LLC SD / Huset's Speedway
c/o Tod Quiring
2012 S Split Rock Blvd
Brandon SD 57005

Dear Mr. Quiring:

Enclosed is Water Permit No. 8442-3 authorizing the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8442-3

I have this day, April 28, 2022, made a thorough examination of the water use system constructed by Precision Capital LLC SD/Husset's Speedway 2012 S Split Rock Blvd., Brandon, SD 57005 of Permit No. 8442-3, bearing the priority of August 10, 2020 authorizing the diversion of 0.44 cu. ft. per from Split Rock Creek for industrial use purposes, in Minnehaha County.

Pump:

- 1) Make Berkley
- 2) Model B4ZPBHS
- 3) Size 5 inch impellor
- 4) Capacity 200 GPM

Motor:

- 1) Make Baldor
- 2) Model No. JPL1510T
- 3) Horsepower rating 7.5 hp

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in excellent condition with the point of diversion located as follows: From the NW corner of Section 10, T101N, R48W, 1320 ft S & 2070 ft E, Lat 43.56917 Long -96.58398 (NE ¼ NW 1/4).
2. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The current Permit contact person is Taylor Quiring at 1905 1st Ave, Windom, MN 56101: Telephone number 507/822-3825.

Local Brandon, SD contact is Doug Johnson at 605/359-4955.

This pumping plant is used about one day a week during the racing season.

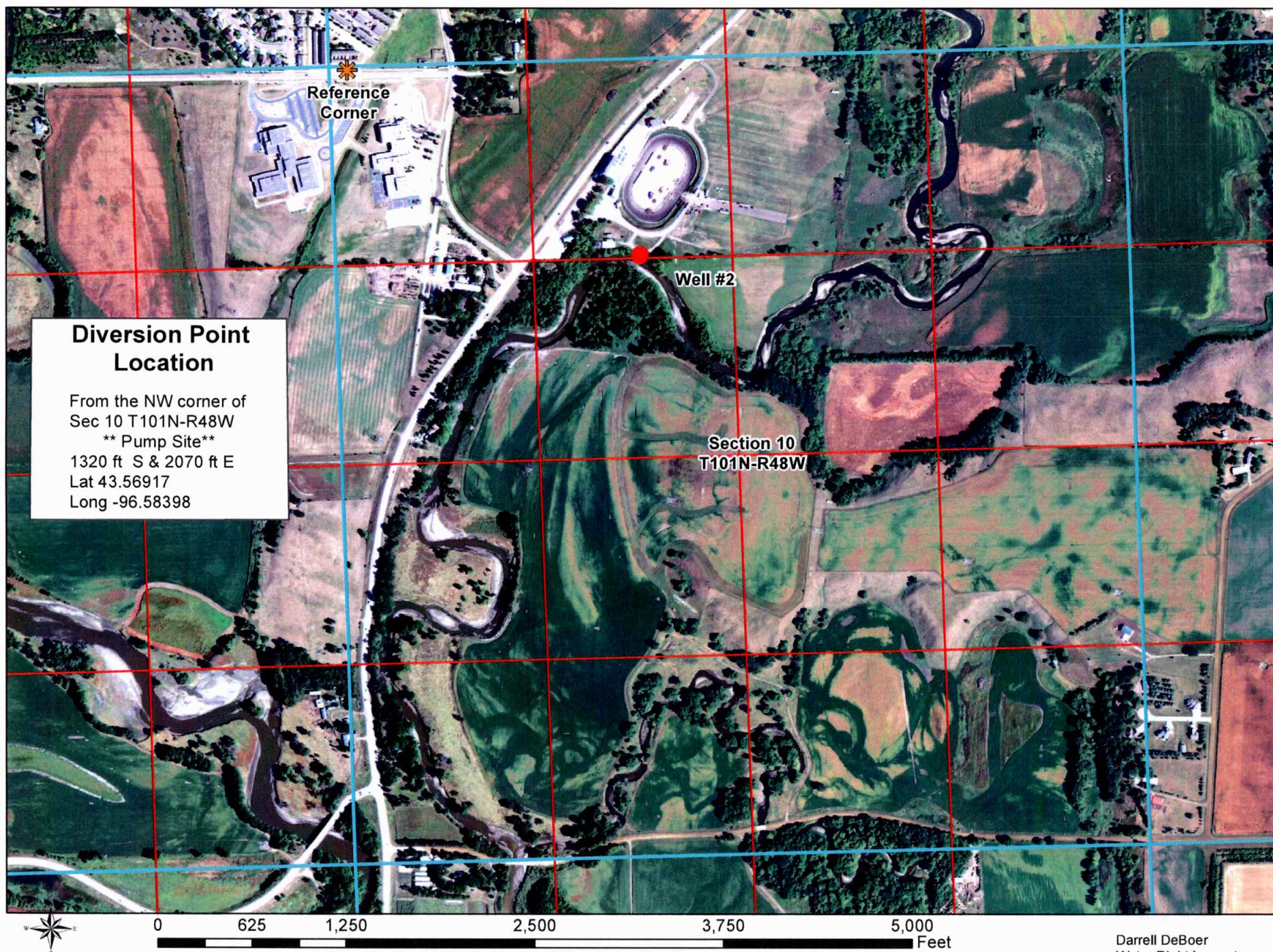
The pumping plant is located on the north bank of Split Rock Creek just south of the racetrack is only one year old and is excellent condition (See photo on page 2)



Darrell W DeBoer

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 29, 2022



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8442-3

(1) Precision Capital LLC SD/Huset's Speedway, 2012 S Split Rock Blvd., Brandon SD 57705-7015 made Application No. 8442-3, August 10, 2020, for a water permit to divert 0.44 cubic feet of water per second with an annual volume of 1.0 acre-feet, from Split Rock Creek, Minnehaha County, South Dakota for industrial use. Permit No. 8442-3, with a priority date of August 10, 2020, was approved November 9, 2020, and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.44 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320'S and 2,070'E of the NW corner of Section 10, T101N, R48W (NE ¼ NW ¼)
Latitude 43.56917 Longitude-96.58398

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial, industrial use at the racetrack on the south edge of Brandon, SD

(4) Pursuant to South Dakota Water Law 46-5-30.1 Precision Capital LLC SD/Huset's Speedway 2012 S Split Rock Blvd., Brandon SD 57705-7015 the holder and/or owner of Water Right No. 8442-3 is issued a license to appropriate water, the right to use 0.44 cubic feet of water per second, with an annual volume of 1.0 acre-feet from Split Rock Creek with a priority date of August 10, 2020, from the location specified in (2) of this license for industrial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8442-3 and subject to the following qualification:

- Low flows as needed for downstream domestic use, including livestock water, must be bypassed.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 13 2022
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

8442-3

JUL 13 2022

Tod Quiring
Precision Capital LLC/Huset's Speedway
2012 S Split Rock Blvd
Brandon, SD 57705-7015

Dear Mr. Quiring:

Enclosed is Water License No. 8442-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program