

WATER PERMIT NO. 8596-3

Name of Applicant: **Kingfisher Enterprises**

Address: **47122 219th St, Brookings SD 57006**

Phone: **57006**

Amount of Water Claimed: **0.2 cfs (72.6 AF)**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial**

County: **Brookings**

Type of Waste Disposal System:

Location: **5 miles south of Brookings**

PRIORITY Date Received: **1-14-22**

Application/License Fee: **\$ 950**

Corrected Application Received: **2-4-22**

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

Remarks: **Fish farm/hatchery**

Diversion Point: **SW 1/4 SW 1/4 Sec 25-T109N-R50W**

Land to be Irrigated: **NA**

Depth of Well: **210 feet deep**

Well Driller: **Kaiser Well Drilling Inc.**

Remarks:

Type of Map: **aerial**

Prepared by:

		25			
	6				

Reviewed and the Number Assigned on: **2-16-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8596-3**

Date of first receipt of application January 14, 2022.

Date of return to applicant for corrections, amendments or changes January 18, 2022.

Date of receipt of corrected application February 4, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8596-3 to Kingfisher Enterprises, c/o Dan Ackerwold, 47122 219th St, Brookings SD 57006 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. 8596-3 appropriates 72.6 acre-feet of water annually at a maximum pump rate of 0.20 cubic feet of water per second from one existing well completed into the Howard Aquifer (210 feet deep) located in the SW 1/4 SW 1/4 Section 25 for commercial use in a fish farm/hatchery located in the SW 1/4 SW 1/4 Section 25; all in T109N-R50W. This site is located approximately 5 miles south of Brookings SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is January 14, 2022.
5. The date of approval of Permit No. 8596-3 is April 18, 2022.
6. One-fifth of the construction is to be completed on or before October 18, 2024.
7. All construction is to be completed on or before April 18, 2027.
8. Water is to be put to beneficial use on or before April 18, 2031.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8596-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Howard aquifer.
3. Water Permit No. 8596-3 authorizes a total annual diversion of up to 72.6 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUN 01 2022

date



RECEIVED

JAN 14 2022

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8596-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register</u>	

WATER RIGHTS
PROGRAM

PAID

JAN 14 2022

Ck# 1607

Rec't# _____

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.)

n/a

- Name to Appear on Water Permit Kingfisher Enterprises (Dan Ackerswold)
Mailing Address 47122 219th St. Brookings SD 57006
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605 695-4378 Email tina@kingfisher-enterprises.com
- Amount of water claimed 0.2 *CFS or 90 **GPM and 72.6 ***AF or 23,452,000 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 well water SW 1/4 SW 1/4 Sec 25-T109N-R50W
- Location of point of diversion E 1/2 of W 1/2 SW 1/4 except Lot H1 County Brookings
(example - 1 well 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 Brookings
- Annual period during which water is to be used Year-round Jan 1- Dec 31
- 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)
Well water for fish farm/hatchery

I, Dan Ackerswold Owner, 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.

Supplemental Information

(type or print)

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

- a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☐ No Drilled by Kaiser Well Drilling
(if yes, please provide copies of logs)
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by

For either Existing or Proposed Wells:

- c) Well Depth (required) Depth to Top of Water Bearing Material Depth to Water from Surface
- d) Distance to nearest domestic well on applicant's property Property owned by others

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) ponds
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

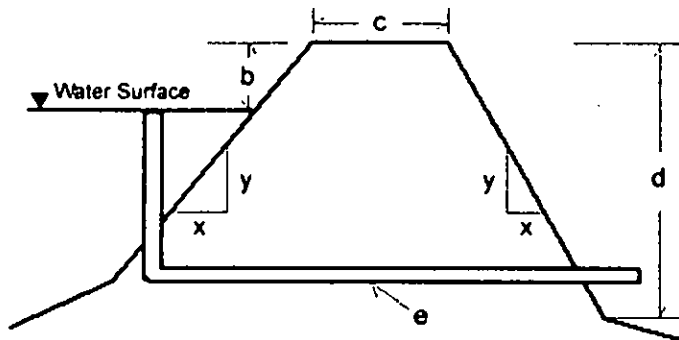
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

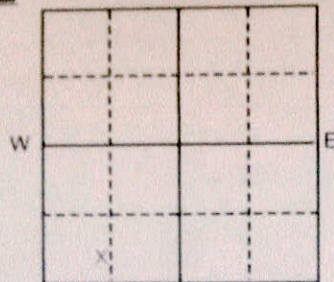
Location $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 25 Twp 109N Rg 50W

E 1/2 of W 1/2 SW 1/4 except Lot H I

County BROOKINGS

North

Please mark well location with an "X"



Well Completion Date

5/19/2021

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

DIRECT ROTARY

CASING DATA:

If other describe _____

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
sdr17 LB/FT	5 IN	+2 FT	196 FT	8.75 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
grtweldf	15	50 Lb/gal	0 Ft	195 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

PRESSURE PULL

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 5 Inches Length 20 FeetMaterial sch 40Slot Size 25 Set From 190 Feet to 210 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? _____☐ No, Why Not? _____

Lab to which water quality sample sent for analysis

SDPHL and Ward

Well Owner: Dan and Tina AckerwoldBusiness Name: Kingfisher Enterprises LLCAddress: 47122 219th StCity, State, Zip: Brookings SD 57006

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
YELLOW FINE-MED	3	10
YELLOW MED-COARSE	10	18
BLUE CLAY	18	30
YELLOW CLAY	30	36
YELLOW FINE SAND	36	37
YELLOW CLAY	37	100
BLUE CLAY	100	112
GREY FINE SAND W/ SHALE	112	130

STATIC WATER LEVEL _____ 5 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:

☒ Pumped Describe: AIR 100+☐ Bailed☐ Other _____

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GREY SAND 130-146 BLUE CLAY 146-148
 GREY SAND 148-160 BLUE CLAY 160-196
 GREY FINE-MED 196-210 BLUE CLAY 210-215

44.2126309 -96.7823769

This well was drilled under license # 689 and this report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



120001095025305
47122 219TH ST

120001095025310

300

120001095025305

KINGFISHER ENTERPRISES LLC (D)
47122 219TH ST
40.00 Acres

View: [Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Google Maps opens in a new tab](#)

109N 50W
Section: 23

109N 50W
Section: 24

109N 49W
Section: 19

109N 50W
Section: 26

109N 50W
Section: 25

109N 49W
Section: 30

109N 50W
Section: 35

109N 50W
Section: 36

109N 49W
Section: 31

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 14, 2022

RECEIVED OF Kingfisher Enterprises, LLC 47122 219th St. Brookings SD 57006

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

Fee for Application for Permit No. <u>8596-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>8596-3</u>	\$ <u>200.00</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	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer
vm



RECEIVED

FEB 04 2022

WATER RIGHTS
PROGRAM

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

January 18, 2022

Kingfisher Enterprises
c/o Dan Ackerwold
47122 219th St
Brookings SD 57006

Dear Mr. Ackerwold:

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

- The application requests an appropriation of 90 gallons per minute (gpm). In addition to the pump rate, the application needs to include the annual volume in either gallons/year or acre feet/year. In calculating the annual volume, be reasonable but also plan for the maximum annual volume of use from the well at full development.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

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

100 g per/min

90 gpm = 5400/hr
129,600 day
47,304,000 year / 2 = used 3.5
days a week =
* 23,152,000 year



531384573

ANNUAL REPORT

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

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2022
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL037435
BUSINESS ID

Kingfisher Enterprises, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**47122 219TH ST.
BROOKINGS, SD 57006**

Mailing Address

**47122 219TH ST.
BROOKINGS, SD 57006**

4. 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.

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **UNITED STATES CORPORATION AGENTS, INC. DBA USCA, INC. (0000030)**

Actual Street Address in this State

**300 N DAKOTA AVE
STE 116
SIOUX FALLS, SD 57104-6020**

Mailing Address in this State

**300 N DAKOTA AVENUE SUITE 116
SIOUX FALLS, SD 57104**

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24 If the LLC is member-managed, this section may be left blank.

Name

Address

Kristina Ackerwold 47122 219h St. Brookings, SD 57006

DANIEL ROBERT ACKERWOLD 47122 219h St. Brookings, SD 57006

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8596-3, Kingfisher Enterprises**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8596-3, Kingfisher Enterprises, 47122 219th Street, Brookings SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 8596-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8596-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals under this Permit shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Howard aquifer.
3. Water Permit No. 8596-3 authorizes a total annual diversion of up to 72.6 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 30, 2022

**Report to the Chief Engineer on
Water Permit Application No. 8596-3**

Kingfisher Enterprises
23 March 2022

Water Permit Application No. 8596-3 seeks to appropriate 72.6 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.20 cubic feet of water per second (cfs), equivalent to 90 gallons per minute (gpm), from one existing well completed into the Altamont aquifer (210 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 for commercial use in a fish farm/hatchery located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; all in T109N-R50W. This site is located approximately 5 miles south of Brookings, South Dakota.

Aquifer: Howard (HO)

Hydrogeologic Characteristics

The Howard aquifer is a discontinuous group of sand and gravel outwash bodies that were deposited during the Quaternary Period and are situated between 1,350 and 1,450 feet above NGVD29. It underlies Brookings, Kingsbury, Lake, McCook, and Miner Counties, although it is not mapped in all of those counties [1] [2]. The aquifer underlies approximately 835 square miles (534,400 acres) in Brookings and Kingsbury Counties, where it is 25 feet thick on average [2]. It also underlies 110,100 acres in Miner County [1]. In general, the Howard aquifer is under confined conditions, although there are places it is unconfined [2] [3]. Individual outwash bodies in the Howard aquifer are often connected to one another by sandy till [2]. Groundwater flow in the Howard aquifer is generally southward in the area of this application [2].

The applicant submitted a well completion report for this application for a well completed on May 19, 2021 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 T109N-R50W. The driller reported encountering blue clay from 160 to 196 feet below grade and fine to medium grey sand from 196 to 210 feet below grade. The driller placed screen in the well from 190 to 210 feet below grade and the static water level was 5 feet below grade at the time the well was completed. Based on the elevation of the deposits that the well screen penetrates and static water elevation, this well is likely completed into the Howard aquifer.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution

systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17). The Howard aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Howard aquifer is by infiltration of precipitation through the glacial till above it and by groundwater inflow from sandy units that are in hydrologic connection to the Howard aquifer when the hydraulic head of the sandy units or glacial till are higher than the hydraulic head of the Howard aquifer [2]. There is no estimate of recharge available for the Howard aquifer. Hedges, Allen, and Holly [4] recommend using a recharge rate between 0.15 and 0.6 inches per year for buried, confined glacial aquifers. Applied across the 644,500 acres of the Howard aquifer that is mapped, recharge to the aquifer likely ranges between 8,056 ac-ft/yr to 32,225 ac-ft/yr.

Discharge

Natural discharge from the Howard aquifer occurs by groundwater outflow to hydrologically connected sand and gravel when the hydraulic head of the connected sand and gravel is lower than the hydraulic head of the Howard aquifer. Withdrawals also occur by domestic and appropriative wells. Due to the low pump rate of domestic wells and the presence of shallow aquifers, domestic withdrawals are estimated to be negligible for the hydrologic budget. There are 20 water rights/permits authorized to withdraw from the Howard aquifer and one future use permit, No. 6512-3, reserving 387 ac-ft/yr [5]. Of the 20 active water rights/permits, 11 are for municipal use, 6 are for irrigation, and one each are for commercial, domestic, and industrial use [5].

The Howard aquifer has been used for irrigation from 1981 through 1991 and again from 2000 to the present [6]. Figure 1 shows all irrigation reported in the Howard aquifer over the period of record from 1979 through 2020 [6]. Average irrigation reported in the Howard aquifer for the entire period of record is 59 acre-feet per year [6]. However, the number of irrigation permits in the aquifer has increased and irrigation practices have likely changed over time. The average irrigation reported from 2011 through 2020 (the last 10 years of record) is 107 ac-ft/yr [6], which is the estimated withdrawal that will be used for the hydrologic budget.

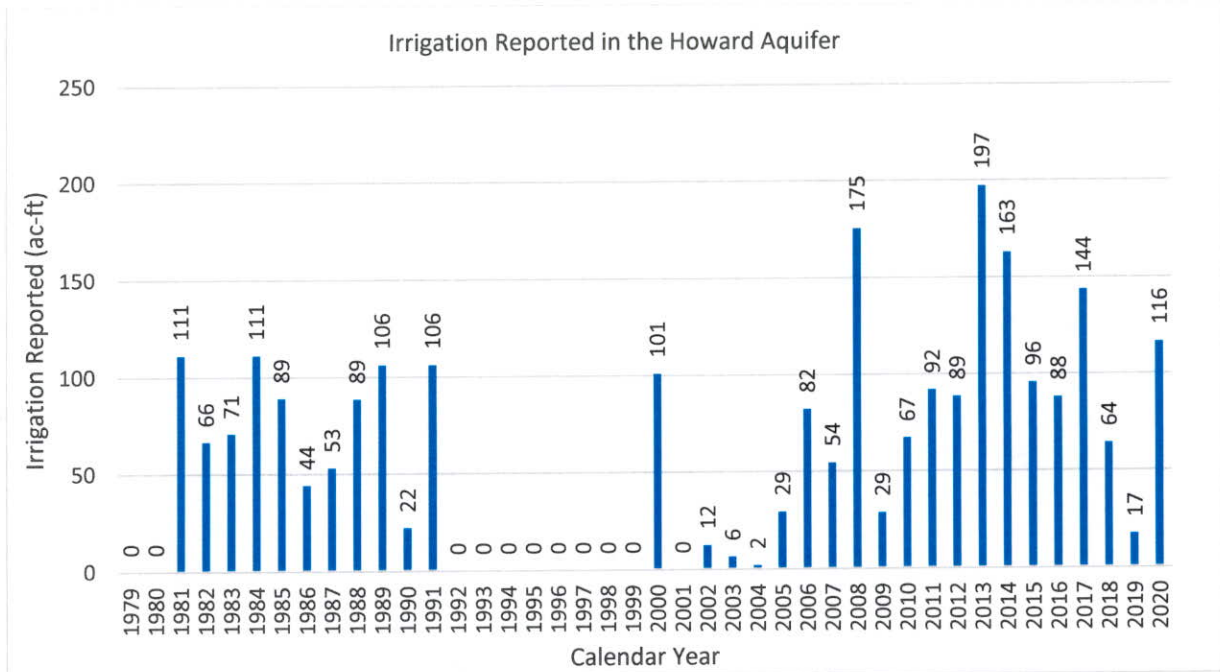


Figure 1: Irrigation reported in the Howard aquifer over the entire period of record [6]

Of the non-irrigation water rights/permits, Water Right Nos. 244-3, 578-3, 1061-3, 1599-3, 5143A-3, and 5465-3 are estimated to withdraw a negligible amount of water because they are for municipalities that purchase their water from another system and hold their water right on standby for emergency purposes [7]. Water Right No. 6511-3 authorizes the withdrawal of up to 387 ac-ft/yr, so for the hydrologic budget, it is assumed the full volume will be developed [5]. The remaining seven water rights/permits are estimated to withdraw at their maximum licensed/permitted diversion rate 60% of the time, for an estimated withdrawal of 1,194 ac-ft/yr [5]. This estimate is likely to be higher than the actual withdrawal rate, based on Water Rights Staff experience.

Summary of Hydrologic Budget

The recharge to the Howard aquifer is estimated to range between 8,056 ac-ft/yr and 32,225 ac-ft/yr. The estimated average annual withdrawal from the Howard aquifer including reservations for future use is 2,075 ac-ft/yr. This application seeks to withdraw up to 72.6 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of appropriations from the Howard aquifer

Type	Number	Est. Withdrawal (ac-ft/yr)
Irrigation	6	107
Standby	6	0
Volume limit	1	387
Estimated 60% Max. Diversion Rate	7	1,194
<i>Subtotal, All Authorized to Withdraw</i>	<i>20</i>	<i>1,688</i>
Future Use	1	387
Total	21	2,075

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells in addition to other information to determine that recharge to the aquifer exceeds withdrawals. The Water Rights Program maintains seven observation wells completed into the Howard aquifer [3]. The nearest observation well to this application is BG-2000A, located approximately 8 miles northwest of this application. Due to the distance, Observation Well BG-2000A is unlikely to show the specific behavior of the aquifer near this application but it is representative of the aquifer in general. Figure 2 shows water level readings for Observation Well BG-2000A over the period of record from 2000 through 2021 [3]. Water levels in the aquifer rise during periods of higher-than-average rainfall and decline during periods of lower-than-average rainfall [8], indicating that groundwater naturally discharges from the aquifer. There are also seasonal declines due to increased withdrawals during the summer, which recover after the spring recharge period. The Water Management Board considers natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

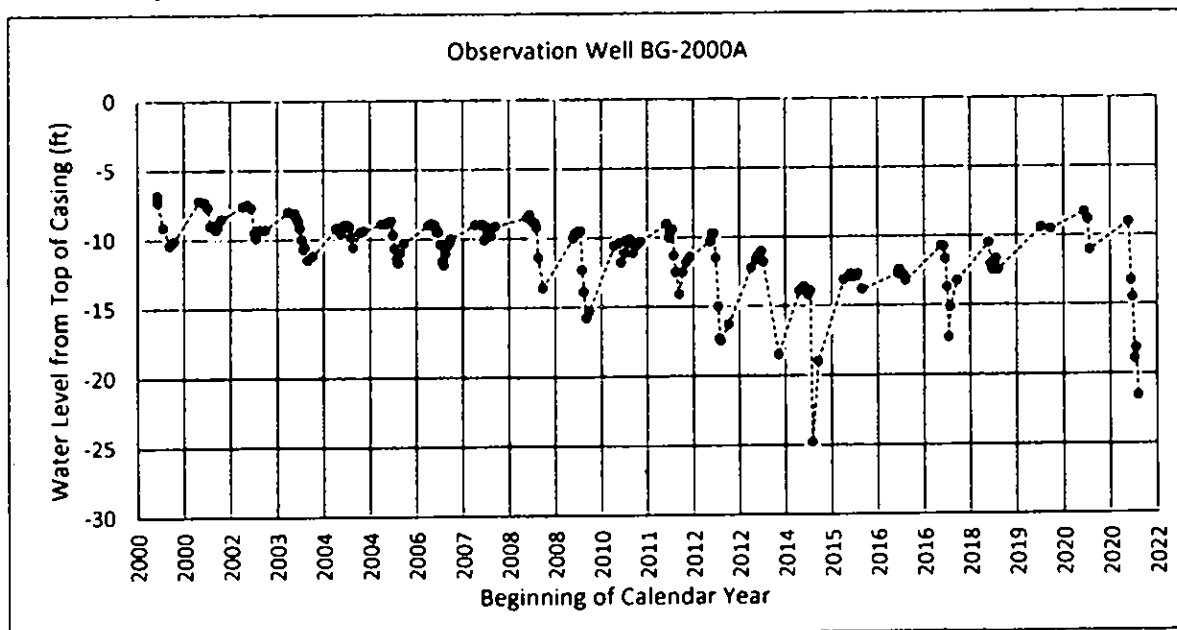


Figure 2: Observation Well BG-2000A [3]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right permit to this application that withdraws from the Howard aquifer is Water Right No. 5789-3, which is located approximately 8 miles north of this application [5]. The nearest well completion report to this application which is likely to be completed into the Howard aquifer is located approximately 4 miles north of this application. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

Precise drawdown behavior in the aquifer cannot be known without an aquifer performance test. Some drawdown is likely to occur, although drawdown effects are not likely to be noticeable in the nearest domestic well at the distance it occurs. In order to place the waters of the state to maximum beneficial use, the Water Management Board does not protect hydraulic head pressure in the aquifer as a means of water delivery [9]. Therefore, nearby well owners may be required to lower their pumps as a means of water delivery. There is no record of well interference in adequate wells in Brookings County [10]. Based on the distance of the nearest wells to this application, the expected artesian head pressure in the aquifer of nearly 200 feet and the lack of complaints on file with the water rights program, there is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits.

Conclusions

1. Water Permit Application No. 8596-3 seeks to appropriate 72.6 ac-ft/yr at a maximum diversion rate of 0.20 cfs from one existing well completed into the Altamont aquifer located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 for commercial use in a fish farm/hatchery located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; all in T109N-R50W.
2. Based on the hydrologic budget and observation well analysis there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa, Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [2] L. J. Hamilton, "Water Resources of Brookings and Kingsbury Counties, South Dakota," United States Geological Survey, Huron, South Dakota, 1989. Water-Resources Investigations Report 88-4185.
- [3] SD DANR Water Rights Program, "Observation wells," Pierre, South Dakota, 2022.

- [4] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River - South Dakota and Iowa: Task 7: Ground water recharge," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [5] SD DANR Water Rights Program, "Water right permit file database," SD DANR Water Rights Program, Pierre, South Dakota, 2022.
- [6] SD DANR Water Rights Program, "Irrigation questionnaire summaries," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, SD, 2021.
- [7] Drinking Water Program, "Your Water System Information," SD DENR Drinking Water Program, 9 February 2021. [Online]. Available: <https://denr.sd.gov/des/dw/sysinfo.aspx>. [Accessed 9 February 2021].
- [8] NOAA, "Climate at a Glance - Divisional Time Series for South Dakota Region 7," NOAA, 1 March 2022. [Online]. Available: <https://www.ncdc.noaa.gov/cag/divisional/time-series>. [Accessed 29 March 2022].
- [9] South Dakota Water Management Board. *On the Matter of Water Permit Application No. 2313-2 for Coca Cola Bottling Company*, 1995.
- [10] SD Water Rights Program, "County files," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 31, 2022 10:02 AM
To: tina@kingfisher-enterprises.com
Subject: Water Permit Application No. 8596-3
Attachments: 3167.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 today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



RECEIVED

Affidavit of Publication

State of South Dakota

MAY 04 2022

Exhibit "A"

SS

County of Brookings

WATER RIGHTS
PROGRAM

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota, that she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

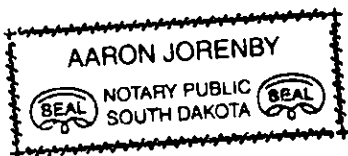
LEG# 18353 Notice of Application

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

April 8, 2022

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are:

Forty-Six Collars and Forty Six Cents \$46.46



Katherine Foiles

29 day of

April

2022

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Ag

**NOTICE OF
APPLICATION
NO. 8596-3 TO
APPROPRIATE WATER**

Notice is given that Kingfisher Enterprises, c/o Dan Ackerwold, 47122 219th St, Brookings SD 57006 has filed an application for a water permit to appropriate 72.6 acre-feet of water annually at a maximum pump rate of 0.20 cubic feet of water per second from one existing well completed into the Howard Aquifer (210 feet deep) located in the SW 1/4 SW 1/4 Section 25 for commercial use in a fish farm/hatchery located in the SW 1/4 SW 1/4 Section 25; all in T109N-R50W. This site is located approximately 5 miles south of Brookings SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8596-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition

opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/> public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 18, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 18, 2022.

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 1X at the total approximate cost of \$46.46.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, March 31, 2022 9:59 AM
To: 'registerclassifieds@brookingsregister.com'
Subject: 8596-3, Kingfisher Enterprises
Attachments: 8596-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 8, 2022.

Kingfisher Enterprises, c/o Dan Ackerswold, 47122 219th St, Brookings SD 57006 (605 695-4378) 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

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

March 31, 2022

Kingfisher Enterprises
c/o Dan Ackerwold
47122 219th St
Brookings SD 57006

Dear Mr. Ackerwold:

Water Permit Application No. 8596-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Register printed at Brookings SD (Ph # 605 692-6271). 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. 8596-3 to Appropriate Water

Notice is given that Kingfisher Enterprises, c/o Dan Ackerwold, 47122 219th St, Brookings SD 57006 has filed an application for a water permit to appropriate 72.6 acre-feet of water annually at a maximum pump rate of 0.20 cubic feet of water per second from one existing well completed into the Howard Aquifer (210 feet deep) located in the SW 1/4 SW 1/4 Section 25 for commercial use in a fish farm/hatchery located in the SW 1/4 SW 1/4 Section 25; all in T109N-R50W. This site is located approximately 5 miles south of Brookings SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8596-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by April 18, 2022.

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Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by April 18, 2022.

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 _



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2022

Kingfisher Enterprises
c/o Dan Ackerwold
47122 219th St
Brookings SD 57006

Dear Mr. Ackerwold:

Enclosed is Water Permit No. 8596-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

8596-3
RECEIVED

AUG 14 2022

OFFICE OF
WATERNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8-8-2022TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181FROM: Kingfisher Enterprises c/o Dan Ackerwold
(name)
47122 219th St.
(address)
Brookings, SD 57006 605-695-4378
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8596-3 states that the water use system is to be constructed by
4-18-2027, and water is to be put to beneficial use by 4-18-2031.
(date) (date)

The water use system was completed on 6-8-2022.
(date)

Applying the water to beneficial use was completed on 6-10-2022.
(date)

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

Dan Ackerwold
(signature)

