

WATER PERMIT NO. 8676-3

Name of Applicant: Kingston LLC

Address: 43204 US Hwy 14, DeSmet SD 57231

Phone: 605 350-1359

Amount of Water Claimed: 0.29 cfs (130 AF)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial

County: Kingsbury

Type of Waste Disposal System:

Location: 9 miles southwest of DeSmet

PRIORITY

Date Received: 11-15-22

Application/License Fee: \$950

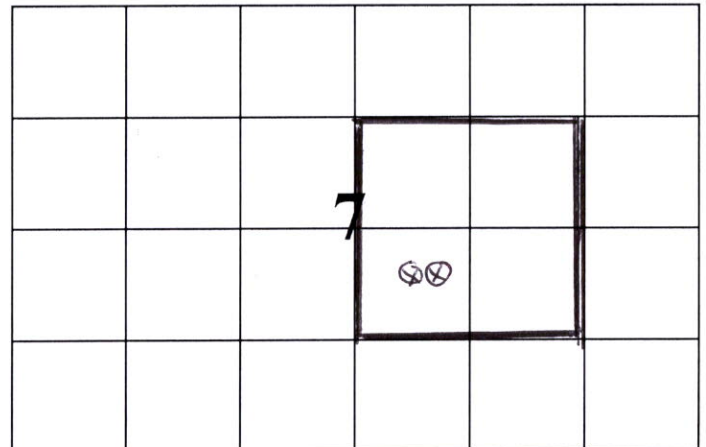
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Swine confinement facility

Diversion Point: NW 1/4 SE 1/4 Sec 7-T110N-
R57W

Facility Located: S 1/2 NE 1/4, N 1/2 SE 1/4 Sec
7-T110N-R57W



Depth of Well: 1,010 feet deep

Well Driller: Stretch's Well Service Inc.

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-15-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8676-3**

Date of first receipt of application November 15, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8676-3 to Kingston LLC, Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 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. 8676-3 appropriates up to 155 acre-feet of water annually at a maximum pump rate of 0.29 cubic feet of water per second from two wells, one completed and one to be completed, both into the Dakota Aquifer (1,010 feet deep) located in the NW 1/4 SE 1/4 Section 7 for commercial use in a swine production facility located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 7; all in T110N-R57W. This site is located approximately 9 miles southwest of De Smet 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 November 15, 2022.
5. The date of approval of Permit No. 8676-3 is January 30, 2023.
6. One-fifth of the construction is to be completed on or before July 30, 2025.
7. All construction is to be completed on or before January 30, 2028.
8. Water is to be put to beneficial use on or before January 30, 2032.
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 wells approved under Water Permit No. 8676-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The unconstructed well authorized by Permit No. 8676-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8676-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

4. Water Permit No. 8676-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
6. Water Permit No. 8676-3 authorizes a total annual diversion of up to 155 acre-feet of water from the Dakota aquifer.
7. Future replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

WATER MANAGEMENT BOARD

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

FEB 21 2023
date



RECEIVED

NOV 15 2022

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8676-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Kingsbury Journal</u>	
	<u>Plainsman</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.)

1. Name to Appear on Water Permit KINGSTON, LLC

Mailing Address 43204 US Highway 14 De Smet SD 57231
(Address) (City) (State) (Zip Code)

Phone (605) 350-1359 Mobile _____ Email kirka@aughenbaughhq.com

2. Amount of water claimed 0.29 *CFS or 130 **GPM and 155 ***AF or _____ 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)

3. Source of water supply Dakota (2 wells)

4. Location of point of diversion NW 1/4 of SE 1/4 - Section 7, T110N, R57W County Kingsbury
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? SE 1/4 & NE 1/4, Section 7, T110N, R57W
N 1/2 S 1/2 (example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Kingsbury

6. Annual period during which water is to be used January 1st thru December 31st

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

Proposed swine production facility.

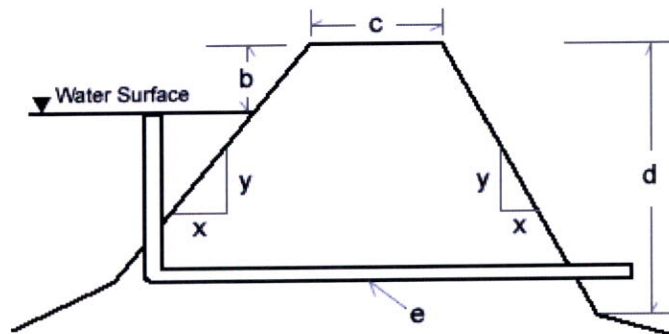
I, Kirk Aughenbaugh Member, the applicant, certify under
Name of Person Title (if applicable)

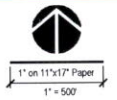
penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

(type or print)

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

- For either Existing or Proposed Wells:





Kingston, LLC - Water Rights Application
Section 7, T110N, R57W - Kingsbury County, SD



SOUTH DAKOTA WATER WELL COMPLETION REPORT

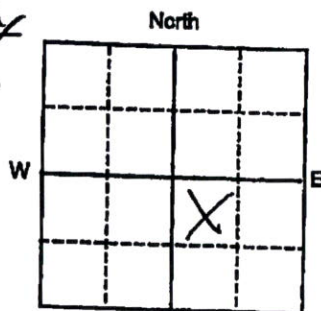
SD EForm - 1621LD V1

11-02

Location NW 1/4 SE 1/4 Sec 7 Twp 110N Rg 57W

County Kingsbury

Please mark well location with an "X"



EAST WELL

Well Completion Date

11-23-22

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from Barn (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe Stainless Steel ☐ Steel ☒ Plastic ☒ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>900</u> FT	<u>7 3/8</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Bags	Grout Weight	From	To
<u>Portland</u>	<u>150</u>	<u>15</u> Lb/gal	<u>0</u> FT	<u>900</u> FT
		Lb/gal	FT	FT

Describe grouting procedure

Pumped through 5" pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2 Inches Length 120 Feet
Material Stainless Steel
Slot Size 1/25" Set From 890 Feet to 1010 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Cement

Describe packer(s) and location 900'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

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

Well Owner:

Business Name:

Address:

City, State, Zip:

KINGSTON, LLC

43204 US Highway 14

De Smet, SD 57231

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow Clay</u>	<u>2</u>	<u>45</u>
<u>Blue Clay</u>	<u>45</u>	<u>115</u>
<u>Shale</u>	<u>115</u>	<u>540</u>
<u>Cudell</u>	<u>540</u>	<u>560</u>
<u>Shale</u>	<u>560</u>	<u>740</u>
<u>Nakota</u>	<u>740</u>	<u>1010</u>
<u>Granite</u>	<u>1010</u>	

STATIC WATER LEVEL 135 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
☐ Bailed
☐ Other

Pumping Level Below Land Surface

135 Ft. After 14 Hrs. pumped 10 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Blatney

Signature of Well Owner or Equitable Property Holder:

Tim A. Ruppberg

Date: 11-15-2022

Schlaak, Karen

From: Brad Woerner <bwoerner@stockwellengineers.com>
Sent: Tuesday, November 15, 2022 4:34 PM
To: Schlaak, Karen
Subject: RE: [EXT] Water Rights Permit Application - KINGSTON, LLC (Kingsbury County, SD)

The facility is in the S ½ of the NE ¼ and the N ½ of the SE ¼ of Section 7.

I simplify and say E ½ but I know that is not how you need to identify it.

Thanks for checking.



Brad Woerner, PE
Agricultural Engineer
Stockwell Engineers, Inc.
Cell / 605.660.1362
Office / 605.665.8092

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Tuesday, November 15, 2022 16:01
To: Brad Woerner <bwoerner@stockwellengineers.com>
Subject: RE: Water Rights Permit Application - KINGSTON, LLC (Kingsbury County, SD)

Quick question - - is the proposed facility to be located in the E ½ Section 7 or the S ½ NE1/4 and the N ½ SE ¼ Section 7?

From: Brad Woerner <bwoerner@stockwellengineers.com>
Sent: Tuesday, November 15, 2022 2:29 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Water Rights Permit Application - KINGSTON, LLC (Kingsbury County, SD)

Karen,
I have attached a water rights permit application for a facility in Kingsbury County.

If you have any questions, please let me know.

I would like to pay the application fee with the credit card that I have on file.
If you could provide me the contact information and amount, I can arrange for the payment.

Thank you!

Have a great day.

Brad Woerner, PE
Agricultural Engineer
Stockwell Engineers, Inc.
Cell / 605.660.1362
Office / 605.665.8092
Fax / 605.665.0523

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, November 15, 2022 2:44 PM
To: Brad Woerner
Cc: Briggs, Holly
Subject: RE: [EXT] Water Rights Permit Application - KINGSTON, LLC (Kingsbury County, SD)

Brad
The fee for 155 AF is \$950.00. You can contact Holly Briggs with our fiscal office to arrange for cc payment. (605 773-6110) Please tell her the payment is for a water permit application.

Karen

From: Brad Woerner <bwoerner@stockwellengineers.com>
Sent: Tuesday, November 15, 2022 2:29 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: [EXT] Water Rights Permit Application - KINGSTON, LLC (Kingsbury County, SD)

Karen,
I have attached a water rights permit application for a facility in Kingsbury County.

If you have any questions, please let me know.

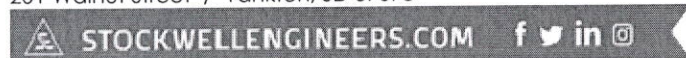
I would like to pay the application fee with the credit card that I have on file.
If you could provide me the contact information and amount, I can arrange for the payment.

Thank you!

Have a great day.

Brad Woerner, PE
Agricultural Engineer

Stockwell Engineers, Inc.
Cell / 605.660.1362
Office / 605.665.8092
Fax / 605.665.0523
bwoerner@stockwellengineers.com
201 Walnut Street / Yankton, SD 57078



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531539202

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:

DL212630
BUSINESS ID

KINGSTON 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

43204 US HIGHWAY 14
DESMET, SD 57231

Mailing Address

PO BOX 10
DESMET, SD 57231

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.

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

Name **Kirk Alan Aughenbaugh**

Actual Street Address in this State

43204 US HIGHWAY 14
DESMET, SD 57231

Mailing Address in this State

BOX 10
DESMET, SD 57231

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.

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).

08/18/2022

Dated

Email (Optional)

Amy Hoefert

Signature of an Authorized Person

Amy Hoefert

Printed Name

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 15, 2022

RECEIVED OF Brad Woerner, Stockwell Engineers for Kingston LLC. 43204 US Highway 14 DeSmet SD 57231

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

Fee for Application for Permit No. <u>8676-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$750.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$_____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8676-3</u>	\$200.00
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
	\$950.00

By Eric Gronlund
Chief Engineer
dm

Schlaak, Karen

From: Briggs, Holly
Sent: Tuesday, November 15, 2022 2:57 PM
To: Schlaak, Karen
Cc: Brad Woerner
Subject: FW: [EXT] Merchant Email Receipt

Payment was made.

Holly Briggs
Accounting Assistant
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre, SD 57501
Phone 605-773-6110
Web <https://danr.sd.gov/>
Email Holly.Briggs@state.sd.us

-----Original Message-----

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Tuesday, November 15, 2022 2:56 PM
To: Van Bockel, Jenny <Jenny.VanBockel@state.sd.us>; Fratzke, Lynda <Lynda.Fratzke@state.sd.us>; Keiser, Darcy <Darcy.Keiser@state.sd.us>; Weber, Amber <Amber.Weber@state.sd.us>; Briggs, Holly <Holly.Briggs@state.sd.us>
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 15-Nov-2022 14:55:32 CST

===== ORDER INFORMATION =====

Invoice :

Description : Water Permit Application - 155 AF - Kingston, LLC Amount : 973.75 (USD) Payment Method: Visa xxxx9086
Transaction Type: Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.
Auth Code : 293022
Transaction ID : 43763265098
Address Verification : Street Address: No Match -- First 5 Digits of Zip: Match

==== CUSTOMER BILLING INFORMATION ===

Customer ID :

First Name : Brad

Last Name : Woerner

Company : Stockwell Engineers

Address :

City :

State/Province :

Zip/Postal Code : 57104

Country :

Phone :

Fax :

E-Mail : bwoerner@stockwellengineers.com

==== CUSTOMER SHIPPING INFORMATION ===

First Name :

Last Name :

Company :

Address :

City :

State/Province :

Zip/Postal Code :

Country :

===== ADDITIONAL INFORMATION =====

Tax :

Duty :

Freight :

Tax Exempt :

PO Number :



**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. 8676-3, Kingston LLC**

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. 8676-3, Kingston LLC, c/o Kirk Aughenbaugh, 43204 US Highway 14, De Smet SD 57231.

The Chief Engineer is recommending APPROVAL of Application No. 8676-3 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 wells approved under Water Permit No. 8676-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The unconstructed well authorized by Permit No. 8676-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Permit No. 8676-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8676-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

Recommendation for Application No. 8676-3

Page 2 of 2

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota aquifer.
6. Water Permit No. 8676-3 authorizes a total annual diversion of up to 155 acre-feet of water from the Dakota aquifer.
7. Future replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

See report on application for additional information.



Eric Gronlund, Chief Engineer

January 11, 2023

Report to the Chief Engineer
Water Permit Application No. 8676-3
Kingston LLC
December 30, 2022

Water Permit Application No. 8676-3 for Kingston LLC, c/o Kirk Aughenbaugh, proposes to appropriate up to 155 acre-feet of water annually at a maximum pump rate of 0.29 cubic feet of water per second (cfs) from two wells (one existing and one proposed, approximately 1,010 feet deep) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 for commercial use in a swine production facility located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7; all in T110N-R57W. The site is located approximately nine miles southwest of De Smet, SD in Kingsbury County.

Aquifer: Dakota aquifer

Hydrogeology

The Dakota Formation is a large regional formation that underlies portions of several states including South Dakota, North Dakota, Colorado, Nebraska, Kansas, Montana, Wyoming, Minnesota, and Iowa. The Dakota Formation is a Cretaceous age formation that underlies approximately 66,500 square miles of the 77,047 square miles that make up of the state of South Dakota (Schoon, 1971). The Dakota Formation consists of yellowish, reddish, and sometimes whitish sandstone with local occurrences of shales and lignite beds, with lithology that can vary both vertically and laterally (Schoon, 1971). Over much of the eastern part of the state the Dakota Formation can be subdivided into three units: an upper layer of fine- to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark gray shale layers; a middle unit of a silty gray clay interbedded with minor sandstone layers; and a lower unit of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer exists within the porous, permeable portions of the Dakota Formation and is a bedrock aquifer typically under artesian conditions. Schoon (1971) estimated the volume of water stored in the South Dakota portion of the Dakota aquifer at 1.1 billion acre-feet. Hedges et al. (1982) estimated that in the Eastern portion of the state the Dakota aquifer contains 381,104,000 acre-feet of recoverable water.

A well completion report for one of the two wells for this application was submitted with the application. The well completion report indicated that top of the Dakota Formation was encountered at a depth of 740 feet below grade and was screened at a depth of 890 to 1010 feet below grade. At the time of well completion (November 2022), the static water level was reported at 135 feet below grade. This indicates the aquifer is under confined conditions at the well sites with at least 605 feet of artesian head pressure.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point 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 as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within this portion of the Dakota aquifer.

Water Availability

Water Permit Application No. 8676-3 proposes to appropriate water from the Dakota aquifer for commercial use. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires, “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and the application is for a water distribution system defined in SDCL 46-1-6 (17), the Board need not consider the recharge/withdrawal issue. The Dakota Formation is older and stratigraphically lower than the Greenhorn Formation. However, this application is not for a water distribution system as defined in SDCL 46-1-6 (17); therefore, the withdrawal/recharge issue must be considered.

Dakota Declining Artesian Head Pressure

The decline of artesian head pressure in the Dakota aquifer over large portions of South Dakota has been a standing point of concern since the early 1900’s. Some investigators of the Dakota have concluded that this decrease in artesian head pressure is an indication of withdrawals exceeding recharge in the Dakota. The issue of declining artesian head pressure in the Dakota aquifer has been considered by the Water Management Board several times. The Water Management Board has found that declines in artesian head pressure do not automatically indicate that withdrawals have exceeded recharge in the Dakota aquifer (Water Rights, 2010). The Board has concluded that whether withdrawals have exceeded recharge cannot be determined based solely on a decline in artesian head pressure, and in theory head pressure in the Dakota aquifer is stabilizing in relation to discharges and withdrawals (Water Rights, 1987). In the Finding of Facts and Conclusions of Law of Application No. 5136-3, the Water Management Board concluded that: “The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells” (Water Rights, 1987). The Board further concluded that:

“When defining withdrawal for the purpose of interpreting the meaning of withdrawal pursuant to SDCL 46-6-3.1, there is a difference between withdrawal of water for beneficial use and water discharged without beneficial use through uncontrolled flowing wells. Water discharged from uncontrolled flowing wells does not constitute withdrawal (appropriation) pursuant to SDCL 46-6-3.1.”

The position of the Water Management Board has ultimately been to optimize development of the Dakota aquifer for beneficial use.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The DANR Water Rights monitors 46 observation wells completed into the Dakota aquifer of which three have had monitoring temporarily suspended due to access or significant repair needs (Water Rights, 2022a). The nearest of these observation wells is HD-87A located approximately 52 miles to the west and the next nearest is AU-89A located 65 miles to the southwest.

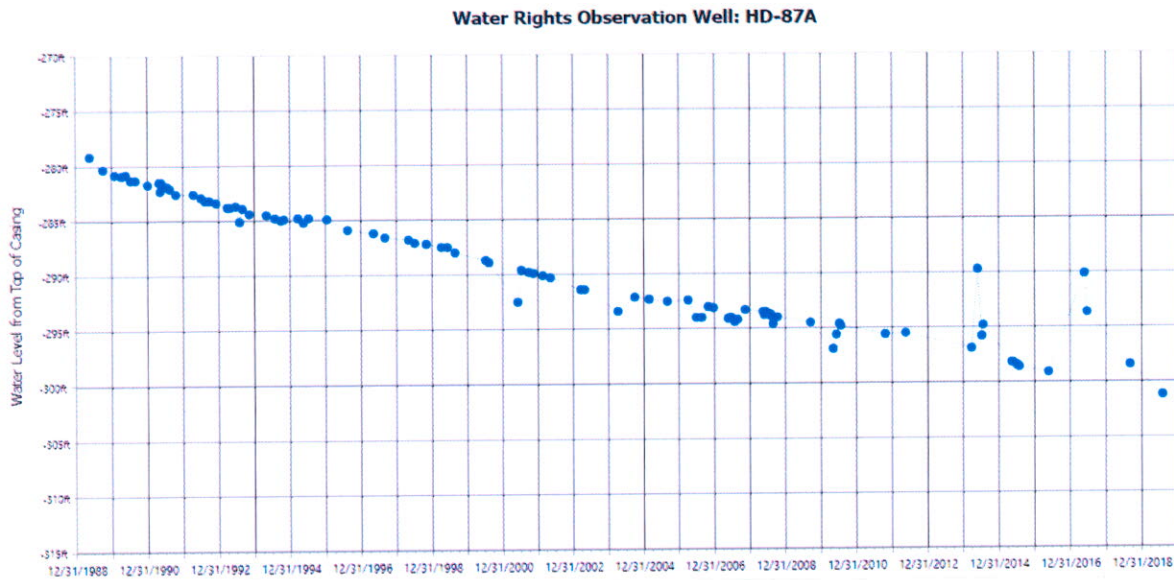


Figure 1: Hydrograph of HD-87A (Water Rights, 2022a) (Lack of reading over the last couple of years is due to access issues)

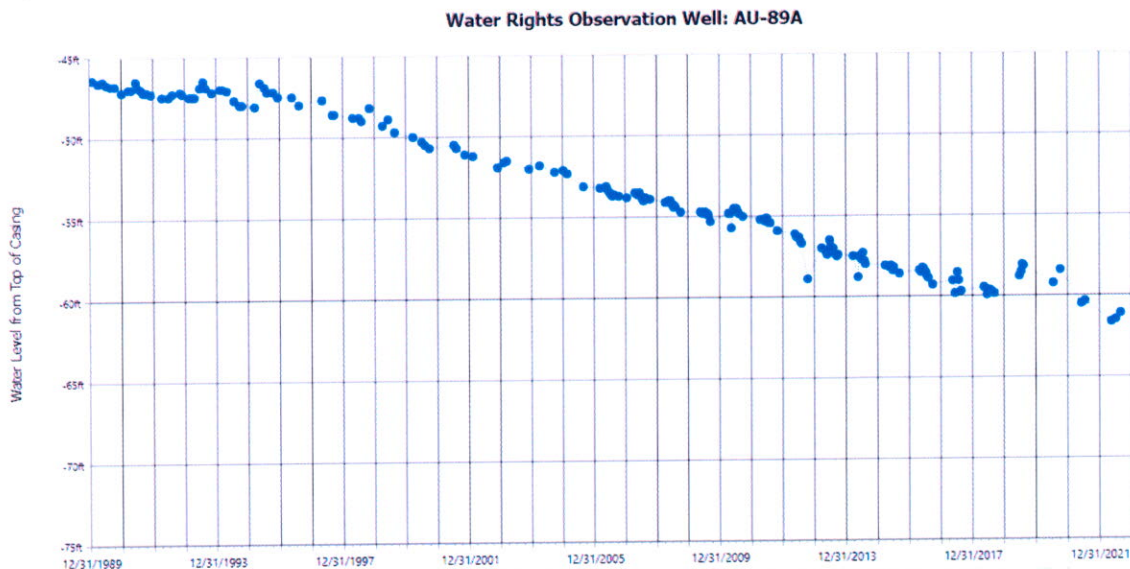


Figure 2: Hydrograph of AU-89A (Water Rights, 2022a)

The hydrographs for these observation wells indicate that over the period of record artesian head pressure in these areas of the Dakota aquifer was declining. However, the Water Management Board found that declines in artesian head pressure do not automatically indicate that withdrawals have exceeded recharge in the Dakota aquifer (Water Rights, 2010). The variation in water level behavior in different areas of the Dakota aquifer in South Dakota can be seen in the hydrograph for observation well ED-85A (located 90 miles to the northwest) shown in Figure 3. This difference in observation well behavior between Figures 1 and 2 and Figure 3 demonstrates that the Dakota aquifer over its entire extent in South Dakota is still equilibrating to recharge to and discharge from the aquifer. Also, that different locations within the aquifer are in different parts of the equilibration process and localized variations in the aquifer are present throughout the state.

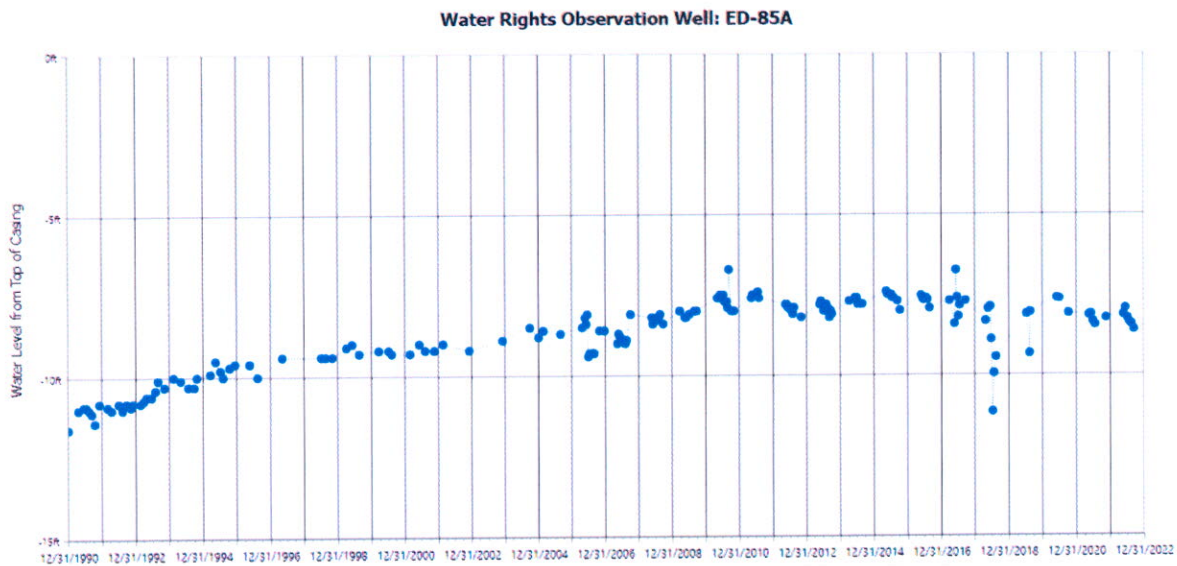


Figure 3: Hydrograph for Observation Well ED-85 (Water Rights, 2022a)

Potentiometric data for the Dakota aquifer from different time periods was utilized to estimate the potentiometric surface of the Dakota aquifer in the vicinity of the well locations for this application to examine changes in the Dakota aquifer over a longer period of time. The approximate elevations of the potentiometric surface in the vicinity of the well sites that this application proposes to use are shown in Table 1. Estimates were based on the statewide potentiometric surface maps of Schoon (1971), and the well completion report for the existing well for this application.

Table 1: Approximate Historic and Current Potentiometric Surface Elevations
Near the Diversion Points for this Application

Date	Approximate Potentiometric Surface (feet mean sea level)	Source
1909	1,600	Schoon, 1971
1914-1915	1,400	Schoon, 1971
1936-1953	1,450	Schoon, 1971
2022	1,385	Water Rights, 2022c

Hydrologic Budget

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with higher artesian pressure than the Dakota aquifer, downward seepage through overlying confining layers, and through infiltration of precipitation on Newcastle Formation outcrops in the Black Hills (Bredehoeft, et al., 1983). Bredehoeft, et al. (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer using computer modeling and estimated approximately 79.4 cfs (57,500 acre-feet per year) of recharge to the Dakota aquifer prior to the beginning of extensive development of the aquifer in South Dakota. However, assumptions used in Bredehoeft, et al.'s (1983) recharge estimate are now outdated. For example, the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft, et al.'s (1983) analysis are much lower than estimates calculated by the more recent research of Carter, et al. (2002). While outdated the Bredehoeft, et al.'s (1983) estimate is provided as best information available to give a sense of scale of the recharge to the Dakota aquifer in South Dakota, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft et al.'s (1983) estimate.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through domestic and appropriative well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying adjacent aquifers because of higher artesian pressure in the Dakota aquifer (Bredehoeft, et al., 1983; Water Rights, 2022a and 2022b). Appropriative withdrawal from the Dakota aquifer in South Dakota is by 20 irrigation water rights/permits and 257 non-irrigation water rights/permits (Water Rights, 2022b). Additionally, there are seven future use permits collectively reserving 4,237 acre-feet of water from the Dakota aquifer in South Dakota for Canton, Lennox, Harrisburg, South Lincoln County Rural Water System (RWS), and Lincoln County RWS (Steen, 2022).

Steen (2022) estimated average annual appropriative non-irrigation use from the Dakota aquifer in South Dakota at approximately 23,373 acre-feet per year. This application is proposing to appropriate up to 155 acre-feet of water annually. Therefore, average annual appropriative non-irrigation use from the Dakota aquifer in South Dakota (including this application) is estimated at approximately 23,528 acre-feet per year.

Report on Water Permit Application No. 8676-3

Currently, there are 20 irrigation water rights/permits authorized to appropriate water from the Dakota aquifer (Water Rights, 2022b). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979, average reported usage by reporting water right/permit is provided in Table 2 and totals 267.8 acre-feet per year. Several of the irrigation water right/permits from the Dakota aquifer are authorized to irrigate acres from other water sources and reported irrigation represents total irrigation across all water sources. Water Right Nos. 394-3 and 762-3 (collectively authorized to irrigate 31.2 acres) are not required to submit an irrigation questionnaire (Water Rights, 2022b). Water Permit No. 8510-3 and Water Permit No. 8560-3 (issued in 2021, not yet reporting irrigation data) collectively authorize irrigation of 95 acres of a golf course and are limited to an annual appropriation that may not exceed two-acre feet annually for each acre of land authorized to be irrigated (Water Rights, 2022b). Collectively, average water use for these four (394-3, 762-3, 8510-3, and 8560-3) water rights/permits is estimated to be less than 252.4 acre-feet per year. Water Permit No. 8423-3 for the irrigation of 42 acres of golf course (with an annual appropriation that may not exceed three-acre feet annually for each acre of land authorized to be irrigated) is not yet developed, therefore estimated average annual use for Permit No. 8423-3 is less than 126 acre-feet per year. Water Permit No. 8043-3 reported as not constructed on its 2015 through 2021 irrigation questionnaires. The completion of construction date on Permit No. 8043-3 is November 10, 2019, therefore this permit is likely subject to cancellation due to non-development. Therefore, total estimated appropriative irrigation use from the Dakota aquifer in South Dakota is less than 646.2 acre-feet per year.

Table 2: Average Reported Irrigation By Permit (Water Rights, 1980-2022)

Permit No	Status	Name/Business	County	Priority Date	Permitted Acres	Average Reported Use (acre-ft)	Remarks
394-3	LICENSE	KORY STANDY	CHARLES MIX	01/01/1912	3.2	does not report	also for domestic use
762-3	LICENSE	O L BUSSMUS FARMS INC	DAVISON	01/10/1961	28	does not report	also for fish and wildlife use
1054-3	LICENSE	ROLLING HILLS GOLF DEV	BROWN	01/01/1951	43.84	29.9	also uses water from surface water
2328-2	LICENSE	MICHAEL KIRWAN	GREGORY	02/21/1995	31	2.7	last irrigated in 2008
2566A-2	LICENSE	CHAMBERLAIN COUNTRY CLUB	LYMAN	08/29/2005	63	9.9	
4769-3	LICENSE	JAMES LEHESKA	BRULE	06/01/1981	130	24	last irrigated in 1993
5703-3	LICENSE	CHARLES A LONG	UNION	07/20/1992	2	0.5	
5905-3	LICENSE	CITY OF GROTON	BROWN	12/14/1995	30	64.8	also uses water from surface water
5947-3	LICENSE	FISH LAKE COUNTRY CLUB	AURORA	09/23/1974	33	15.9	also uses water from surface water
5994-3	LICENSE	ROBERT L PETERSON	UNION	04/17/1997	3	6.4	
6110-3	LICENSE	DAKOTA DUNES COMM IMPROVEMENT DISTRICT	UNION	10/06/1998	11	48.4	
6527-3	LICENSE	CITY OF BERESFORD	UNION	07/22/2004	37	19.9	
6575-3	PERMIT	DAKOTA ALLIANCE SOCCER CLUB	LINCOLN	01/19/2005	15	6.5	
6734-3	LICENSE	AVERA SACRED HEART HEALTH SERVICES	YANKTON	06/14/2006	11.9	5.4	
7123-3	PERMIT	HARRISBURG SCHOOL DISTRICT	LINCOLN	04/02/2009	30	8.1	
7916-3	PERMIT	JOHN H THOMPSON	UNION	10/18/2013	150	25.4	
8043-3	PERMIT	ROBERT P WALSH	CLAY	08/27/2014	391.9	reported not constructed 2015-2021, past 5 yr. development date	
8423-3	PERMIT	CITY OF PLATTE	CHARLES MIX	02/10/2020	42	not constructed	
8510-3	PERMIT	TR GOLF LLC	UNION	03/26/2021	30	not constructed	
8560-3	PERMIT	TR GOLF LLC	UNION	10/25/2021	65	not constructed	
Total					1150.84	267.8	

There are a large number of water well completion reports for use types and use rates that do not require a water permit completed into the Dakota aquifer that are on file with the Water

Rights Program (Water Rights, 2022c). The current status of these domestic wells is unknown and could range anywhere from controlled and in use to uncontrolled with some beneficial use. There are also a number of uncontrolled flowing Dakota wells that flow to waste. The volume of water flowing to waste from the Dakota aquifer has not and will likely never be quantified. The volume of water flowing to waste from the Dakota aquifer is likely a significant component of discharge from the aquifer. In the 1960's, it was reported 46 uncontrolled flowing wells (no specific water source was mentioned) had a rate of 16 million gallons per day (approximately 17,900 acre-feet per year) (Davis et al., 1961). The uncontrolled flowing wells had a rate approximately equivalent to 3,054 controlled flowing wells that were presumed completed into the Dakota aquifer (Davis et al., 1961). However, as previously noted, water being discharged without beneficial use from uncontrolled flowing wells is not considered by the Water Management Board to be an appropriation pursuant to SDCL 46-6-3.1. Therefore, water flowing from uncontrolled flowing wells should be available for capture and use by appropriative users.

Balance

Although outdated, the Bredehoeft, et al. (1983) estimate of approximately 79.4 cfs (57,500 acre-feet per year) of recharge to the Dakota aquifer per year in South Dakota provides a sense of scale to the recharge this aquifer receives. Estimated total appropriative withdrawal and reservations from the Dakota aquifer in South Dakota is less than 28,411.4 acre-feet per year (future use: 4,237 acre-feet per year, non-irrigation: 23,373 acre-feet per year, irrigation: 646.4 acre-feet per year, and Application No. 8676-3: 155 acre-feet per year). Therefore, based on the analysis of the hydrologic budget of the Dakota aquifer in South Dakota, there is a reasonable probability that water is available for the diversion proposed by this application.

Potential for Unlawful Impairment

Figure 4 shows area Dakota water rights/permits currently authorized to appropriate water from the Dakota aquifer in the area of this application, and these water rights/permits are summarized in Table 3. The nearest water right/permit to the wells that this application proposes to utilize is Water Right No. 6620-3 held by Red Stone Feeders LLC located approximately 1.8 miles to the south of the diversion points for this application.

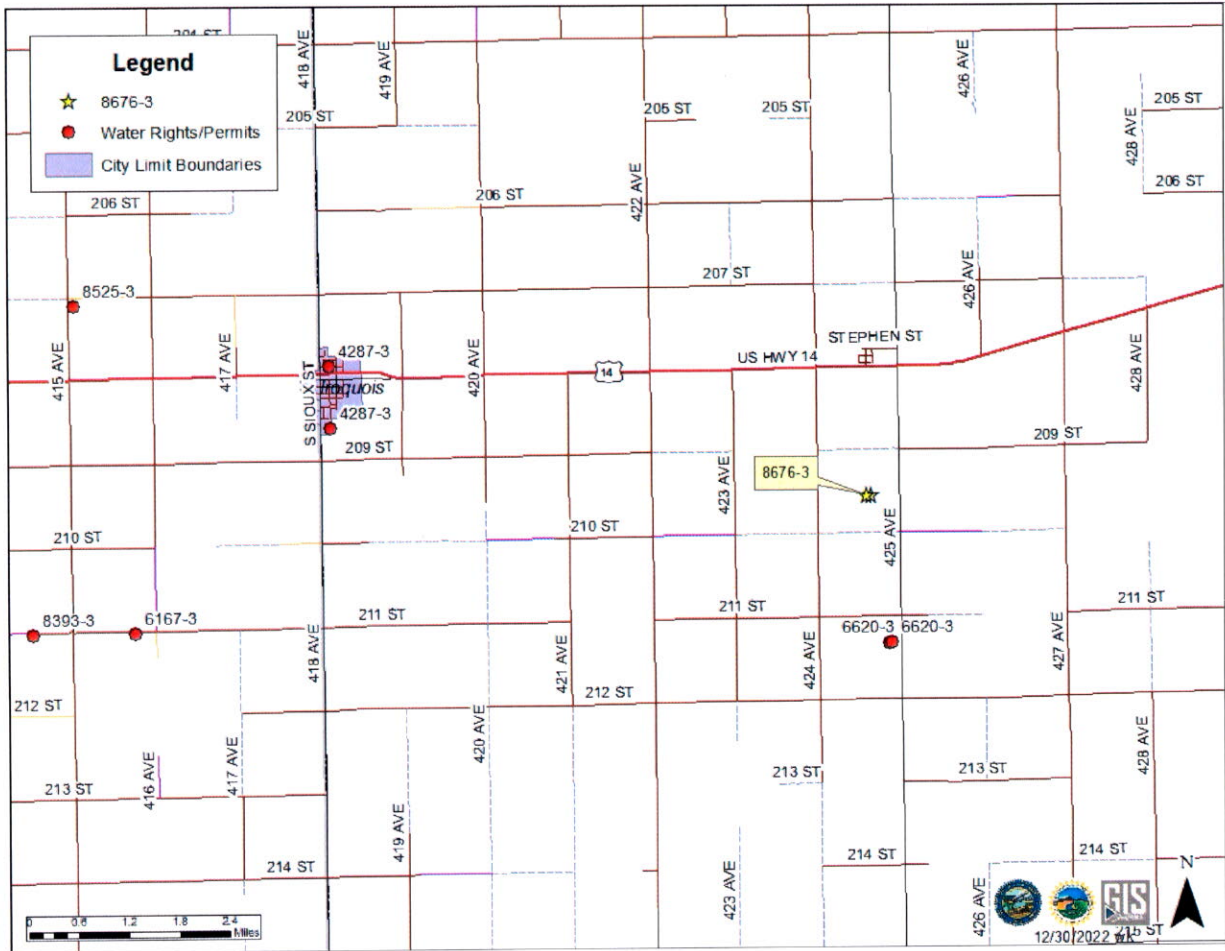


Figure 4: Dakota Water Rights/Permits in the Area of the Diversion Points for this Application (Water Rights, 2022b)

Permit No.	Name	Status	Use	Rate (cfs)
4287-3	CITY OF IROQUOIS	LC	MUN	2.5
6167-3	PEARL CREEK HTRN BRTH	LC	COM&LCO	0.145
6620-3	REDSTONE FEEDERS LLC	LC	COM&LCO	0.13
8393-3	PEARL CREEK HTRN BRTH	PE	COM&LCO	0.13
8525-3	BANNER FARMS RE LLC	PE	COM&LCO	0.22
LC-license, PE-Permit, MUN-municipal, COM-commercial, LCO-livestock confinement operation				

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs.”

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Dakota aquifer at their location. A review of the complaints on file with the Water Rights Program indicate that there is not a history of unlawful impairment occurring with Dakota aquifer wells in Kingsbury County (Water Rights, 2022d). When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rule (ARSD 74:02:04:20(7)), the amount of artesian head pressure at the well sites for this application, and the lack of well interference complaints from the Dakota aquifer in the area, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

Special Consideration: Well Construction

The proposed diversion point must meet adequate well construction standards as defined in ARSD 74:02:04:20. An adequate well has been defined in ARSD 74:02:04:20(6) 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.”

The alternative well construction requirements for certain Dakota aquifer wells (ARSD 74:02:04:35) are not permitted for commercial uses. The submitted well completion report for the existing well for this application indicates well construction is such that it meets construction requirements for a permitted appropriative well. The second proposed well for this application along with any future replacement or additional wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20. Replacement or additional wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

Conclusions

1. Water Permit Application No. 8676-3 for Kingston LLC proposes to appropriate up to 155 acre-feet of water annually at a maximum diversion rate of 0.29 cfs from two wells located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 for commercial use in a swine production facility located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7; all in T110N-R57W.
2. Based on the analysis of the hydrologic budget for the Dakota aquifer in South Dakota, there is a reasonable probability that water is available for the amount proposed by Water Permit Application No. 8676-3.
3. There is a reasonable probability that pumping under Water Permit Application No. 8676-3, if approved, will not unlawfully impair existing water right/permit holders and domestic users with adequate wells.
4. The second well for this application and any additional or replacement wells may not be constructed using alternative construction.


Whitney Kilts

SDDANR-Water Rights Program

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- Water Rights. 2022d. County Complaint Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 10:28 AM
To: kirka@aughenbaughhq.com
Cc: Brad Woerner (bwoerner@stockwellengineers.com)
Subject: Water Permit Application No. 8676-3
Attachments: 4630.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(s) 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>



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FEB 02 2023

Affidavit of Publication

OFFICE OF
WATERSTATE OF SOUTH DAKOTA,
County of Kingsbury.

} SS.

Ann Hesch of said county being first duly sworn on oath, says that he is the publisher of the KINGSBURY JOURNAL, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Kingston LLC c/o Kirk Aughenbaugh - Notice of Application
8676-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in

each week for one successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

1 - 18 2023; _____ 20____
____ 20____; _____ 20____
____ 20____; _____ 20____
____ 20____; _____ 20____

that the full amount of the fee charged for the publication of said notice accrues to the benefit of the publisher 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, and that the fees charged for the publication thereof are

\$ 48.32

Ann Hesch

Subscribed and sworn to before me this 27th

day of January A.D. 2023

Michelle Orton

Notary Public
Kingsbury County, South Dakota

My commission expires 5-22, 2024

NOTICE OF APPLICATION NO. 8676-3
TO APPROPRIATE WATER

Notice is given that Kingston, LLC, c/o Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 has filed an application for a water permit to appropriate up to 155 acre-feet of water annually at a maximum pump rate of 0.29 cubic feet of water per second from two wells, one completed and one to be completed, both into the Dakota Aquifer (1,010 feet deep) located in the NW 1/4 SE 1/4 Section 7 for commercial use in a swine production facility located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 7; all in T110N-R57W. This site is located approximately 9 miles southwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8676-3 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

MICHELLE ORTON

NOTARY PUBLIC
SOUTH DAKOTA

SEAL

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 January 30, 2023.

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 January 30, 2023.

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 \$48.32 and can be viewed free of charge at www.sd-publicnotices.com

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WATER

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 1792

I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Kirk Aughenbaugh – Water Permit- #8676-3 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 01/18/2023. That the full amount of the fee charged for the publishing \$43.83 insures to the benefit of the publisher 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 whom so ever.

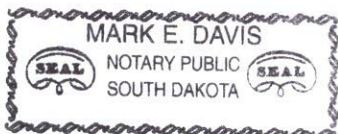
Cadee Schelske

Subscribed and sworn to me before this date 1/31/23.

[Signature]

Notary Public, South Dakota

My Term Expires 12/27/2024



**NOTICE OF
APPLICATION**

NO. 8676-3 to

Appropriate Water

Notice is given that Kingston, LLC, c/o Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 has filed an application for a water permit to appropriate up to 155 acre-feet of water annually at a maximum pump rate of 0.29 cubic feet of water per second from two wells, one completed and one to be completed, both into the Dakota Aquifer (1,010 feet deep) located in the NW 1/4 SE 1/4 Section 7 for commercial use in a swine production facility located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 7; all in T110N-R57W. This site is located approximately 9 miles southwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8676-3 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 January 30, 2023.

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 January 30, 2023.

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.

No. 1792 (adv.)
Published once at the total approximate cost of \$43.83 and may be viewed free of charge at www.sdpublicnotices.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 10:24 AM
To: 'rcrandall@plainsman.com'
Subject: FW: 8676-3, Kingston LLC
Attachments: 8676-3public.short_final.docx; FORM8.FRM.doc

Please publish on January 18, 2023, not January 19, 2023.

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 10:03 AM
To: 'rcrandall@plainsman.com' <rcrandall@plainsman.com>
Subject: 8676-3, Kingston LLC

Attached is a notice to be published on January 19, 2023.

Kingston LLC, c/o Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 (605 350-1359) 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>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 10:24 AM
To: legals@kingsburyjournal.com
Subject: FW: 8676-3, Kingston LLC
Attachments: 8676-3public.short_final.docx; FORM8.FRM.doc

Please publish on January 18, 2023, not January 19, 2023.

From: Schlaak, Karen
Sent: Wednesday, January 11, 2023 10:02 AM
To: legals@kingsburyjournal.com
Subject: 8676-3, Kingston LLC

Attached is a notice to be published on January 19, 2023.

Kingston LLC, c/o Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 (605 350-1359) 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 NEWSPAPERS RIGHT AWAY.**

January 11, 2023

Kingston LLC
c/o Kirk Aughenbaugh
43204 US Hwy 14
De Smet SD 57231

Dear Mr. Aughenbaugh:

Water Permit Application No. 8676-3 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 Kingsbury Journal printed at De Smet SD (Ph # 605 854-3331) and the Plainsman printed at Huron SD (Ph # 605 353-7414). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspapers have 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.

emailed: Brad Woerner, Stockwell Engineers

NOTICE OF APPLICATION NO. 8676-3 to Appropriate Water

Notice is given that Kingston, LLC, c/o Kirk Aughenbaugh, 43204 US Hwy 14, De Smet SD 57231 has filed an application for a water permit to appropriate up to 155 acre-feet of water annually at a maximum pump rate of 0.29 cubic feet of water per second from two wells, one completed and one to be completed, both into the Dakota Aquifer (1,010 feet deep) located in the NW 1/4 SE 1/4 Section 7 for commercial use in a swine production facility located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 7; all in T110N-R57W. This site is located approximately 9 miles southwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8676-3 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 January 30, 2023.

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 January 30, 2023.

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

FEB 21 2023

Kingston LLC
Kirk Aughenbaugh
43204 US Hwy 14
De Smet SD 57231

Dear Mr. Aughenbaugh:

Enclosed is Water Permit No. 8676-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8676-3

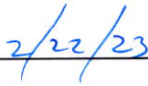
Name of Applicant: Kingston LLC, c/o Kirk Aughenbaugh

Date of Posting: 1/17/2023

Date of Removal: 2/21/2023



Ron Duvall, Water Rights Permitting Administrator

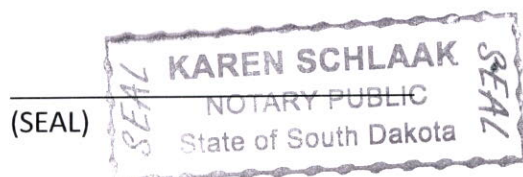


Date

Subscribed and sworn to before me, a notary public, this 22nd day of Feb, 2023.



Notary Public - South Dakota
My commission expires:





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 11, 2023

Kirk Aughenbaugh
Kingston LLC
43204 US Highway 14
DeSmet SD 57231

Dear Mr. Aughenbaugh:

Kingston LLC through your consultant Brad Woerner has filed a request for an additional point of diversion to be authorized for Water Permit No. 8676-3.

Water Permit No. 8676-3 appropriates up to 155 acre-feet of water annually at a maximum diversion rate of 0.26 cubic feet per second (cfs) from two wells completed into the Dakota aquifer located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7 for commercial use in a swine production facility located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7; all in T110N-R57W. The request is for a third well completed into the Dakota aquifer to be located in the in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7-T110N-R57W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional diversion point location is authorized as set forth above without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate or volume of water from the Dakota aquifer is authorized.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Additional Diversion Point

NAME: Kingston LLC

ADDRESS: 43204 US Hwy 14 De Smet, SD 57231

DATE: August 8, 2023 **COUNTY:** Kingsbury

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be authorized provided the new or addition diversion point is from the same source of water, no additional water is appropriated, no new land is to be irrigated, and the potential for interference with other existing diversions is not increased.

Water Permit No. 8676-3 appropriates up to 155 acre-feet of water annually at a maximum diversion rate of 0.26 cubic feet per second (cfs) from two wells completed into the Dakota aquifer located in the NW ¼ SE ¼ Section 7 for commercial use in a swine production facility located in the S ½ NE ¼, N ½ SE ¼ Section 7; all in T110N-R57W.

Kingston LLC has requested an additional well under Water Permit No. 8676-3 in the SW ¼ NE ¼ Section 7-T110N-R57W. No increase in the volume of water or peak pump rate is requested to what is currently authorized by Water Permit No. 8676-3.

- **Developed water source same as permitted source and no additional water appropriated.**

The water source remains the Dakota aquifer. No change in the maximum annual volume or maximum division rate from what is already authorized by Water Permit No. 8676-3 is being requested.

- **If irrigation, no new land is irrigated.**

The water use is for commercial use. Therefore, this section is not applicable.

- **Review of Existing Diversions**

The nearest Dakota wells to the requested additional diversions are the two wells authorized under Water Permit No. 8676-3 (held by Kingston LLC) located approximately 1,075 feet to the south. The nearest permitted wells for the Dakota aquifer not belonging to the applicant are for Water Right No. 6620-3 held by Red Stone Feeders LLC located approximately 1.9 miles to the south of the proposed additional diversion point. The domestic well on file with the Water Rights Program is located approximately 0.7 miles to the northwest based on the well location submitted by the well driller.

The report reviewing Water Permit No. 8676-3 found that while some existing well owners may need to install or lower pumps depending on the specific characteristics of the Dakota

aquifer at their location, there was a reasonable probability that any interference from the pumping under Water Permit No. 8676-3 would likely not unlawfully impair existing users with adequate wells as defined by Administrative Rule of South Dakota 74:02:04:20(6). Given the close proximity of the requested additional diversion point to the well locations reviewed for potential for unlawful impairment prior to the issuance of Water Permit No. 8676-3 and no increase in the volume of water or peak pump rate is requested, there is a reasonable probability that the requested additional diversion point will not increase the potential for unlawful impairment to existing diversions.

RECOMMENDED ACTION

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The additional diversion point does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

Gronlund, Eric

From: Brad Woerner <bwoerner@stockwellengineers.com>
Sent: Tuesday, August 1, 2023 10:35 AM
To: Gronlund, Eric
Subject: [EXT] KINGSTON Water Rights (KINGSBURY COUNTY) - 8676-3
Attachments: 2023-08-01 KINGSTON Amended Application.pdf

Eric,
A 3rd well (NORTH WELL) has been drilled at the KINGSTON site. The north well was necessary to provide the flowrate and volume of water that was previously approved by the Department. The north well is located in the SW of the NE ¼ of Section 7, T110N, R57W. The East/West Wells are located in the NW ¼ of the SE ¼ of Section 7, T110N, R57W.

I have attached an amended application, well log for the NORTH well and a location map (identifying all 3 wells).

The addition of the NORTH well will NOT increase the diversion rate nor the diversion volume beyond the previously approved levels within the original water rights permit.

It is my understanding that the north well would be allowed per SDCL 46-5-13.1

If you have any questions, please let me know.

Thank you in advance for your time, Eric.

Sincerely,

Brad Woerner, PE
Agricultural Engineer

Stockwell Engineers, Inc.

Cell / 605.660.1362

Office / 605.665.8092

Fax / 605.665.0523

bwoerner@stockwellengineers.com

201 Walnut Street / Yankton, SD 57078

 **STOCKWELLENGINEERS.COM**    

***This e-mail may contain confidential and/or privileged information.
If you are not the intended recipient (or have received this e-mail in error) please notify the sender immediately and destroy this e-mail.
Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.***

SD EForm - 1585LD V5
FORM 2: Application for uses other than irrigation
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____	(office use only) Hydrologic Unit _____
	Basin _____	
	Newspaper _____	

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. 8676-3

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

additional (3rd) well located in the SW 1/4 of the NE 1/4 Section 7, T110N, R57W. Additional diversion point in same Aquifer (DAKOTA) with NO additional flow nor volume requested per SDCL 46-5-13.1

1. Name to Appear on Water Permit KINGSTON, LLC

Mailing Address 43204 US Highway 14 De Smet SD 57231
(Address) (City) (State) (Zip Code)
Phone (605) 350-1359 Mobile _____ Email kirka@aughenbaughhq.com

2. Amount of water claimed 0.29 *CFS or 130 **GPM and 155 ***AF or _____ 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)

3. Source of water supply Dakota

4. Location of point of diversion NW1/4 of SE 1/4 & SW 1/4 of NE 1/4 - 7-110-57 County Kingsbury

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

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

If "Yes," where will water be used? SE 1/4 & NE 1/4, Section 7, T110N, R57W

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

5. County or counties where water will be used Kingsbury

6. Annual period during which water is to be used January 1st thru December 31st

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

Existing Swine Production Facility

I, Kirk Aughenbaugh Kirk A. Aughenbaugh Member _____, 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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

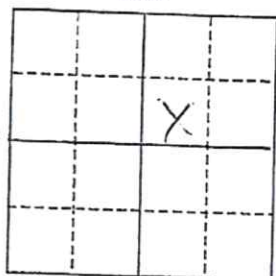
11-02

Location SW ¼ NE ¼ Sec 7 Twp 110 N Rg 77 W

County Kingsbury

Please mark well location with an "X"

North



NORTH WELL

Well Completion Date

6-16-23

1 Mile

Distance to 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:

Mud Rotary

CASING DATA:

If other describe Stainless Steel ☐ Steel ☒ Plastic ☒ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2.50</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>852</u> FT	<u>7 7/8</u> IN
<u>3.5</u> LB/FT	<u>2</u> IN	<u>852</u> FT	<u>1052</u> FT	<u>4 1/2</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>125</u>	<u>15</u> Lb/gal	<u>0</u> Ft	<u>852</u> Ft

Describe grouting procedure

Pumped Through 5" Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2 Inches Length 200 Feet
Material Stainless Steel
Slot Size 10/25 Set From 852 Feet to 1052 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Cement

Describe packer(s) and location 852'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

KINGSTON, LLC

Business Name:

43204 US HIGHWAY 14

Address:

DE SMET, SD 57231

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow Clay</u>	<u>2</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>114</u>
<u>Shale</u>	<u>114</u>	<u>800</u>
<u>Dakota</u>	<u>800</u>	<u>1052</u>

STATIC WATER LEVEL

160 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

☐ Bailed

☐ Other

Pumping Level Below Land Surface

160 Ft. After 12 Hrs. pumped 15 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc

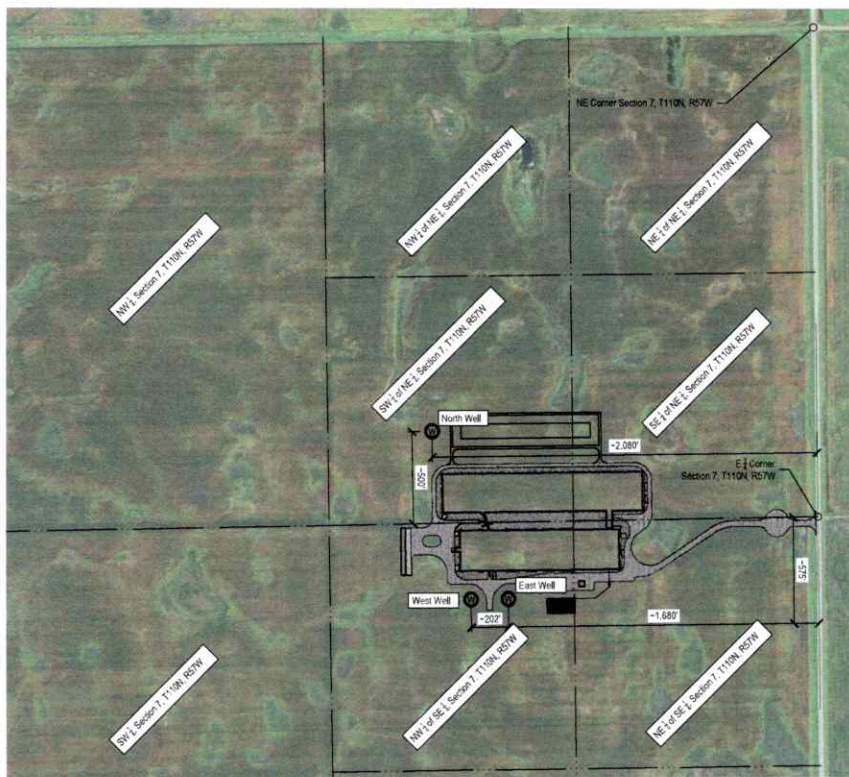
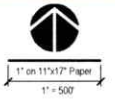
Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

[Signature]

Date: 8-1-2023



Kingston, LLC - Water Rights Application
Section 7, T110N, R57W - Kingsbury County, SD



8676-3

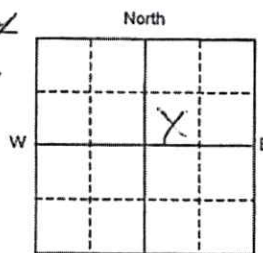
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 7 Twp 111N Rg 27WCounty Kingsbury

Please mark well location with an "X"



Well Completion Date

6-18-23

1 Mile

Distance to 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:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2.50</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>852</u> FT	<u>7 7/8</u> IN
<u>2.5</u> LB/FT	<u>2</u> IN	<u>852</u> FT	<u>1052</u> FT	<u>4 1/2</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>125</u>	<u>15</u> Lb/gal	<u>0</u> Ft	<u>852</u> Ft

Describe grouting procedure

Pumped Through 5" Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 2 Inches Length 200 Feet
 Material Stainless Steel
 Slot Size 1/25 Set From 852 Feet to 1052 Feet
 Other information _____
WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? CementDescribe packer(s) and location 852'

DISINFECTION: Was well disinfected upon completion?

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

Well Owner:

Business Name: Pipestone SystemsAddress: 43204 US Hwy 14City, State, Zip: DeSmet SD 57231

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow Clay</u>	<u>2</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>114</u>
<u>Shale</u>	<u>114</u>	<u>800</u>
<u>Dakota</u>	<u>800</u>	<u>1052</u>

STATIC WATER LEVEL

160 FEET

If flowing: closed in pressure

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☐ Bailed☐ Other

Pumping Level Below Land Surface

160 Ft. After 12 Hrs. pumped 15 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc

Signature of License Representative:

Tom O'Leary

Signature of Well Owner or Equitable Property Holder:

Tom O'LearyDate: 6-28-2023

RECEIVED

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OFFICE OF
WATER

8676-3

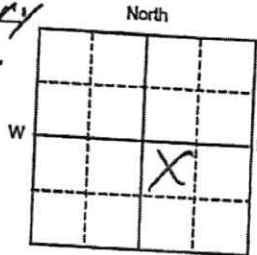
SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

11-02

Location NW 1/4 SE 1/4 Sec 7 Twp 110 Rg 57County Kingsbury

Please mark well location with an "X"



Well Completion Date

5-26-23Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
800 ft. from Barn (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2.50</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>903</u> FT	<u>7 1/2</u> IN
<u>5.5</u> LB/FT	<u>2</u> IN	<u>890</u> FT	<u>1050</u> FT	<u>4 1/2</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>150</u>	<u>15</u> Lb/gal	<u>0</u> FT	<u>903</u> FT

Describe grouting procedure

Pumped Through 5" pipe

SCREEN:

☐ Perforated pipe
☒ Manufactured
 Diameter 2 Inches Length 160 Feet
 Material Stainless Steel
 Slot Size 1025 Set From 890 Feet to 1050 Feet
 Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? CementDescribe packer(s) and location 903

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

Business Name: Kingston LLCAddress: 43264 US Hwy 14City, State, Zip: Desmet SD 57231

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow Clay</u>	<u>2</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>115</u>
<u>Shale</u>	<u>115</u>	<u>540</u>
<u>Coal</u>	<u>540</u>	<u>560</u>
<u>Shale</u>	<u>560</u>	<u>740</u>
<u>Dakota</u>	<u>740</u>	<u>1050</u>
<u>Granite</u>		

STATIC WATER LEVEL

160 FEET

If flowing: closed in pressure

GPM flow _____ through _____ PSI

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air☐ Bailed☐ Other

Pumping Level Below Land Surface

160 Ft. After 14 Hrs. pumped 15 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Patton

Signature of Well Owner or Equitable Property Holder:

Kim A. OverbaughDate: 5-29-2023

RECEIVED

AUG 30 2023

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WATER