

WATER PERMIT NO. 1821-1

Name of Applicant: Vergil Stacy

Address: 13999 Bismarck Branch Rd, Vale SD 57788

Phone: 605 456-4404

Amount of Water Claimed: 1.34 Total Acres: 60

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Meade

Type of Waste Disposal System:

Location: 20 miles northeast of Sturgis

PRIORITY

Date Received: 4-30-04

Application/License Fee: \$200

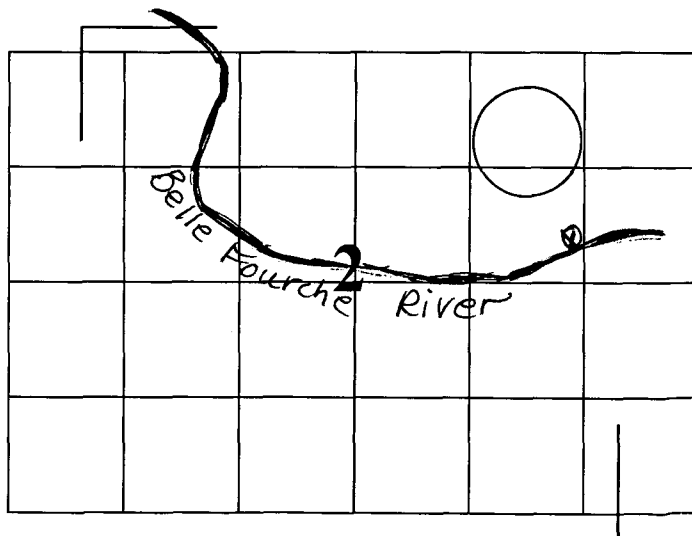
Corrected Application Received:

Period of Annual Use: May 1 – September 25

Remarks: Requesting more water that 1 cfs/70 acres

Diversion Point: SE ¼ NE ¼ Sec 2-T7N-R7E

Land to be Irrigated: E ½ NE ¼ Sec 2-T7N-R7E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: John Schmidt, PE

Reviewed and the Number Assigned on: 5-3-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1821-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche</u>
	Newspaper <u>Meade Co. Times-Tribune Sturgis</u>

RECEIVED

APR 30 2004

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

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

1. Name of Applicant Vergil Stacy Phone (605) 456-4404
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address 13999 Bismarck Branch Road Vale State SD 57788
 (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.89 *CFS or 400 **GPM ***AF Total Acreage 60
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Belle Fourche River4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Meade

SE 1/4 NE 1/4 Section 2 - T 7 N - R 7 E

5. County or counties where water will be used Meade6. Annual period during which water is to be used May 1 to September 25

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 Section 2 - T 7 N - R 7 E	40		
SE 1/4 NE 1/4 Section 2 - T 7 N - R 7 E	20		

8. Give a description of the project. (Attach sheet if more space is needed)

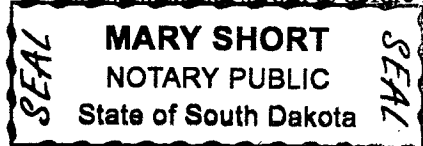
Center Pivot will placed on 60 acre field. The water will be pumped from the Belle Fourche River.

STATE OF SOUTH DAKOTA) SS

County of Meade

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

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

Applicant's signature Vergil StacySubscribed and sworn to before me this 28th day of April 20 04

My Commission Expires
October 23, 2009

Notary Public signature Mary Short

SOUTH DAKOTA
WATER PERMIT NO. 1821-1 FOR IRRIGATION

Date of first receipt of application April 30, 2004.

The Water Management Board approved Water Permit No. 1821-1 on July 7, 2004 for Vergil Stacy, 13999 Bismarck Branch Road, Vale SD 57788 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. 1821-1 appropriates 0.89 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE ¼ NE ¼ Section 2 to irrigate 60 acres located in the E ½ NE ¼ Section 2; all in T7N-R7E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 25.
3. The date from which applicant may claim right is April 30, 2004.
4. One-fifth of the construction is to be completed on or before January 7, 2007.
5. All construction is to be completed on or before July 7, 2009.
6. Water is to be put to beneficial use on or before July 7, 2013.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 1821-1 authorizes a maximum diversion rate of 0.89 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2004

date





1821-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 910A-1, NW Ranches, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 910A-1, NW Ranches, LLC, c/o Bill Van Camp, PO Box 66, Pierre SD 57501-0066

The Chief Engineer is recommending APPROVAL of Application No. 910A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Water Permit No. 910A-1 authorizes a change of diversion point such that Water Right Nos. 910-1 and 1122-1 & Water permit Nos. 1821-1 and 1889-1 will utilize the same pump station and unifies the annual period of use to May 1 – October 15. The priority dates for each water right will be retained and the conditions assigned to each water right are still applicable in addition to the following qualifications.

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 4, 2010

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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

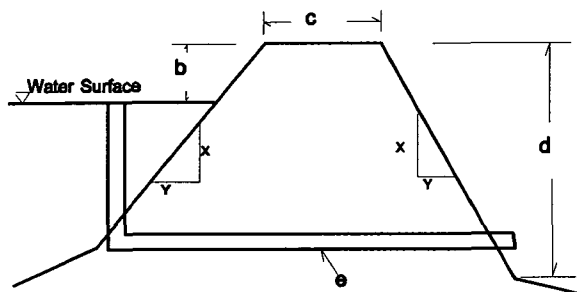
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date APRIL 30, 20 04

RECEIVED OF Vergil Stacy, RR 1 Box 31A, Vale SD 57788

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

Fee for Application for Permit No. <u>1821-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1821-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200;00

No. 000006

By Darlene Erbe

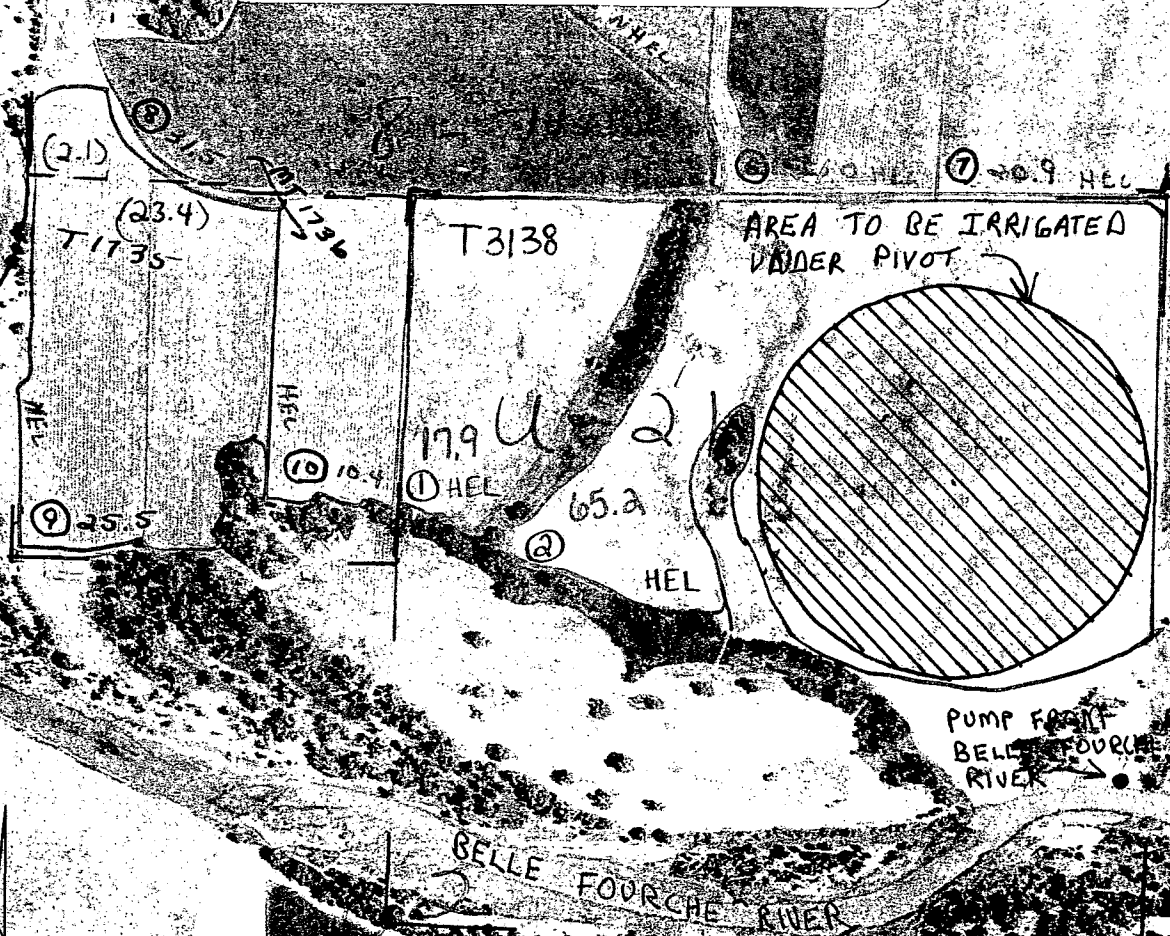
Chief Engineer gm

~~AREA TO BE
INDICATED~~

NEF SEC 2 T7N R7E
MEADE CO.

(Joins sheet 14) 1 160 000 FEET

VERGIL STACY
NE 1/4 SEC 2 T7N R7E
MEADE CO. SCALE 8" = 1m



MAP PREPARED BY
John Schmitt 4/28/04
Agricultural Engineer
USDA - NRCS
BELLE FOURCHE

1821-1

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Vergil Stacy

File No. 1821-1

Address: 13999 Bismarck Branch Rd Vale SD 57788 **County:** Meade

Date: May 18, 2004 **Telephone:** (605) 456-4404

RE: About Water Permit No. 1821-1

Comments: I talked to Vergil about the South Dakota Codified Law (SDCL) 46-5-6 about requesting more than the 1 cfs per 70 acres. I asked him if the soil he will be irrigating with this permit have a lot of clay in it. He told me no. I explained SDCL 46-5-6 to him. He told me that the person at USDA told me to ask for more water than he needed. He told me that he only needs 400 gallons per minute (gpm) to run his center pivot. I asked him if it would be ok with him if we reduced his application to 400 gpm. He told that was ok with him.

I explained the permitting process. I told him I would contact him as soon as we know if his permit is going to be approved or not.



Stacy J. Johnson
Natural Resources Project Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 27, 2004

Curt Anderson
Bureau of Reclamation
515 9th Street, Room 101
Rapid City SD 57701

Clint Pitts
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Gentleman:

Enclosed is a copy of the reports, recommendations and public notices for Water Permit Application No. 1821-1 filed by Vergil Stacy and Water Permit Application No. 1818-1 filed by Tom Bowen. The public notices are scheduled to be published June 2nd and 9th. Mr. Stacy's notice is to be published in the Meade Co. Times-Tribune while Mr. Bowen's notice will be in the Butte Co. Valley Irrigator. The notices schedule a July 7th hearing before the Water Management Board.

This information is being sent to you because of the Bureau of Reclamation and the Belle Fourche Irrigation District's continuing interest in water right issues in this area.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 1821-1

Vergil Stacy

May 18, 2004

Water Permit Application No. 1821-1 proposes to appropriate 0.89 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 60 acres. This application proposes to irrigate lands located in the E ½ NE ¼ Section 2, T7N-R7E. The diversion point will be located in the SE ¼ NE ¼ Section 2, T7N-R7E.

This project is located approximately 20 miles northeast of the town of Sturgis in Meade County.

Review of the Proposed Project and Existing Water Rights

The applicant holds Water Right No. 1122-1. This right authorizes the applicant to take 4.49 cfs from the Belle Fourche River to irrigate 314 acres. The irrigated lands are located in portions of Sections 26, 34 and 35 all in T8N-R7E. This right authorizes a diversion point located SW ¼ NE ¼ Section 27 T8N-R7E. In 1999, Mr. Stacy added a diversion point located SW ¼ NW ¼ Section 34 T8N-R7E. Mr. Stacy can only use one diversion point at a time.

The applicant is asking for 0.89 cfs to irrigate 60 acres. This is a slightly larger amount than 1 cfs per 70 acres granted by South Dakota Codified Law (SDCL). SDCL 46-5-6 allows the Water Management Board to approve greater diversion rates if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. Mr. Stacy told the Water Rights program that he needed this amount of water to run his center pivot.

The source of water for this project is the Belle Fourche River. A portion of the water in the river is return flows from the Belle Fourche Irrigation District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

There is a United States Geological Survey (USGS) gauging station downstream of this project on the Belle Fourche River near Sturgis. The gauging station is located in the SE ¼ NW ¼ of Section 3, T6N-R8E. There are 7 water permits/rights located between the proposed project and the gauging station. The total diversion rate of these water permits/rights is 20.01 cfs from the Belle Fourche River. Flow at this gauging station is 49 to 140 cfs from May to September at the 90% probability level (Table 1). A graph of this USGS gauging station data can be found as Attachment 1.

Table 1 Probability of flow based upon median monthly data collected at the USGS gauging station on the Belle Fourche River near Sturgis for years 1946-2001.

Flow Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90 %	9	15	32	43	49	94	140	140	77	38	36	20
75 %	19	25	54	59	100	171	211	213	162	56	47	28
50 %	29	40	102	139	243	287	269	271	250	66	56	37
25 %	41	93	410	484	658	672	369	334	298	89	78	52
10 %	90	300	943	936	1400	1573	561	431	346	182	151	90

Based on the USGS gauging station information water would be available for this project most of the time.

There are two downstream water rights within one mile of the proposed project. These water rights appropriate 5.12 cfs from the Belle Fourche River for irrigation. During dry years the existing water rights may be adversely impacted by this project. If approved, this water permit would be junior to the downstream water permits/rights.

To address the limited occasions when this project could adversely affect downstream domestic use and senior water rights, the permit should be issued with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.
2. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

Conclusions

1. This application proposes to appropriate 0.89 cubic feet of water per second (cfs) from the Belle Fourche River to irrigation 60 acres.
2. The applicant is asking for a larger amount than 1 cfs per 70 acres granted by South Dakota Codified Law (SDCL). SDCL 46-5-6 allows the Water Management Board to approve greater diversion rates if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. The applicant is requesting the greater diversion rate in order to operate his center pivot irrigation system.
3. Based on the USGS gauging station information water would be available for this project most of the time except during dry years.
4. If this application is approved, there may be limited occasions when downstream domestic use and senior water rights may be impacted by this project. To address these occasions, the permit should be issued with the following qualifications:
 - a) Low flows as needed for downstream domestic use, including livestock water and prior rights/permits must be bypassed.
 - b) Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Stacy J. Johnson
Natural Resources Project Engineer

Reviewed by:

A handwritten signature in black ink, appearing to read 'Mark D. Rath', with a stylized, cursive script.

Mark D. Rath

Natural Resources Engineering Specialist

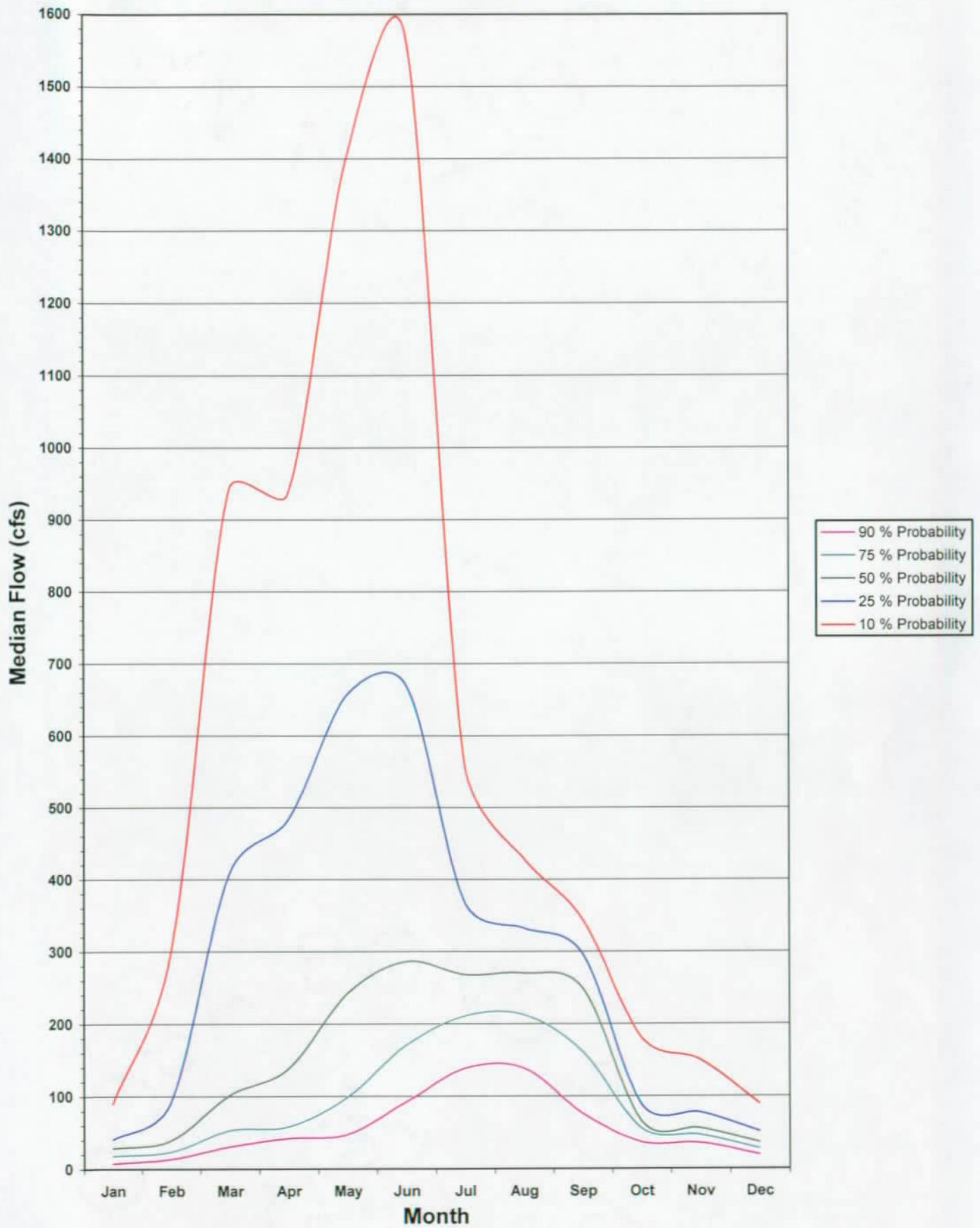
References

Water Rights Program files 2004, DENR-Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD 57501.

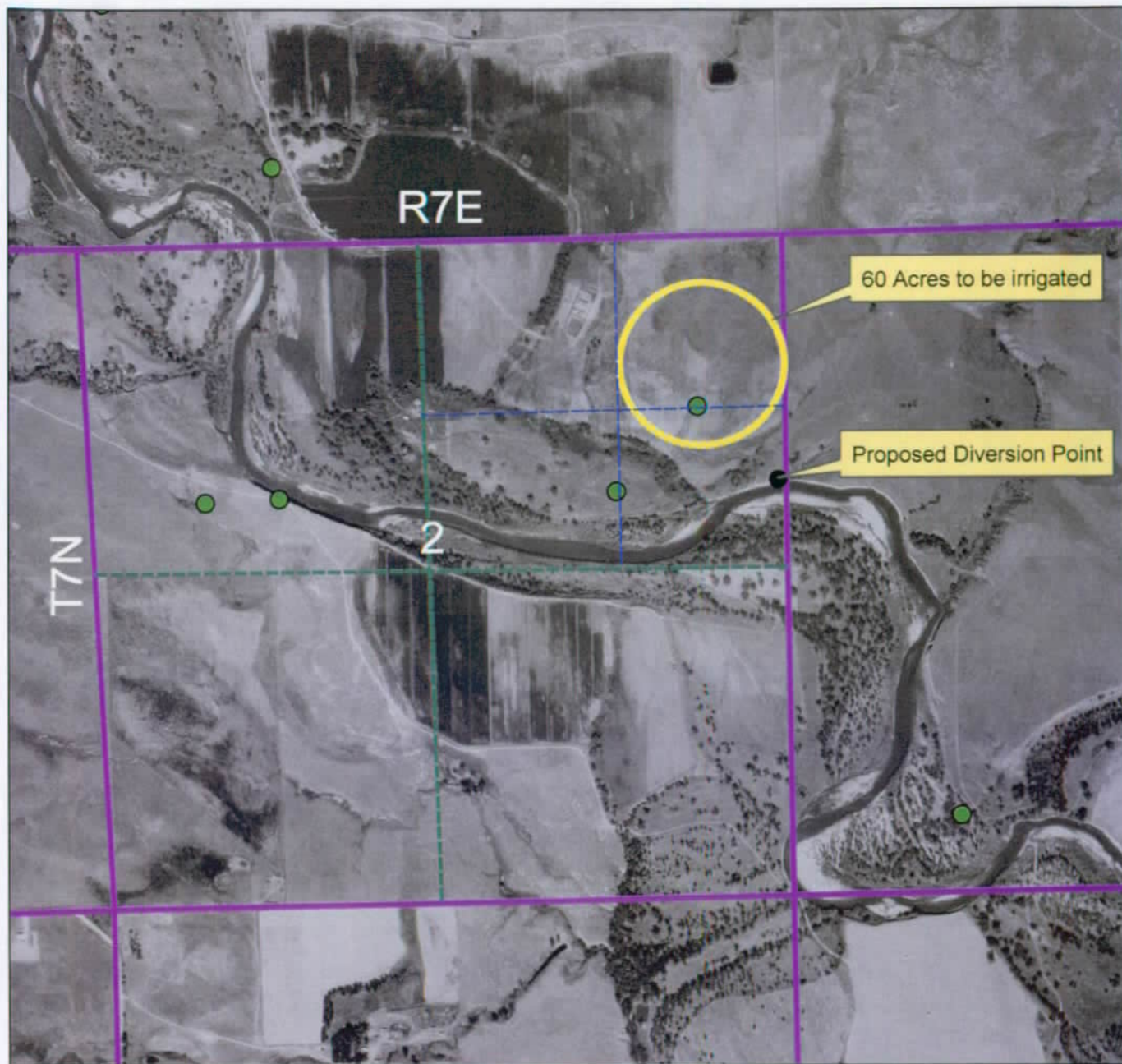
United States Geological Survey, Water Resources Data for South Dakota. USGS 1608 Mt. View Road, Rapid City, SD 57702.

Attachment 1

Belle Fourche River near Sturgis
1946-2001



Water Permit Application No. 1821-1



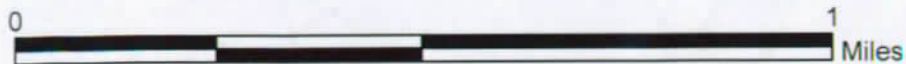
Legend

- Water Rights - DENR
- Meade Sections

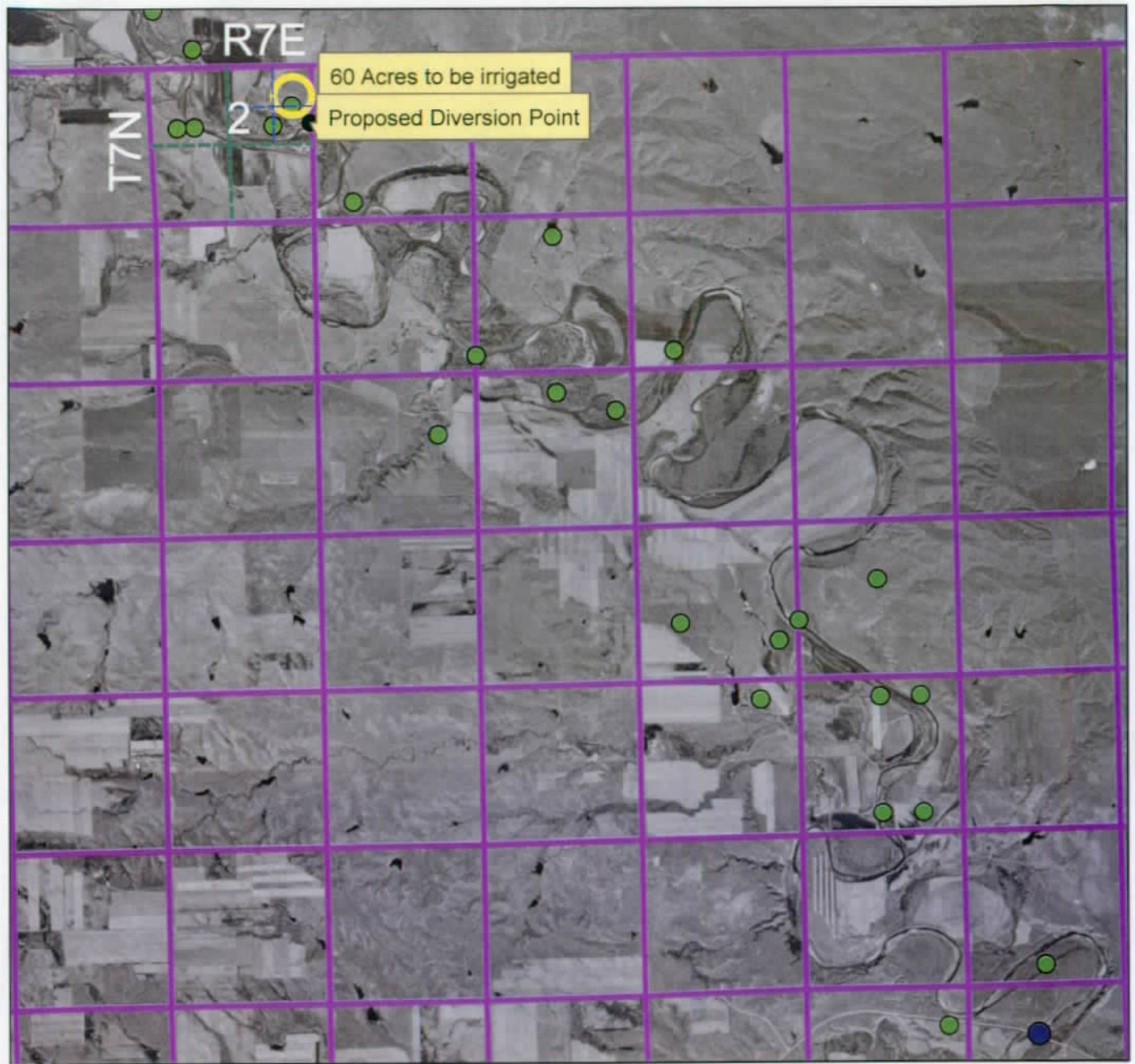


South Dakota
Department of Environment
& Natural Resources
Water Rights

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 5-18-04



Water Permit Application No. 1821-1

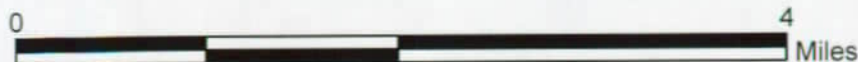


Legend

- Water Rights - DENR
- Meade Sections
- USGS Gauging Station



South Dakota
Department of Environment
& Natural Resources
Water Rights



Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program
Date 5-18-04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1821-1, Vergil Stacy**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1821-1, Vergil Stacy, 13999 Bismarck Branch Road, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 1820-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with written orders issued by the Chief Engineer.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit No. 1821-1 authorizes a maximum diversion rate of 0.89 cfs for the irrigation of 60 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 27, 2004

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so the downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

If you have internet access, real time flow for the Belle Fourche gauging station near Sturgis can be obtained by visiting the USGS web-site at
<http://waterdata.usgs.gov/sd/nwis/rt>

PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
County of Meade) SSI, Dawn Blakemancertify that the attached printed Notice was
takenfrom the Meade County Times
Tribuneprinted and published in SturgisCounty of Meade and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 2, 2004June 9, 2004Cost of Printing 62.73Dawn Blakeman
(Signature)Accounting Clerk
(Title)6/11/04
(Date Signed)**Public Notices****Water application****NOTICE OF HEARING on Application
No. 1821-1 to Appropriate Water**

Notice is given that Vergil Stacy, 13999 Bismarck Branch Road, Vale SD 57788 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE1/4 NE1/4 Section 2 to irrigate 60 acres located in the E1/2 NE1/4 Section 2; all in T7N-R7E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1821-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2004. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M., July 7, 2004 in the Matthew Training Center, Foss Building, 523 E Capitol Building, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 7, 2004 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2004.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2004, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 28, 2004.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-

13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publ June 2 and 9, 2004
Meade County Times-Tribune

RECEIVED

JUN 14 2004

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on June 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1821-1 to Appropriate Water

Notice is given that Vergil Stacy, 13999 Bismarck Branch Road, Vale SD 57788 has filed an application for a water permit to appropriate 0.89 cubic feet of water per second (cfs) from the Belle Fourche River located in the SE ¼ NE ¼ Section 2 to irrigate 60 acres located in the E ½ NE ¼ Section 2; all in T7N-R7E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1821-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 28, 2004. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M., July 7, 2004 in the Matthew Training Center, Foss Building, 523 E Capitol Building, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 7, 2004 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 28, 2004.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 28, 2004, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 28, 2004.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 27, 2004

Meade Co. Times-Tribune
PO Box 129
Sturgis SD 57785-0129

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1821-1 to Appropriate Water to be published twice. Please publish the first notice on June 2, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Vergil Stacy, 13999 Bismarck Branch Road, Vale SD (Ph # 605-456-4404).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1821-1

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

Date _____

We are in receipt of your letter of May 27, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 1821-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

May 27, 2004

Vergil Stacy
13999 Bismarck Branch Road
Vale SD 57788

Dear Mr. Stacy:

Water Permit Application No. 1821-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co Times-Tribune printed at Sturgis, SD (Ph # 605-347-2503). 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 a 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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,

Eric Gronlund
Natural Resources Engineer
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 17 2004

Vergil Stacy
13999 Bismarck Branch Road
Vale SD 57788

Dear Mr. Stacy:

Enclosed is Water Permit No. 1821-1 authorizing construction of your 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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1821-1

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

Date 8-24-04

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Vergil Stacy
(name)

13999 Bismarck Branch Rd
(address)

Vale, SD 57788
(city, state, zip)

605-456-4404
(phone)

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

Water Permit No. 1821-1 states that the water use system is to be constructed by

7-7-09, and water is to be put to beneficial use by 7-7-13
(date) (date)

The water use system was completed on 7-13-04
(date)

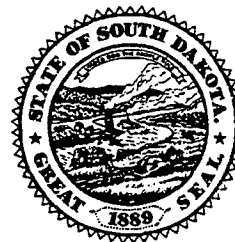
Applying the water to beneficial use was completed on 7-13-04
(date)

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

Vergil Stacy
(signature)

7-98

RECEIVED
AUG 25 2004
AIR QUALITY
PROGRAM



1821-1

RECEIVED

JUL 16 2009

WATER RIGHTS
PROGRAM

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.

117 EAST CAPITOL

P.O. BOX 66

PIERRE, SOUTH DAKOTA 57501-0066

www.olingerlaw.net

RONALD D. OLINGER
LEE C. "KIT" McCAHREN
WADE A. REIMERS
WILLIAM M. VAN CAMP

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

July 15, 2009

Chief Engineer
Water Rights Program
DENR
523 E Capitol
Pierre SD 57501

Re: Water Permits #1889-1, 1821-1 and 1122-1

Dear Sir:

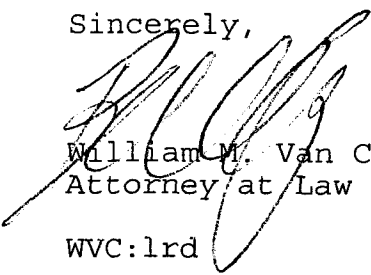
Attached please find Notice of Transfer of Ownership for the three aforementioned water rights. Vergil and Karen Stacy sold their property and assigned their interest in those water rights to my client, NW Ranches, LLC.

Also enclosed please find a check for \$7.50 to cover the filing fee as required by SDCL 46-2-13.

If you need anything else to effectuate these transfers, please advise.

Thank you for your help in this matter.

Sincerely,



William M. Van Camp
Attorney at Law

WVC:lrd

enclosure

cc: client

RECEIVED

JUL 16 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. 1821-1

Date: 7/14/09

I/We request that Water Right/Permit No. 1821-1 formerly owned by:

Vergil & Karen Stacy

be transferred to:

New Owner Name:

NW Ranches, LLC

Address:

117 E Capitol PO Box 666

City, State, Zip

Pierre, SD 57501

Telephone No. 605 224 8851

Title to the following described land(s)/property has been transferred as described above:

SE 1/4 NE 1/4 62; E 1/2 NE 1/4 62, all in T7N-R7E

☒ I understand that the validity of Water Right/Permit No. 1821-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, NW Ranches, LLC, the new owner, certify that the above information is true and correct.

NW Ranches, LLC by: Neal Wankless
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



1821-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 16, 2009

1122-1
1821-1
1889-1

William Van Camp
Attorney At Law
Olinger, Lovald, McCahren & Reimers PC
PO Box 66
Pierre SD 57501

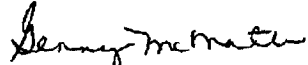
Dear Mr. Van Camp:

I am writing to acknowledge receipt of the ownership changes you sent in for Water Right No. 1122-1 and Water Permit Nos. 1821-1 and 1889-1. The transfer forms effectively transfer all land described in the water right and permits from Vergil & Karen Stacy to NW Ranches LLC.

Enclosed is your check in the amount of \$7.50 which your firm paid for filing the ownership changes. As of July 1, 2009, the fee for filing ownership changes went from \$2.50 to \$50.00 per transfer. Please remit a total of \$150.00 to cover the filing fees for the ownership changes. The check or money order can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure: Check # 23535

1821-1

RECEIVED

JUL 20 2009

WATER RIGHTS
PROGRAM

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.

117 EAST CAPITOL

P.O. BOX 66

PIERRE, SOUTH DAKOTA 57501-0066

www.olingerlaw.net

RONALD D. OLINGER
LEE C. "KIT" McCAHREN
WADE A. REIMERS
WILLIAM M. VAN CAMP

July 17, 2009

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

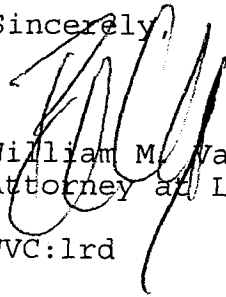
Genny McMath
Environmental Scientist
Water Rights Program
523 East Capitol
Pierre SD 57501

Re: Water Right #1122-1 and 1821-1 and 1889-1

Dear Genny:

Enclosed please find per your request a check in the amount of \$150.00 for the filing fees for the ownership changes in the above referenced water rights. Thank you.

Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd

enclosure

cc: client

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/20, 20 09

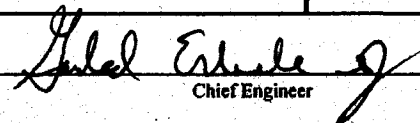
RECEIVED OF Olinger Lovadd McCahren & Reimers PO Box 66 Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1821-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04183**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 21, 2009

William M Van Camp
Attorney at Law
OLINGER, LOVALD, MCCAHERN & REIMERS PC
PO Box 66
Pierre SD 57501-0066

RE: Water Right No. 1122-1 and Water Permit Nos. 1821-1 & 1889-1, NW Ranches LLC

Dear Mr. Van Camp:

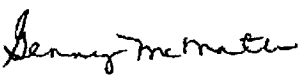
I am writing in regard to the ownership changes filed on the above mentioned water right and water permits. Nos. 1122-1, 1821-1 and 1889-1 formerly held by Vergil & Karen Stacy are now listed in the name of NW Ranches LLC.

Enclosed are your Receipt Nos. 04182, 04183 and 04184 in the amount of \$50.00 each.

Every October we mail out the annual irrigation questionnaires to irrigators in the state for reporting water use. Enclosed are questionnaires from last year for Nos. 1122-1 and 1821-1. This will give you an idea of what type of information will need to be kept track of during the irrigation season. The actual forms that will need to be completed and returned to us will be mailed to you in mid-October.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



1821-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

OCT 13 2017

910A-1

William Van Camp, Attorney
NW Ranches LLC
PO Box 66
Pierre SD 57501

Dear Mr. Van Camp:

Enclosed is Water License No. 910A-1. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Permit/Right Nos. 910-1, 1122-1, 1821-1 and 1889-1 were incorporated into No. 910A-1.