

WATER PERMIT NO. 8848-3

Name of Applicant: **Kingbrook Rural Water System**

Address: **302 East Ash PO Box 299, Arlington SD 57212**

Phone: **605-983-5074**

Amount of Water Claimed: **1,100 AF**

Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **RWS**

County: **Kingsbury**

Type of Waste Disposal System:

Location: **Approx. 5 miles northwest of DeSmet SD**

PRIORITY

Date Received: **03-26-24**

Application/License Fee: **\$1,750.00**

Corrected Application Received: **03-27-24**

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

Remarks: **Adding 4 diversion points, wells 11 – 14. Using water from Future Use Permit 5209-3**

Diversion Point: **N 1/2 Sec 6-T111N-R56W**

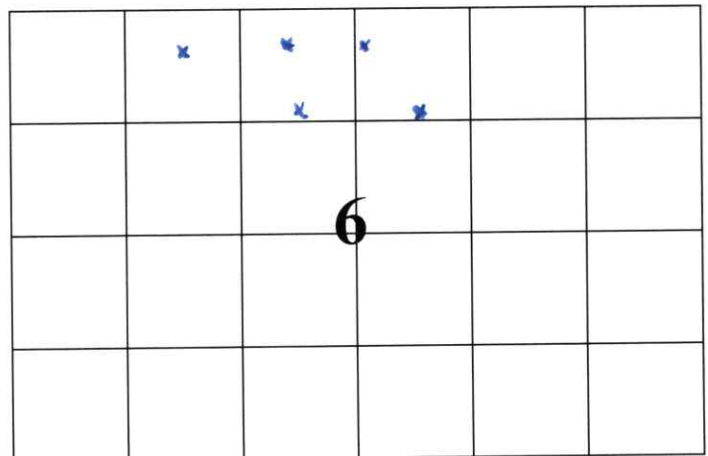
Land to be Irrigated: **N/A**

Depth of Well: **110**

Well Driller: **Thein Well**

Remarks:

Type of Map: **acril**



Reviewed and the Number Assigned on: **04-02-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8848-3

Date of first receipt of application March 26, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8848-3 to Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8848-3 authorizes construction and placing to beneficial use 1,100 acre-feet of water annually, at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells, to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep), located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This permit also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8848-3 is June 24, 2024.
5. The date from which applicant may claim right is August 15, 1988, from Future Use Permit No. 5209-3.
6. One-fifth of the construction is to be completed on or before December 24, 2026.
7. All construction is to be completed on or before June 24, 2029.
8. Water is to be put to beneficial use on or before June 24, 2033.
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. 8848-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must 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 wells authorized by Permit No. 8848-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Spirit Lake Management unit of the Vermillion East Fork Aquifer.
4. Water Permit No. 8848-3 authorizes a total annual diversion of up to 1,100 acre-feet of water.

WATER MANAGEMENT BOARD

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

JUL 26 2024
date



FORM 2: Application for uses other than irrigation

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8848-3</u> (office use only)	Hydrologic Unit <u>10170103</u>
	Basin <u>Lake Thompson</u>	
	Newspaper <u>Kingsbury Journal</u>	
	<u>Huron Plainsman</u>	

PAID
 MAR 27 2024
 CLK 00963
 REC'D 36712

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

Check use(s) of water:

- | | | | |
|--|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☒ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other _____ | |

Type of Application:

(check one)

- ☐ New
 ☐ Vested Right (Use predates Mar 2, 1955)
 ☐ Future Use Reservation
☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 5209-3
☐ Amendment/Correction to Permit No. _____

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

Add diversion points for new Wells #11, #12, #13, and #14

1. Name to Appear on Water Permit Kingbrook Rural Water System(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Heath Thompson

(name and complete address if different than above name)

Mailing Address 302 East Ash P.O. Box 299 Arlington SD 57212
 (Address) (City) (State) (Zip Code)

Home Phone 605-983-5074 Cell _____ Email office@kingbrookruralwater.com

2. Amount of water claimed 2.6 *CFS or 1,100 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Groundwater, East Fork Vermillion Aquifer4. Location of point of diversion Proposed Well #11-14 in N1/2 S6 T11N R56W 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? _____

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

5. County or counties where water will be used Beadle/Clark/Kingsbury/Lake/Miner/McCook/Hamlin/Sanborn6. Annual period during which water is to be used January 1 - December 31

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

Add four diversion points to the Kingbrook Rural Water System De Smet North Well Field. The total annual diversion will increase 1,100 acre-feet annually. Withdrawal rate will increase 2.6 CFS.

RECEIVED

MAR 27 2024

OFFICE OF
WATER

I, Heath Thompson, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

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 4 Have test holes been drilled ☒ Yes ☐ No Drilled by Thein Well
(if yes, please provide copies of logs)

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

c) Well Depth 110' Depth to Top of Water Bearing Material 15' Depth to Water from Surface 35'

d) Distance to nearest existing domestic well:

On applicant's property 600' On property owned by others >1,000'

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)

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)

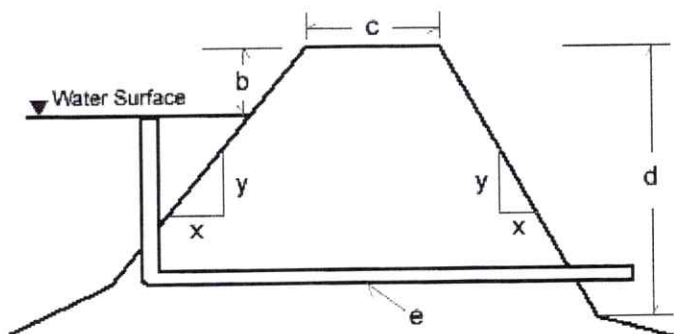
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Plot Date: 11/11/2024 11:01 AM



P:\PROJECTS\2024\KINGBROOK RURAL WATER SYSTEM\RAW PIPELINE\DESIGN\WELL FIELD.DWG

KINGBROOK RURAL WATER SYSTEM ARLINGTON, SOUTH DAKOTA	
DESMET NORTH WELL FIELD	
Project Manager	MNO
Designer	JMG
Project Number	860741.0005
Phone	(712) 472-2331
Sheet	1

112N 57W
Section: 25

112N 56W
Section: 30

112N 56W
Section: 29

112N 57W
Section: 36

112N 56W
Section: 31

112N 56W
Section: 32

202 ST

431 AVE

430 AVE

10170103 Lake Thompson

111N 57W
Section: 01

111N 56W
Section: 06

111N 56W
Section: 05

203 ST

111N 57W
Section: 12

111N 56W
Section: 07

111N 56W
Section: 08

10160006 Middle James

204 ST

111N 57W
Section: 13

111N 56W
Section: 18

111N 56W
Section: 17

**SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5209-3**

Date of first receipt of application August 15, 1988.

The Water Management Board approved Future Use Water Permit Application No. 5209-3 on March 1, 1989 for Kingbrook Rural Water System, Drawer 299, Arlington SD 57212 subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5209-3 appropriates for future use 1100 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area for development of future water use is located in the SW 1/4 SW 1/4 section 10; NE 1/4 section 8; section 6; all in T111N-R56W. This permit does not authorize construction of works or application of water to beneficial use.
2. The water reserved for future use is for rural water system use by the Kingbrook Rural Water System.
3. The date from which applicant may claim right is August 15, 1988.

QUALIFICATIONS

1. That Future Use Permit No. 5209-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Vermillion East Fork aquifer. Wells will be approximately 50 feet deep.
4. Approval of the Permit reserves 1100 acre feet annually.

WATER MANAGEMENT BOARD

By: _____

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

SEP 12 1989

(date)

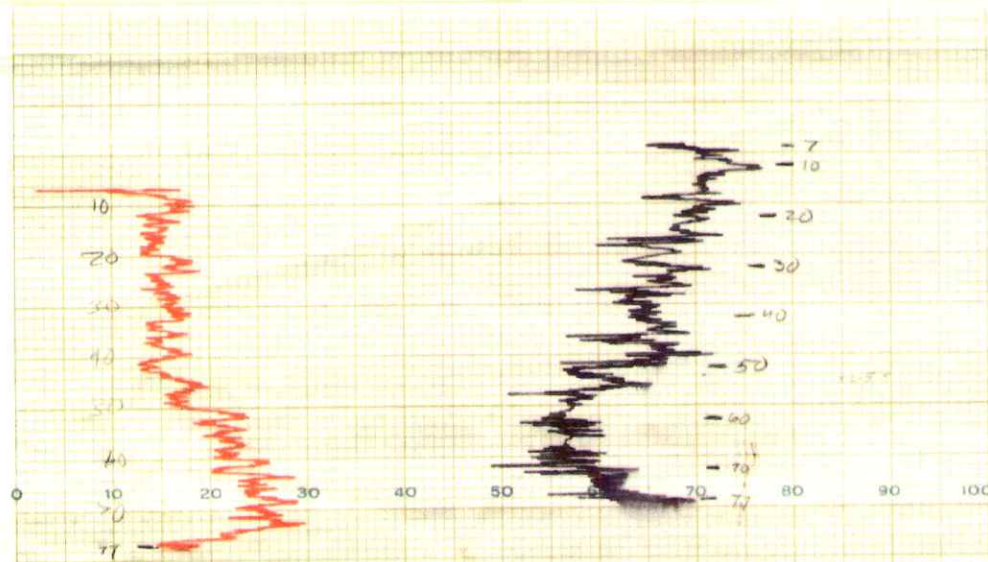
SOUTH DAKOTA GEOLOGICAL SURVEY

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

COMPANY South Dakota Geological Survey
 LOCATION 111N-56W-B5B8C
 WELL CO-88-48
 COUNTY Kingsbury STATE SD

ELEVATION _____
 K.B. _____
 G.L. 1734.50
 LOGGING UNIT State Logger

	RUN No 1	RUN No 2	MUD	RUN No 1	RUN No 2
DATE	<u>7/13/88</u>				
FIRST READING	<u>77</u>		pH		
LAST READING	<u>7</u>		DENSITY		
FOOTAGE LOGGED	<u>70</u>		NATURE		
BOTTOM (Driller)	<u>77</u>		VISCOSITY	" °F	" °F
CASING (from log)			RESISTIVITY	" °F	" °F
CASING (Driller)			RES. = BHT	" °F	" °F
CASING SIZE			BHT		
BIT SIZE	<u>4 3/4</u>				
BIT SIZE					
			LOGGED BY: <u>Kurt Wilkie</u>		
			WITNESSED BY:		
REMARKS <u>base of gravel 3-63 from 50-63 more fine rich</u>					
FORMATION TOPS:					
BOTTOM HOLE FORMATION:					
GAMMA RAY <u>60/2</u> COUNTS/SECOND					
SELF POTENTIAL _____ MILLIVOLTS/INCH					
RESISTANCE <u>100</u> OHMS/INCH					



Gamma
100/2

Res
100

7/13/88

7/13/88
 Logged by Kurt Wilkie
 Driller ID 71

CO-88-48

SOUTH DAKOTA GEOLOGICAL SURVEY

RECORDING CHART (Scale: 1" = 10' Vertical, 1" = 10' Horizontal)

NO. WH-7

Location Information

Legal Location: SW SW NW NW SEC. 05, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W05BBCC

Latitude: 44.452510

Longitude: -97.592283

Ground Surface Elevation: 1734 I

Project Information

Project: KINGBROOK RWS

Drill Date: 7/13/1988

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: CO-88-48

Geologist: K. WILKIE

Geologist's Log: ☒

Driller: D. JACOBSON

Driller's Log: ☐

Total Drill Hole Depth (ft): 77.0

Well Information

SDGS Well Name: CO-88-48

Water Rights Well:

Other Well Name:

Casing Type: PVC

Screen Type: PVC, MFG. AND HM.

Total Casing and Screen (ft): 77.5

Casing Stick-up (ft): 1.79

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer: VERMILLION-EAST-FORK

Management Unit: SPIRIT LAKE

Casing Top Elevation: 1736 I

Casing Diameter (in): 2

Screen diameter (in):

Screen Length (ft): 35

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

Formation and Geophysical Information

Bottom Hole Formation

☒ E-Log Available

26 FEET OF BLANK CASING (NOT OPEN TO SCREEN) FROM 75.7 TO 49.7 FEET, SCREENED FROM 49.7 TO 14.7 FEET.

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1734 - 1732	0 - 2	TOPSOIL, BLACK; OXIDIZED, ORGANIC
1732 - 1683	2 - 51	GRAVEL AND SAND, REDDISH-YELLOW, MEDIUM TO FINE GRAVEL, COARSE TO FINE SAND, OXIDIZED, CALCAREOUS MATRIX, MANGANESE STAINING
1683 - 1671	51 - 63	SAND AND GRAVEL, GRAY, COARSE TO FINE SAND, PEBBLE-SIZED GRAVEL; UNOXIDIZED, CALCAREOUS, E-LOG INDICATES FINER STRINGERS INTERBEDDED
1671 - 1657	63 - 77	CLAY, GRAY, SILTY, SANDY, PEBBLY; UNOXIDIZED, CALCAREOUS

Location Information

Legal Location: NE NE NE NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BAAA 2

Latitude: 44.455381

Longitude: -97.602829

Ground Surface Elevation: 1758 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/15/1976

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: 20

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 60.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1758 - 1753	0 - 5	TOPSOIL, BLACK, SANDY
1753 - 1733	5 - 25	GRAVEL AND SAND, BROWN
1733 - 1698	25 - 60	CLAY (TILL)

Location Information

Legal Location: SW SW NW NW SEC. 05, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W05BBCC

Latitude: 44.452510

Longitude: -97.592283

Ground Surface Elevation: 1734 I

Project Information

Project: KINGBROOK RWS

Drill Date: 7/13/1988

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: CO-88-48

Geologist: K. WILKIE

Geologist's Log: ☒

Driller: D. JACOBSON

Driller's Log: ☐

Total Drill Hole Depth (ft): 77.0

Well Information

SDGS Well Name: CO-88-48

Water Rights Well:

Other Well Name:

Casing Type: PVC

Screen Type: PVC, MFG. AND HM.

Total Casing and Screen (ft): 77.5

Casing Stick-up (ft): 1.79

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer: VERMILLION-EAST-FORK

Management Unit: SPIRIT LAKE

Casing Top Elevation: 1736 I

Casing Diameter (in): 2

Screen diameter (in):

Screen Length (ft): 35

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

Formation and Geophysical Information

Bottom Hole Formation

☒ E-Log Available

26 FEET OF BLANK CASING (NOT OPEN TO SCREEN) FROM 75.7 TO 49.7 FEET, SCREENED FROM 49.7 TO 14.7 FEET.

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1734 - 1732	0 - 2	TOPSOIL, BLACK; OXIDIZED, ORGANIC
1732 - 1683	2 - 51	GRAVEL AND SAND, REDDISH-YELLOW, MEDIUM TO FINE GRAVEL, COARSE TO FINE SAND, OXIDIZED, CALCAREOUS MATRIX, MANGANESE STAINING
1683 - 1671	51 - 63	SAND AND GRAVEL, GRAY, COARSE TO FINE SAND, PEBBLE-SIZED GRAVEL; UNOXIDIZED, CALCAREOUS, E-LOG INDICATES FINER STRINGERS INTERBEDDED
1671 - 1657	63 - 77	CLAY, GRAY, SILTY, SANDY, PEBBLY; UNOXIDIZED, CALCAREOUS

Location Information

Legal Location: NE NE NE NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BAAA 2

Latitude: 44.455381

Longitude: -97.602829

Ground Surface Elevation: 1758 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/15/1976

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: 20

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 60.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1758 - 1753	0 - 5	TOPSOIL, BLACK, SANDY
1753 - 1733	5 - 25	GRAVEL AND SAND, BROWN
1733 - 1698	25 - 60	CLAY (TILL)

Location Information

Legal Location: NE NE NE NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BAAA 2

Latitude: 44.455381

Longitude: -97.602829

Ground Surface Elevation: 1758 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/15/1976

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: 20

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 60.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1758 - 1753	0 - 5	TOPSOIL, BLACK, SANDY
1753 - 1733	5 - 25	GRAVEL AND SAND, BROWN
1733 - 1698	25 - 60	CLAY (TILL)

Location Information

Legal Location: NE NE NW NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BBAA

Latitude: 44.455370

Longitude: -97.607417

Ground Surface Elevation: 1740 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/8/1976

Company: SDGS

Drilling Method: AUGER

Test Hole Number: 19

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 105.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1740 - 1735	0 - 5	TOPSOIL, BLACK, SILTY
1735 - 1731	5 - 9	CLAY, DARK-BROWN, SILTY
1731 - 1718	9 - 22	CLAY, BROWN, SANDY
1718 - 1708	22 - 32	SILT, BROWN, SANDY
1708 - 1702	32 - 38	SILT, LIGHT-BROWNISH-GRAY, SANDY
1702 - 1692	38 - 48	SAND, GRAY, COARSE, SILTY
1692 - 1637	48 - 103	SAND, GRAY, COARSE; SOME GRAVEL
1637 - 1635	103 - 105	CLAY (TILL)

Location Information

Legal Location: NW NW NW NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BBBB

Latitude: 44.455381

Longitude: -97.611458

Ground Surface Elevation: 1739 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/1/1976

Company: SDGS

Drilling Method: AUGER

Test Hole Number: 18

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 33.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1739 - 1738	0 - 1	TOPSOIL, BROWN, SANDY
1738 - 1735	1 - 4	CLAY, BLACK, SILTY
1735 - 1728	4 - 11	CLAY, BROWN, VERY SILTY
1728 - 1710	11 - 29	SAND, BROWN, MEDIUM, VERY SILTY
1710 - 1706	29 - 33	CLAY (TILL)

Location Information

Legal Location: SW SW SW NW SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06BCCC

Latitude: 44.448398

Longitude: -97.611993

Ground Surface Elevation: 1769 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/9/1976

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: 27

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 103.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1769 - 1768	0 - 1	TOPSOIL, BLACK
1768 - 1757	1 - 12	SILT, BROWN, CLAYEY, SANDY
1757 - 1735	12 - 34	CLAY, BROWN (TILL)
1735 - 1707	34 - 62	CLAY, GRAY (TILL)
1707 - 1703	62 - 66	SAND, GRAY, GRAVELLY, CLAYEY
1703 - 1700	66 - 69	GRAVEL, MEDIUM TO COARSE; CLEAN
1700 - 1675	69 - 94	CLAY, GRAY (TILL)
1675 - 1671	94 - 98	GRAVEL, SILTY; SOME COBBLES
1671 - 1639	98 - 130	CLAY (TILL)

Location Information

Legal Location: NW NW NW SE SEC. 06, T. 111 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N56W06DBBB

Latitude: 44.448056

Longitude: -97.601944

Ground Surface Elevation: 1755 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/17/1976

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: 28

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 90.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1755 - 1753	0 - 2	TOPSOIL, BLACK, SILTY, SANDY
1753 - 1734	2 - 21	CLAY, SILTY, SANDY, PEBBLY
1734 - 1730	21 - 25	SAND, MEDIUM TO COARSE, CLAYEY
1730 - 1667	25 - 88	GRAVEL AND SAND
1667 - 1665	88 - 90	CLAY (TILL)

Location Information

Legal Location: SE SE NE NE SEC. 01, T. 111 N., R. 57 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 111N57W01AADD

Latitude: 44.451944

Longitude: -97.612222

Ground Surface Elevation: 1750 T

Project Information

Project: KINGBROOK RURAL WATER

Drill Date: 6/1/1976

Company: SDGS

Drilling Method: AUGER

Test Hole Number: 25

Geologist: A. BARARI/B. SLUGG

Geologist's Log: ☒

Driller:

Driller's Log: ☐

Total Drill Hole Depth (ft): 9.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1750 - 1748	0 - 2	TOPSOIL, BLACK, SILTY
1748 - 1746	2 - 4	CLAY, BLACK, SILTY
1746 - 1742	4 - 8	CLAY, BROWN, SILTY
1742 - 1741	8 - 9	CLAY (TILL)

Location Information

Legal Location: SW SE SE SW SEC. 31, T. 112 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 112N56W31CDDC

Latitude: 44.455556

Longitude: -97.604444

Ground Surface Elevation: 1755 T

Project Information

Project: KINGSBURY-BROOKINGS STUDY

Drill Date: 6/29/1983

Company: SDGS

Drilling Method: AUGER

Test Hole Number: A2-83-19

Geologist: D. TOMHAVE

Geologist's Log: ☒

Driller: M. YESKE

Driller's Log: ☐

Total Drill Hole Depth (ft): 38.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1755 - 1754	0 - 1	SAND, LIGHT-BROWN, SILTY; OXIDIZED, DRY
1754 - 1730	1 - 25	SAND AND GRAVEL, RED-BROWN, COARSE SAND, MEDIUM GRAVEL; OXIDIZED
1730 - 1728	25 - 27	CLAY, LIGHT-BROWN, VERY SILTY; OXIDIZED, MOIST, SOME FINE SAND
1728 - 1717	27 - 38	SAND, FINE, CLAYEY, SILTY; OXIDIZED, DRY

Location Information

Legal Location: SW SW SW SE SEC. 31, T. 112 N., R. 56 W.

County: KINGSBURY

Hydrologic Unit Code: 10170103

Land Owner:

Location: 112N56W31DCCC

Latitude: 44.455514

Longitude: -97.602406

Ground Surface Elevation: 1757 T

Project Information

Project: EDWDD WELLHEAD PROTECTION

Drill Date: 6/25/2013

Company: SDGS

Drilling Method: HOLLOWSTEM

Test Hole Number: R20-2013-33

Geologist: M. NOONAN/J. GILBERTSON

Geologist's Log: ☒

Driller: J. OLSON

Driller's Log: ☐

Total Drill Hole Depth (ft): 13.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): 3 to 0

Bentonite Chips/Granular from (ft): 13 to 3

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1757 - 1755	0 - 2	TOPSOIL, BLACK
1755 - 1754	2 - 3	CLAY, BROWN, SILTY, SANDY, PEBBLY
1754 - 1752	3 - 5	SAND, BROWN, FINE TO COARSE, CLAYEY
1752 - 1745	5 - 12	SAND AND GRAVEL, BROWN, FINE SAND TO VERY COARSE GRAVEL
1745 - 1744	12 - 13	GRAVEL, VERY COARSE; ROCKS

Kingsbrook Rural Water

NWNW 6 T111N R56W

JOB NAME

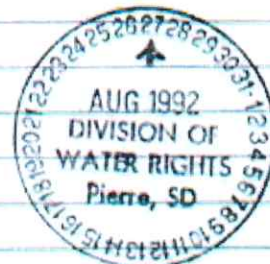
LOCATION

DATE

IUG NO.

FOREMAN

It no.	DEPTH	TIME	TEST HOLE #6	REMARKS
1	10		0-2 topsoil	
2	20		2-16 yellow clay -traces of yellow sand and gravel	
3	30		16-23 yellow sand and gravel yellow clay	
4	40		23-30 yellow clay	
5	50		30-33 yellow sadn and gravel-rocks-tuff	
6	60		33-40 blue clay	
7	70 RNO		40-47 blue clay	
8	80		47-50 coarse and medium sand	
9	90		50-51 blue clay	
			51-52 coarse and medium sand some fine	
			52-60 fine and medium sand coal good water loss	
			60-67 medium and coarse sadnds coal good water loss	
			67-70 blue clay some medium sand	
			70-82 fine and medium sand little blue clay	
			82-90 coarse sand and gravel	
			90-97 coarse and and gravel	
			90-97 coarse and and gravel	
			97-100 blue clay	
			165 buckets	
			12" main well North	
			40'-.050 slotted 12" Johnson SS screen	
			60'-12" steel	
			Gravel packed to 30'	
			cement 10'-30'	



PAGE NO.

Dennis D.
FOREMAN

AUG 1892
DIVISION OF
WATER RIGHTS
Mont, SD

07-92

Date: _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 27, 2024

RECEIVED OF Kingbrook Rural Water System, Inc. 302 East Ash/PO Box 299 Arlington SD 57212

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

Fee for Application for Permit No. <u>8848-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1550.00</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>8848-3</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>1750.00</u>

By Eric Gronlund
Chief Engineer
em

Rodriguez, Rachel

From: Dewell, Amanda
Sent: Thursday, May 23, 2024 11:30 AM
To: Rodriguez, Rachel; Gronlund, Eric
Subject: FW: [EXT] Water Permit Application to Place Reserved Water to Use

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Thursday, May 23, 2024 11:27 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Heath Thompson <heath@kingbrookruralwater.com>; Kingbrook General Email <office@kingbrookruralwater.com>
Subject: FW: [EXT] Water Permit Application to Place Reserved Water to Use

Ron,

Kingbrook does not plan to use water associated with this water right in Moody, Minnehaha, or Brookings Counties. Therefore, we do not need to advertise this water right application in those counties. The additional counties in the 2017 Public Notice must have been in error or from a desire to be abundantly communicative.

Thank you for asking.

Matthew N. Oedekoven, P.E.

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, May 20, 2024 8:57 AM
To: Kingbrook Office <office@kingbrookruralwater.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Water Permit Application to Place Reserved Water to Use

You don't often get email from ron.duvall@state.sd.us. [Learn why this is important](#)

Heath,

The application submitted to place 1,100 acre-feet to use is nearly ready to have public notice published in papers in which water service is provided. I have a question concerning what counties the notice should be published in. On the application you indicate that the counties where the water will be used is Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin and Sanborn counties. The following screen snip shows the papers the papers the public notice for the 2017 review of Future Use Permit No. 5209-3 was published in:

Future Use Permit No. 5209-3 will be reviewed for progress in the development and future water reserved. Water rights law requires publication of a notice in the county where water is used. A copy of the Notice of Hearing for this review has been emailed to the following parties:

Argus Leader, Sioux Falls 605 331-2200

Moody Co Enterprise, Flandreau 605 997-3725

DeSmet News, DeSmet 605 854-3331

Daily Leader, Madison 605 256-4555

Salem Special, Salem 605 425-2

Brookings Register, Brookings 605 633-3333

Miner County Pioneer, Howard 605 333-3333

Clark County Courier, Clark 605 333-3333

In addition to the counties listed on your recent application, I see Moody, Minnehaha, and Brookings counties listed in the above snippet. Should those three counties also be listed on your application?

Thank you,

Ron Duvall

Dept. of Agriculture & Natural Resources

Office of Water, Water Rights Program

605.773.3352

danr.sd.gov



DANR
SOUTH DAKOTA

Rodriguez, Rachel

From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Tuesday, March 26, 2024 4:58 PM
To: Tabitha Duffy; Gronlund, Eric; Duvall, Ron; Rodriguez, Rachel
Cc: Heath Thompson
Subject: RE: [EXT] Kingbrook Permit Application
Attachments: DeSmet North Wellfield Existing Logs.pdf

Eric and Ron,

We checked the box that said test holes have been drilled. That is true, to the extent that this wellfield has previously been studied significantly. I have attached some of the existing records for this wellfield.

Furthermore, Kingbrook performed both TEM and ERT geophysical evaluations at this wellfield. Those evaluations were used to inform this expansion effort.

Finally, Kingbrook intends to perform additional test drilling before completing a production well. We have identified five locations for test drilling and expect to complete wells at the four best locations.

Please let me know if this makes sense on the application form, or if I need to revise it.

Thank you,

Matthew N. Oedekoven, P.E.

From: Tabitha Duffy <tabitha@kingbrookruralwater.com>
Sent: Tuesday, March 26, 2024 3:33 PM
To: eric.gronlund@state.sd.us; ron.duvall@state.sd.us; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Heath Thompson <heath@kingbrookruralwater.com>; Matthew Oedekoven <matthew.oedekoven@dgr.com>
Subject: Kingbrook Permit Application

Good afternoon,

Attached is an electronic copy of our Water Rights Permit Application. A hard copy of the permit along with a check for the corresponding fees was put in the mail today.

Please let me know if you have any questions.

Thank you,

Tabitha Duffy
Office Manager



302 E Ash St. | PO Box 299 | Arlington, SD 57212
Phone: 605-983-5074 | Toll Free: 800-605-5279 | Fax: 605-983-5636
tabitha@kingbrookruralwater.com

www.kingbrookruralwater.com

Rodriguez, Rachel

From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Tuesday, March 26, 2024 1:46 PM
To: Gronlund, Eric; Duvall, Ron
Cc: Heath Thompson; Rodriguez, Rachel
Subject: RE: [EXT] Kingbrook Vermillion East Fork Future Use Permit 5209-3
Attachments: DeSmet - Water Rights Application.pdf; DeSmet_WellField-Proposed Test Drilling2.pdf

Eric,

Thank you for the information. This is very helpful.

Kingbrook intends to submit the application to construct and put into service their reserved water very soon. Therefore, I agree, it makes sense to proceed with that application and pass on the 7-year future right review process.

Attached are the draft application documents. Heath plans to submit the signed version along with the permit fee of \$1,750 soon.

Thank you,

Matthew N. Oedekoven, P.E.

From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Tuesday, March 26, 2024 11:09 AM
To: Matthew Oedekoven <matthew.oedekoven@dgr.com>; Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Heath Thompson <heath@kingbrookruralwater.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Kingbrook Vermillion East Fork Future Use Permit 5209-3

Future Use Permit No. 5209-3 was last reviewed May 11, 2017. SD Codified Law 46-5-38.1 sets forth the future use permits shall be reviewed by the Board every seven years. That is what prompted the recent letter. There isn't anything magical about the March 31st date to respond other than to get the review public noticed for the May 8th Water Management Board meeting.

In my mind the real question is when does Kingbrook plan to file application to construct and place the reserved water to beneficial use. If they plan to file the application for all the reserved prior to May, then I don't see a reason to go through the 7-year review process including the expense to public notice in all counties they serve.

If they don't plan to apply for six months to a year, then the safe thing is to go through the required review process.

Remember once the permit to construct and place the reserved water to beneficial use is approved, Kingbrook has five years to complete construction and any undeveloped water reverts back to the future use permit.

Hope this helps. Eric

From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Tuesday, March 26, 2024 10:48 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Heath Thompson <heath@kingbrookruralwater.com>
Subject: [EXT] Kingbrook Vermillion East Fork Future Use Permit 5209-3

Ron and Eric,

Kingbrook's future use permit 5209-3 is up for the seven-year review, and requires a written response by March 31st, 2024. Kingbrook intends to convert all 1,100 acre-feet to current water rights and is seeking project financing to expand their wellfield.

Should Kingbrook renew the future water rights now and allow plenty of time to convert from future to current water rights? Or do they "hold their place" if they are seeking to convert the future water rights during the seven-year review period?

It seems like the safe thing to do would be to renew the future water rights and then convert. But I don't want to duplicate work unnecessarily.

Thank you,

Matthew N. Oedekoven, P.E.



1302 South Union Street
Rock Rapids, IA 51246
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cell: 712-560-5797

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8848-3, Kingbrook Rural Water System**

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. 8848-3, Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212.

The Chief Engineer is recommending APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 8848-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must 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 wells authorized by Permit No. 8848-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must 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. The permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Spirit Lake Management unit of the Vermillion East Fork Aquifer.
4. Water Permit No. 8848-3 authorizes a total annual diversion of up to 1,100 acre-feet of water.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 30, 2024

Report to the Chief Engineer
On Water Permit Application No. 8848-3
Kingbrook Rural Water System
May 17th, 2024

This water permit application proposes to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second (cfs) from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork aquifer (approximately 110 feet deep) located in the N ½ of Section 6-T111N-R56W. The water for this application was appropriated and reserved by Future Use Permit No. 5209-3. This application proposes to put the full amount reserved by Future Use Permit No. 5209-3 to beneficial use. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn Counties. This site is located approximately 5 miles northwest of De Smet, SD in Kingsbury County.

AQUIFER: Spirit Lake Management unit of the Vermillion East Fork (VEF:SL)

HYDROGEOLOGY:

Hedges and others (1982) separated the Vermillion East Fork aquifer into various management units. The SD DANR Water Rights Program follows the management unit boundaries established by Hedges and others (1982). Some of the area for the proposed well sites is located slightly west of the mapped boundary of the Spirit Lake management unit of the Vermillion East Fork (VEF:SL) as seen in Figure 1. However, the First Occurrence of Aquifer Materials map for Kingsbury County, South Dakota indicates that the outwash that makes up the aquifer likely extends slightly west of the boundaries established by Hedges and others (1982) in this area (Schulz, 2007). The Spirit Lake management unit of the Vermillion East Fork (VEF:SL) aquifer consists of glacial outwash, medium to very coarse sand and fine gravel (Hamilton, 1989).

For the rest of this report the Spirit Lake management unit of the Vermillion East Fork (VEF:SL) will be referred to as VEF: Spirit Lake aquifer. Hamilton (1989) describes the aquifer as generally unconfined with top of aquifer material ranging from ground surface to as much as 120 feet below ground surface. The VEF: Spirit Lake aquifer management unit underlies approximately 13,900 acres, in portions of Clark and Kingsbury counties, and contains an estimated 25,640 ac-ft of recoverable water storage (Hedges et al, 1982).

A well completion report was submitted with this report. The well is located is the same approximate area as the proposed diversion points. The well completion report is dated March 21st, 1995, and is located in the SE ¼ NW ¼ of Section 6-T111N-R56W (Water Rights 2024d). This well is completed into the VEF: Spirit Lake aquifer with the depth to the top of aquifer material (sand and gravel) approximately 76 feet below the ground surface, static water level of 39 feet below the ground surface, and has a total saturated aquifer thickness of 21 feet at the time of well completion (Water Rights, 2024b and 2024d). Based on this well completion report the VEF: Spirit Lake aquifer is expected to be under confined conditions at the proposed diversion

points (Water Rights, 2024b and 2024d). Although, the VEF: Spirit Lake aquifer is predominantly under unconfined conditions, there are some areas where VEF: Spirit Lake aquifer can be found under confined conditions.

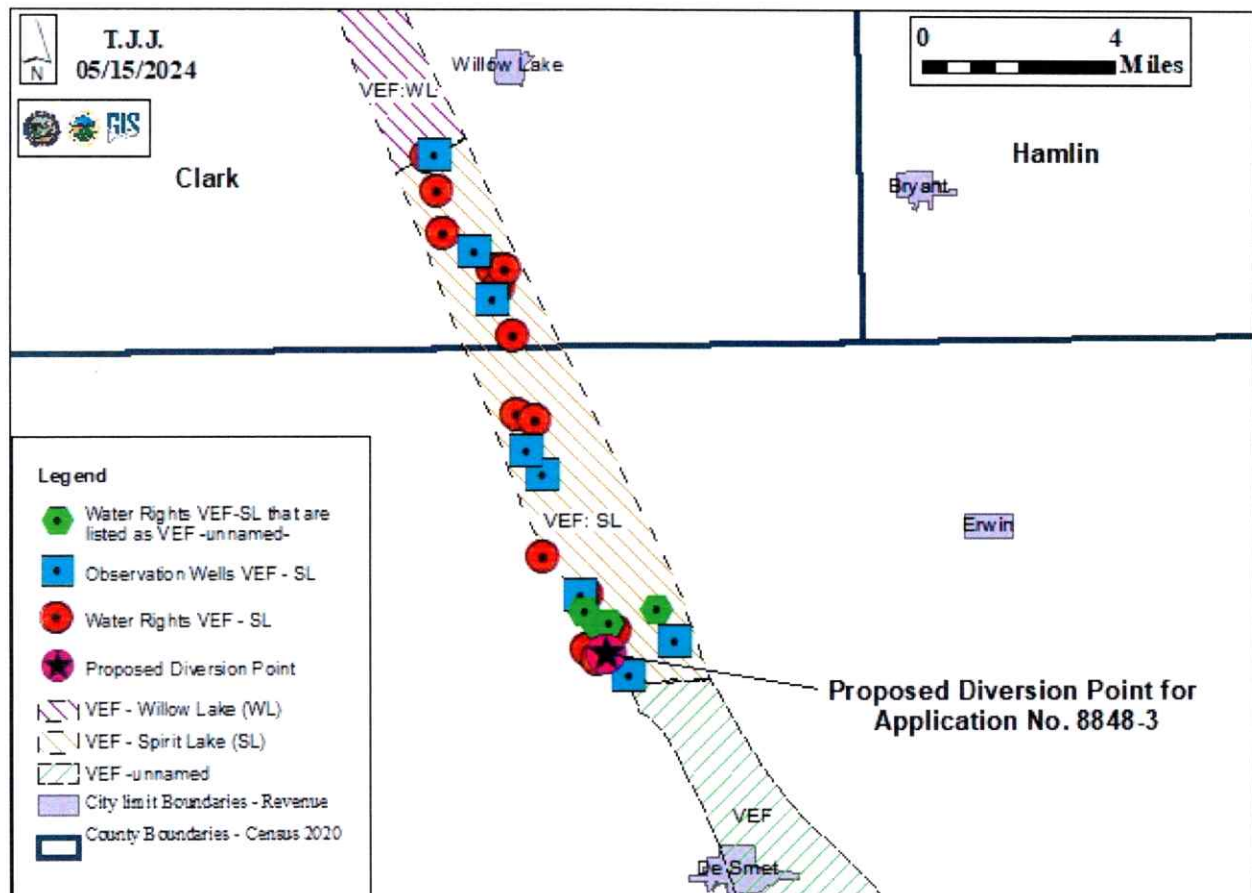


Figure 1. Map of the approximate VEF (unnamed), VEF: Willow Lake, VEF: Spirit Lake aquifer boundaries (modified from Hedges et al, 1982), observation wells (Water Rights, 2024b), and the location of proposed diversion points for Water Permit Application No. 8848-3.

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 unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is 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 uses and water rights within the VEF: Spirit Lake aquifer.

HYDROLOGIC BUDGET:

Water Permit Application No. 8848-3 proposes to place to beneficial use water from the VEF: Spirit Lake aquifer management unit for the purpose of rural water system use.

Since this application intends to place to beneficial use water reserved by Future Use Permit No. 5209-3, the reserved water is already accounted for in the hydrologic budget, so it is not necessary to find unappropriated water is available for this application. However, the last application for VEF: Spirit Lake aquifer was filed in 2013. A hydrologic budget will be included in this report to inform the Chief Engineer and Water Management Board about the current hydrologic budget of the VEF: Spirit Lake aquifer.

The probability of unappropriated water being available from the 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The VEF: Spirit Lake aquifer is not older than or stratigraphically lower than the Greenhorn Formation, but the applicant’s proposed use is for use in a water distribution system as defined by SDCL 46-1-6(17).

Recharge

Recharge to the VEF: Spirit Lake aquifer is mostly by infiltration of precipitation, inflow from till adjacent to the aquifer, and inflow from the Vermillion East Fork: Willow Lake aquifer (Hamilton, 1989 and Hedges et al, 1982). Based on observation well analysis by Hedges et al (1985) a recharge rate of 4.0 inches per year was estimated for the VEF: Spirit Lake aquifer. The VEF: Spirit Lake aquifer has an estimated areal extent of approximately 13,900 acres (Hedges et al, 1982). Therefore, the average annual recharge rate (based on Hedges et al, 1982 and 1985) is approximately 4,633 acre-feet/year.

Discharge

Discharge from the VEF: Spirit Lake aquifer primarily occurs through evapotranspiration and seepage to surface water (Hamilton, 1986). Currently, there are 14 water rights/permits authorized to appropriate water from the VEF: Spirit Lake aquifer (Water Rights, 2024c). There are 5 additional irrigation Water Rights (Nos. 1212-3, 3131-3, 3132-3, 4282-3, & 6480-3) that are listed as Vermillion East Fork aquifer but are completed into the VEF: Spirit Lake aquifer (Water Rights, 2024c). There is currently one Future Use for the VEF: Spirit Lake aquifer, Future Use Permit No. 5209-3 which has reserved 1,100 acre-feet of water (Water Rights, 2024c). This application, if approved, will place all the water reserved by Future Use Permit No. 5209-3 to beneficial use.

There are 2 non-irrigation water rights/permits authorized to appropriate water from the VEF: Spirit Lake aquifer. Table 1 lists the annual reported use of non-irrigation water rights/permits owned by Kingbrook Rural Water System that are completed into the Vermillion East Fork aquifer. Since 2006, Kingbrook Rural Water System has reported the use of five Water Rights Nos. 5785-3, 5186-3, 4137-3, 5426-3, & 6731-3 (Water Rights, 2024f). Of those five Water Rights, only 5426-3 & 6731-3 appropriate water from the Spirit Lake management unit. However, Kingbrook Rural Water System reports the total annual use from the Vermillion East Fork aquifer as a whole, which averages to approximately 1,072 acre-feet/year using the past 10 years of data (Table 1) (Water Rights, 2024f). The authorized annual volume for all five Kingbrook Rural Water System's Water Rights (Nos. 5785-3, 5186-3, 4137-3, 5426-3, & 6731-3) is 1,350 acre-feet/year (Water Rights, 2024c & 2024f). The annual reported use will be used for determining non-irrigation withdrawals from the VEF: Spirit Lake aquifer, since the annual reported use has been relatively consistent over the past ten years (Water Rights, 2024f).

Table 1. Reported annual use for non-irrigation Water Rights Nos. 5785-3, 5186-3, 4137-3, 5426-3, and 6731-3 authorized to divert water from the Vermillion East Fork aquifer (Water Rights, 2024f)

Year	Annual Reported Use (acre-feet/year)
2006	1,068
2007	996
2008	979
2009	932
2010	866
2011	923
2012	1,091
2013	1,015
2014	1,118
2015	1,114
2016	1,091
2017	1,056
2018	1,095
2019	1,084
2020	1,023
2021	1,087
2022	1,034
Average (2013-2022)	1,072

Currently, there are 12 irrigation water rights/permits appropriating water from the VEF: Spirit Lake aquifer (Water Rights, 2024c). There are also 5 additional irrigation water rights designated as been from the VEF aquifer and not the VEF:SL aquifer that are accounted for in Table 2. Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the VEF: Spirit Lake aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2022) is approximately 933 acre-feet per year (Table 2) (Water Rights, 2024e). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2013 to 2022 is approximately 1,047 acre-feet per year (Table 2) (Water Rights, 2024e).

Table 2. Reported historic irrigation use from the VEF: Spirit Lake aquifer, including the five additional VEF water rights (Water Rights, 2024e)

Year	Number of Permits	Reported Pumpage (ac-ft)
1979	15	1,202
1980	15	1,408
1981	16	770
1982	17	742
1983	15	1,494
1984	15	399
1985	15	403
1986	14	310
1987	13	675
1988	13	1,470
1989	13	1,645
1990	13	638
1991	13	1,039
1992	13	310
1993	13	74
1994	13	824
1995	13	215
1996	13	531
1997	13	773
1998	13	691
1999	13	569
2000	13	872
2001	13	592
2002	13	1,355
2003	13	1,329
2004	13	1,333
2005	14	1,021
2006	14	1,388
2007	14	1,208
2008	14	1,433
2009	14	424
2010	14	499
2011	14	1,015
2012	14	1,923
2013	17	1,643
2014	17	1,043
2015	17	976
2016	17	1,654
2017	17	1,096
2018	17	1,267
2019	17	0
2020	17	292
2021	17	1,349
2022	17	1,153
Min	13	0
Max	17	1,923
Average (1979-2022)	15	933
Average (2013-2022)	17	1,047

There are domestic wells completed into the VEF: Spirit Lake aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2024d). Due to their relatively low diversion rates, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the VEF: Spirit Lake aquifer is present; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the VEF: Spirit Lake aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the VEF: Spirit Lake aquifer totals to approximately 4,633 acre-feet/year (Hedges et al, 1982 and 1985). The average annual withdrawal rate from the VEF: Spirit Lake aquifer, including this application, totals to approximately 3,219 acre-feet/year; (non-irrigation withdrawals: 1,072 acre-feet/year; irrigation withdrawals: 1,047 acre-feet/year; this application: 1,100 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the VEF: Spirit Lake aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon 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 average annual recharge of the aquifer.

The DNR-Water Rights Program monitors 8 observation wells completed into the VEF: Spirit Lake aquifer (Water Rights, 2024b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion points are KG-88K (approximately 0.7 mile southeast), KG-77C (approximately 1.3 miles north), and KG-83A (approximately 1.5 miles east) (Water Rights, 2024b). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2024a). Figure 2 shows the same stable water levels as other observation wells in VEF: Spirit Lake aquifer (Water Rights, 2024b).

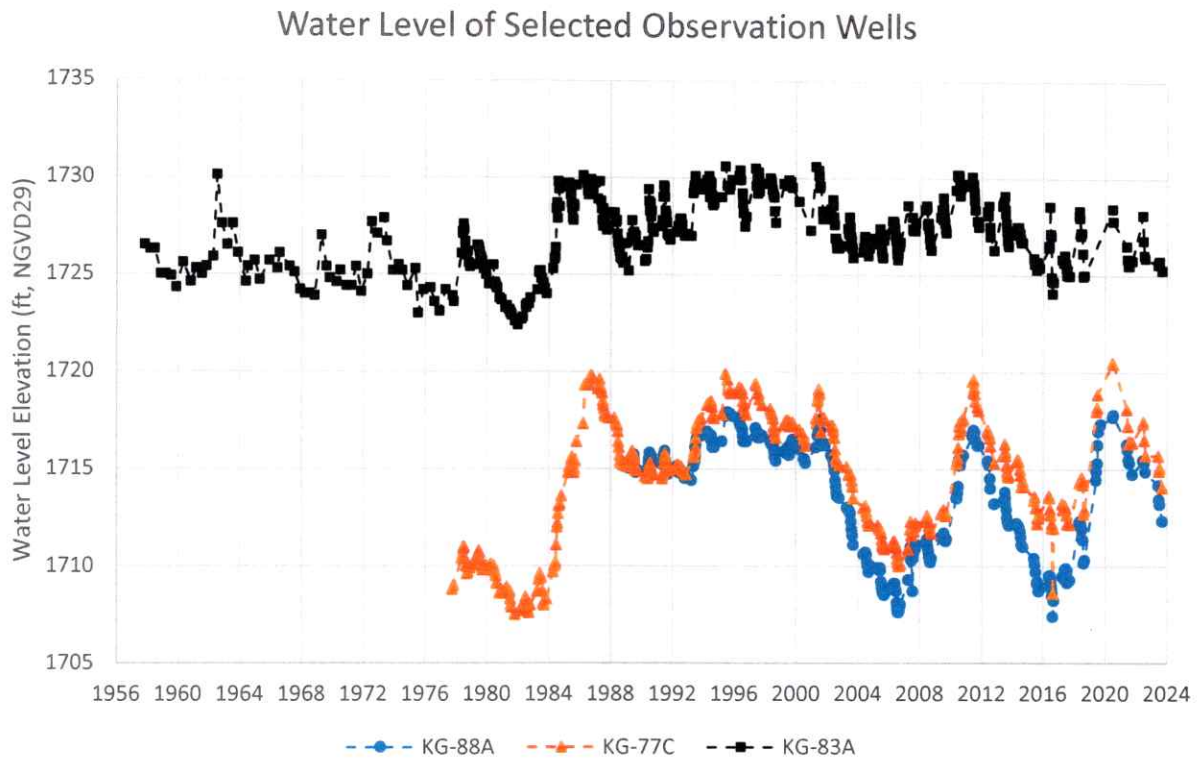


Figure 2. A graph showing the elevation of water levels of observation wells KG-88A, KG-77C, and KG-83A (Water Rights, 2024a)

The observation wells for the VEF: Spirit Lake aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of water levels in the aquifer rather than the impacts of pumping from the VEF: Spirit Lake aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well water levels demonstrate unappropriated water is available.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the proposed well sites for this application are shown in Figure 3 and summarized in Table 3 (Water Rights, 2024c). The closest water rights/permits to the proposed diversion points are Water Right Nos. 5426-3 and 6731-3, shown on Figure 3, which are all held by the applicant. The closest water right/permit to the proposed diversion points, not held by the applicant, is Water Right No. 7797-3 held by Geib Family Trust as shown on Figure 3. The diversion points for Water Right No. 7797-3 are located approximately 0.5 miles northeast of the proposed diversion points for this application (Water

Rights, 2024c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the VEF: Spirit Lake aquifer, with the closest domestic well on file (not held by the applicant) located approximately 0.1 miles southwest of the proposed diversion points based on the well completion report submitted by the driller (Water Rights, 2024d). There could potentially be other domestic wells completed into the VEF: Spirit Lake aquifer near the proposed diversion points that are not on file with the DANR-Water Rights Program.

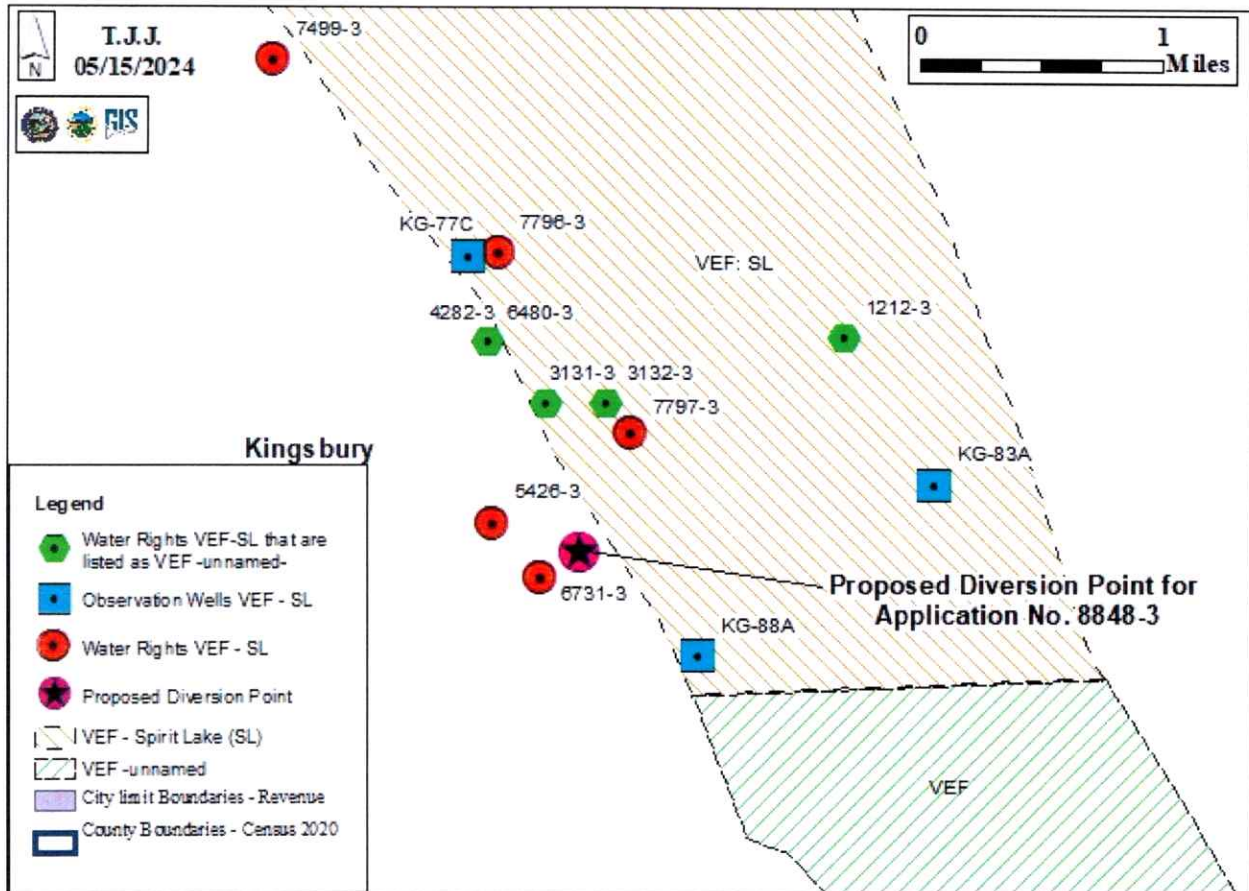


Figure 3. Map of the approximate VEF: Spirit Lake aquifer boundary (modified from Hedges et al, 1982), the VEF: Spirit Lake aquifer water rights/permits and observation wells (Water Rights, 2024b and 2024c) within 3 miles of the proposed diversion points for Water Permit Application No. 8848-3.

Table 3. List of water rights/permits within 3 miles of the proposed diversion points shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
5426-3	Kingsbrook RWS Inc.	08/15/1988	License	Rural Water System	1.4	0
6731-3	Kingsbrook RWS Inc.	06/05/2006	License	Rural Water System	2.6	0
7499-3	Scott Carlson	11/05/2012	License	Irrigation	1.11	94
7796-3	Geib Family Trust	03/12/2013	License	Irrigation	1.11	99.9
7797-3	Geib Family Trust	03/12/2013	License	Irrigation	1.23	64.5

Although the VEF: Spirit Lake aquifer is primarily under unconfined conditions, the proposed diversion points are under confined conditions. In an confined aquifer, drawdown created by pumping does extend quite far from the pumped well. 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 while still protecting domestic users. 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.”

Well completion reports submitted with this application have saturated aquifer thicknesses ranging from approximately 76 to 97 feet below ground surface (Water Rights, 2024d) and show the aquifer is expected to be confined at the diversion points, despite the VEF: Spirit Lake aquifer being generally unconfined. A saturated aquifer thickness of 21 feet would allow for enough thickness for a pump to be placed 20 feet below the top of the aquifer. However, it is likely nearby there may be saturated thickness less than 20 feet. Therefore, to be considered an adequate well at those locations, the inlet of the pump would need to be placed as near as practical to the bottom of the saturated aquifer to qualify as an adequate well under ARSD 74:02:04:20(6). While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of a confined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. With that in mind, some existing well owners may need to lower pumps depending on the specific characteristics of the VEF: Spirit Lake aquifer at their location. Therefore, the applicant should control withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water. However, a majority of nearby water rights/permits are owned by the applicant, allowing them to manage the impact from drawdown between their wells. In Kingsbury County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the VEF: Spirit Lake aquifer (Water Rights, 2024a).

When considering ARSD 74:02:04:20(7), the saturated aquifer thickness near the proposed diversion points and the lack of well interference complaints for adequate wells completed into the VEF: Spirit Lake aquifer in Kingsbury County, any drawdown created from the diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells (Water Rights, 2024a). Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairment on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8848-3 proposes to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cfs from up to four wells to be completed into the VEF: Spirit Lake. The site of interest is located approximately 5 miles northwest of De Smet, SD in Kingsbury County.
2. All the water reserved for Future Use Permit No. 5209-3 is being put to beneficial use by this application.
3. Although not necessary to find that unappropriated water is available since it was already appropriated and reserved by Future Use Permit No. 5209-3, based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Vermillion East Fork: Spirit Lake aquifer.
4. There is a reasonable probability that the diversion by Water Permit Application No. 8848-3 will not unlawfully impair adequate wells for existing water rights/permits holders or domestic users with adequate wells.



Tyler Jensen
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Hamilton, L.J., 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota: U.S. Geologic Survey Water-Resources Investigations Report 88-4185. 87 p.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Schulz, L.D., 2007. First Occurrence of Aquifer Material in Kingsbury County, South Dakota, scale 1:100,000. Aquifer Materials Map 24. SDGS. Vermillion, SD.
- Water Rights, 2024a. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024e. "1979-2022 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2024f. "1994-2022 Non-Irrigation Yearly Reports", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.



**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.**

May 31, 2024

Kingbrook RWS
c/o Heath Thompson
302 East Ash Street
Arlington SD 57212

Dear Mr. Thompson:

Water Permit Application No. 8848-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

Huron Plainsman	605 353-7414
Clark County Courier	605 532-3654
Kingsbury Journal	605 854-3331
Madison Daily Leader	605 256-4555
Miner County Pioneer	605 772-5644
The Special	605 425-2361
Estelline Journal	605 873-2475
Sanborn Weekly Journal	605 796-4221

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,

Rachel Rodriguez

Rachel Rodriguez
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.

Instruction to Newspaper - Publish the Notice on June 12 or 13, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8848-3 to Construct and Place to Beneficial Use Water Reserved by Future Use Permit No. 5209-3

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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 June 24, 2024.

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 June 24, 2024.

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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:12 AM
To: Ruby Crandall
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:15 AM
To: Clark Courier
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:16 AM
To: legals@kingsburyjournal.com
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:17 AM
To: ads@madisondailyleader.com
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:20 AM
To: minercountypioneer@alliancecom.net
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 13, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:22 AM
To: tschwans@triotel.net
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 13, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:24 AM
To: LeeAnne Dufek
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 12, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 8:25 AM
To: Carrie Howard
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 13, 2024.

Kingbrook Rural Water System, c/o Heath Thompson, 302 East Ash Street, Arlington SD 57212, 605-983-5074, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Kingsbury.

SS.

Ann Lesch 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

Notice of Application No 8848-3
to Construct and Place

_____ 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:

6/12 2024 _____ 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

\$ 54.10

Ann Lesch

Subscribed and sworn to before me this 8

day of July A.D. 2024

Michelle Orton
Notary Public
Kingsbury County, South Dakota

My commission expires 5-22, 2030

NOTICE OF APPLICATION NO. 8848-3 TO CONSTRUCT AND PLACE TO BENEFICIAL USE WATER RESERVED BY FUTURE USE PERMIT NO. 5209-3

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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 June 24, 2024.

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 June 24, 2024.

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 \$54.10 and can be viewed free of charge at www.sd-publicnotices.com

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says:
That the Miner County Pioneer is a legal newspaper of general circulation,
printed and published in Howard, said County and State, by Carla Poulson, and
has been such newspaper during the time hereinafter mentioned: and that I,
Carla Poulson the undersigned, am publisher of said newspaper, in charge of
the advertising department thereof, and have personal knowledge of all the
facts stated in this affidavit, and that the advertisement or notice headed

Notice of Application No. 5848

A printed copy of which is hereunto attached, was printed and published in the
regular and entire issue of said newspaper and not in a supplement, once each
week for successive weeks, the first publication being made on the
..... day of 20.....
13 day of June 2024

And the last publication on the day of 20.....

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of
more than two hundred copies weekly, and has been published within the
County of Miner, for more than fifty-two successive weeks next prior to the
first publication of said notice, and is printed in an office maintained in
Howard, South Dakota, the place of publication of said newspaper. That the
full amount of fees for publication of the annexed notice is \$ 45.53 and
insures solely to the benefit of said publisher; that no agreement or understand-
ing for a division thereof has been made with any person and that no part there-
of has been agreed to be paid to any person whomever.

Subscribed and sworn to me this 17 day of July 2024

C.R.

My commission expires the 10 day of Oct 2025

[Signature]



LEGAL NOTICES

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 June 24, 2024.

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Published one time at the approximate total cost of \$45.53 and can be viewed free of charge at www.sdpublicnotices.com.
(June 13, 2024)

NOTICE OF APPLICATION NO. 8848-3 to Construct and Place to Beneficial Use Water Reserved by Future Use Permit No. 5209-3

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sanborn) SS

I, Carrie Howard

certify that the attached printed Notice was taken

from the Sanborn Weekly Journal

printed and published in Woonsocket

County of Sanborn and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 13, 2024

Cost of Printing \$47.93

[Signature]
(Signature)

Editor
(Title)

7-9-24
(Date Signed)

T. Weber
Feb 8, 2025

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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.

RECEIVED

JUL 11 2024

OFFICE OF
WATER

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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 June 24, 2024.

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Published once on June 13, 2024, at the total approximate cost of \$48.25 and may be viewed free of charge at www.sdpublicnotices.com.

RECEIVED

SDS

OFFICE OF
PUBLIC AFFAIRS

AFFIDAVIT OF PUBLICATION

State of Florida, County of Duval, ss:

Ayesha Carletta M Cochran-Worthen, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

Copy 8848-3 Kingbrook RWS - Public Notice printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES:

Jun. 4, 2024

NOTICE ID: fNITNj6egJGJI0g0sv2G

PUBLISHER ID: MDL000331

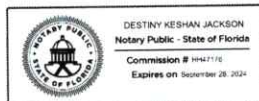
NOTICE NAME: Copy 8848-3 Kingbrook RWS - Public Notice

That \$46.86 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

(Signed) Ayesha Carletta M Cochran-Worthen

VERIFICATION

State of Florida
County of Duval



Subscribed in my presence and sworn to before me on this: 06/18/2024

Destiny K. Jackson

Notary Public
Notarized remotely online using communication technology via Proof.

**PUBLIC NOTICE
NOTICE OF APPLICATION NO.
8848-3 to Construct and Place to
Beneficial Use Water Reserved by
Future
Use Permit No. 5209-3**

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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 June 24, 2024.

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 June 24, 2024. 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 Jun 4, 2024 at the total approximate cost of \$46.86 and may be viewed free of charge at www.sd-publicnotices.com

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, _____
certify that the attached printed Notice was taken
from the The Special

printed and published in Salem

County of McCook and
state of South Dakota. The notice was published

in the newspaper on the following date:

June 13, 2024

Cost of Printing 50.43


(Signature)

Publisher
(Title)

6/19/24
(Date Signed)

PUBLIC NOTICE NOTICE OF APPLICATION NO. 8848-3 to Construct and Place to Beneficial Use Water Reserved by Future Use Permit No. 5209-3

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

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Published once at the total approximate cost of \$50.43 and may be viewed free of charge at www.sdpublicnotices.com.

6-13
347077

RECEIVED

JUN 24 2024

OFFICE OF
WATER

Affidavit of Publication

NOTICE OF APPLICATION NO. 8848-3 to Construct and Place to Beneficial Use Water Reserved by Future Use Permit No. 5209-3

§

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington, S.D. 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin and Sanborn counties. This site is located approximately five (5) miles northwest of DeSmet, S.D.

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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.

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County of Clark

J. Paulson of said county, being first duly sworn, th says that she is the publisher of the **Clark County Courier**, a weekly newspaper printed and hshed in Clark in said County of Clark and has a id personal knowledge of all the facts therein; that said newspaper is a legal newspaper as a bona-fide circulation of at least two hundred copies weekly, and has been published within county for fifty-two successive weeks next prior the publication of the notice herein mentioned, as and is printed wholly or in part in an office ained at said place of publication; that the

Water Rights Program

ted copy of which taken from the paper in same was published, is attached to this sheet, made a part of this Affidavit, was published in newspaper at least once in each week for

One

sive week(s), on the day of each week on said newspaper was regularly published, to

June 12, 2024

full amount of the fees for the publication of
exed notice is

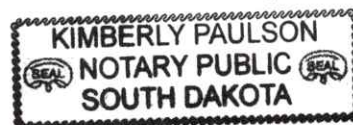
\$49.01

Carli Paulson

Subscribed and sworn to before me this

14th day of June, 2024

Kimberly Paulson



RECEIVED

JUN 17 2024

OFFICE OF
WATER

Notary Public
Clark County, South Dakota

My Commission expires: 04/27/2029

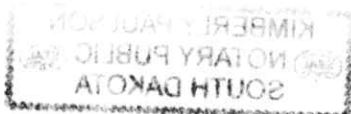
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Published once at the approximate cost of \$49.01 and can be viewed free of charge at www.sdpublicnotices.com

6-12-24



Affidavit of Publication

STATE OF SOUTH DAKOTA, County of Hamlin, ss

LeeAnne Dufek of said County and State being first duly sworn, on her oath says: that The Hamlin County Herald Enterprise is a weekly newspaper of general circulation, printed and published in Hayti in said County and State by LeeAnne Dufek, that the 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 for fifty consecutive weeks 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; and has been such newspaper during the time hereinafter mentioned; and that I, LeeAnne Dufek, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all facts stated in this affidavit and that the advertisement headed:

Kingbrook Application No. 8848-3

A printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks, the first publication made on the 12th day of June, 2024, and the last publication on the 12th day of June, 2024.

The 1st publication made on the 12th day of June 2024.

The 2nd publication made on the ___ day of ___ 2024.

The 3rd publication made on the ___ day of ___ 2024.

The 4th publication made on the ___ day of ___ 2024.

The 5th publication made on the ___ day of ___ 2024.

The 6th publication made on the ___ day of ___ 2024.

The 7th publication made on the ___ day of ___ 2024.

The full amount of the fees for the publication of the annexed notice is \$ 46.37 and insures solely to the benefit of said publisher; that no agreement or understanding for division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

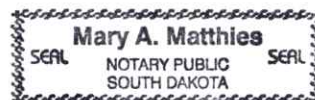
LeeAnne Dufek

Subscribed and sworn before me this 13 day of June, 2024.

Mary A. Matthies
Notary Public

My commission expires _____

**My Commission Expires
10/11/2024**



RECEIVED

JUN 17 2024

**OFFICE OF
WATER**

**NOTICE OF APPLICATION NO.
8848-3 TO CONSTRUCT AND
PLACE TO BENEFICIAL USE
WATER RESERVED BY FUTURE
USE PERMIT NO. 5209-3**

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T111N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System, 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. 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 June 24, 2024.

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 June 24, 2024.

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 June 12, 2024, at total cost of \$46.37 and may be viewed online at www.sdpublicnotice.scom

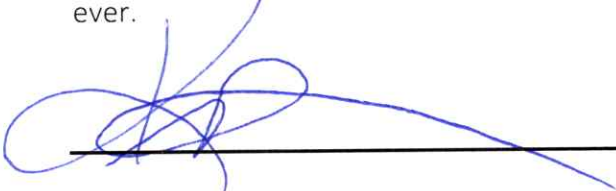
LIST A

My Commission Expires
10/15/2024

Proof Of Publication

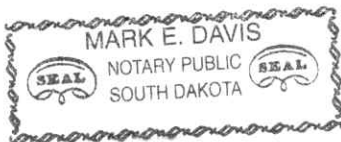
Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 2626

I, Kim Davis, 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: Kingbrook Rural Water System – Notice of Application was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 06/12/2024. That the full amount of the fee charged for the \$50.96 Public Hearings 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.


Subscribed and sworn to me before this date 6/12/24.


Notary Public, South Dakota

My Term Expires 12/27/2024



RECEIVED

JUN 14 2024

OFFICE OF
WATER

2000 - Legals

F. P. 06-12-24

**NOTICE OF
APPLICATION NO.
8848-3 to Construct
and Place to Beneficial
Use Water Reserved by
Future Use Permit
No. 5209-3**

Notice is given that Kingbrook Rural Water System, 302 East Ash Street, Arlington SD 57212 has filed an application for a water permit to construct and place to beneficial use 1,100 acre-feet of water annually at a maximum pump rate of 2.6 cubic feet of water per second from up to four wells to be completed into the Spirit Lake Management unit of the Vermillion East Fork Aquifer (approximately 110 feet deep) located in the N 1/2 Section 6-T11N-R56W. The water was appropriated and reserved by Future Use Permit No. 5209-3. This notice also identifies the revised naming of water appropriated and reserved under Future Use Permit No. 5209-3 as being from the Spirit Lake Management unit of the Vermillion East Fork Aquifer. The water will be used to supply the Kingbrook Rural Water System which serves users in Beadle, Clark, Kingsbury, Lake, Miner, McCook, Hamlin, and Sanborn counties. This site is located approximately 5 miles northwest of De Smet SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8848-3 because 1) Future Use Permit No. 5209-3 reserved the water for future use by Kingbrook Rural Water System; 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

2000 - Legals

interest as it pertains to matters of public interest 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.

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2000 - Legals

person or the applicant must be filed by June 24, 2024.

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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. 2626 (adv.)
Published one time at the total approximate cost of \$50.96 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, May 31, 2024 9:47 AM
To: office@kingbrookruralwater.com
Subject: 8848-3 Kingbrook RWS - Public Notice
Attachments: 8848-3 Rec.pdf; 8848-3 PubNotice.pdf; 8848-3 Ltr.pdf

Good morning,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 26 2024

Kingbrook Rural Water System
c/o Heath Thompson
PO Box 299
Arlington SD 57212

Dear Mr. Thompson:

Enclosed is Water Permit No. 8848-3 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**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting 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.: 8848-3

Name of Applicant: Kingbrook Rural Water System, Heath Thompson

Date of Posting: 6/10/2024

Date of Removal: 7/26/2024



Ron Duvall, Engineer III

7/26/2024

Date

Subscribed and sworn to before me, a notary public, this 26th day of July, 2024.



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

