

WATER PERMIT NO. 1889-1

Name of Applicant: Vergil Stacy

Address: 13999 Bismarck Ranch Rd, Vale SD 57788

Phone: 605 456-4404

Amount of Water Claimed: 20 ac. add'l Total Acres: 57.37

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation County: Butte

Type of Waste Disposal System:

Location: 9 miles east of Vale

PRIORITY

Date Received: 9-21-2007

Application/License Fee: \$200

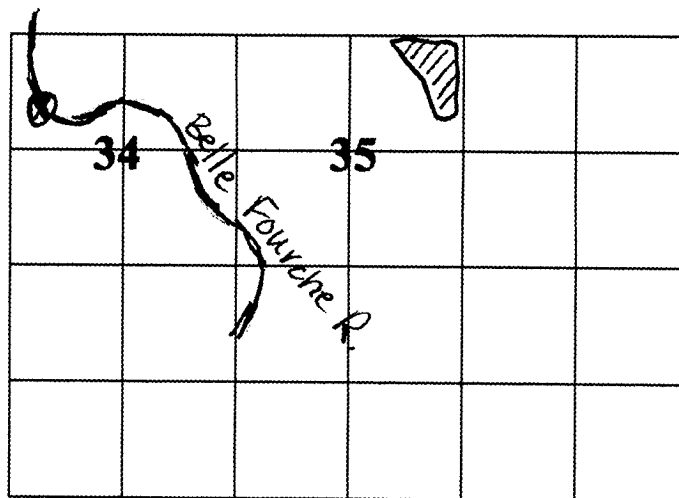
Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Applicant is requesting more water than statutory limit

Diversion Point: SW ¼ NW ¼ Sec 34-T8N-R7E

Land to be Irrigated: NW ¼ Sec 35-T8N-R7E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Brenner Cano, Butte Co SCS

Reviewed and the Number Assigned on: 9-21-07

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>1889-1</u> (office use only)	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Belle Fourche Post</u> P.O. Box <u>400</u>	
	<u>605-892-2528 (Wed)</u> <u>57717</u>	

RECEIVED
SEP 21 2007
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.)

- Name of Applicant Vergil Stacy Phone 456-4404
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 13999 Bismarck Ranch Road One State SD 57788
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed no add *CFS or 900 **GPM ***AF Total Acreage 57.37
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Belle Fourche River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte
DIVERSION #2 Long 103.26242 LAT. 44.61425
SW 1/4 NW 1/4 Sec 34 T8N R7E
- County or counties where water will be used Butte
- Annual period during which water is to be used May 1 - Sept 30
- 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
<u>Sec 35 T8N R7E</u>	<u>57.37</u>		
<u>NE 1/4</u>			

- Give a description of the project. (Attach sheet if more space is needed)
using existing pump and laying pipe from existing pivot to new pivot point.

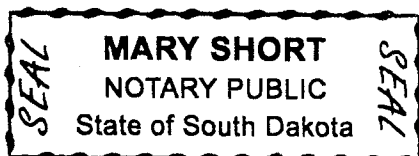
STATE OF SOUTH DAKOTA) SS
County of Butte

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 Stacy

Subscribed and sworn to before me this 20th day of September 20 07



Mary Short

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1889-1**

Date of first receipt of application September 21, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1889-1 to Vergil Stacy, 13999 Bismarck Ranch 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. 1889-1 authorizes irrigation of 57.37 acres located in the NE ¼ Section 35; all in T8N-R7E from the Belle Fourche River using the existing diversion works authorized by Water Right No. 1122-1. Water Right No. 1122-1 appropriates 4.49 cubic feet of water per second from the Belle Fourche River at points located in the SW ¼ NE ¼ Section 27 and SW ¼ NW ¼ Section 34 to irrigate 314 acres located in the SW ¼ SW ¼ Section 26, NE ¼ Section 34 and the N ½ Section 35; all in T8N, R7E. Water Permit No. 1889-1 does not authorize an increase in the diversion rate authorized by Water Right No. 1122-1.
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 30.
3. The date from which applicant may claim right is September 21, 2007.
4. The date of approval of Permit No. 1889-1 is January 14, 2008.
5. One-fifth of the construction is to be completed on or before July 14, 2010.
6. All construction is to be completed on or before January 14, 2013.
7. Water is to be put to beneficial use on or before January 14, 2017.
8. 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. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

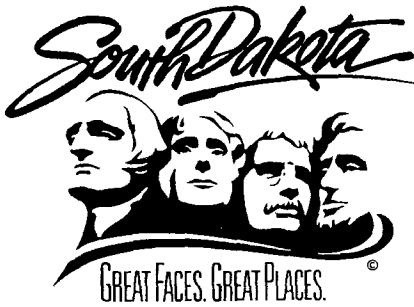
WATER MANAGEMENT BOARD

By: Garland Erbele

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

FEB 12 2008
date





1889-1

**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

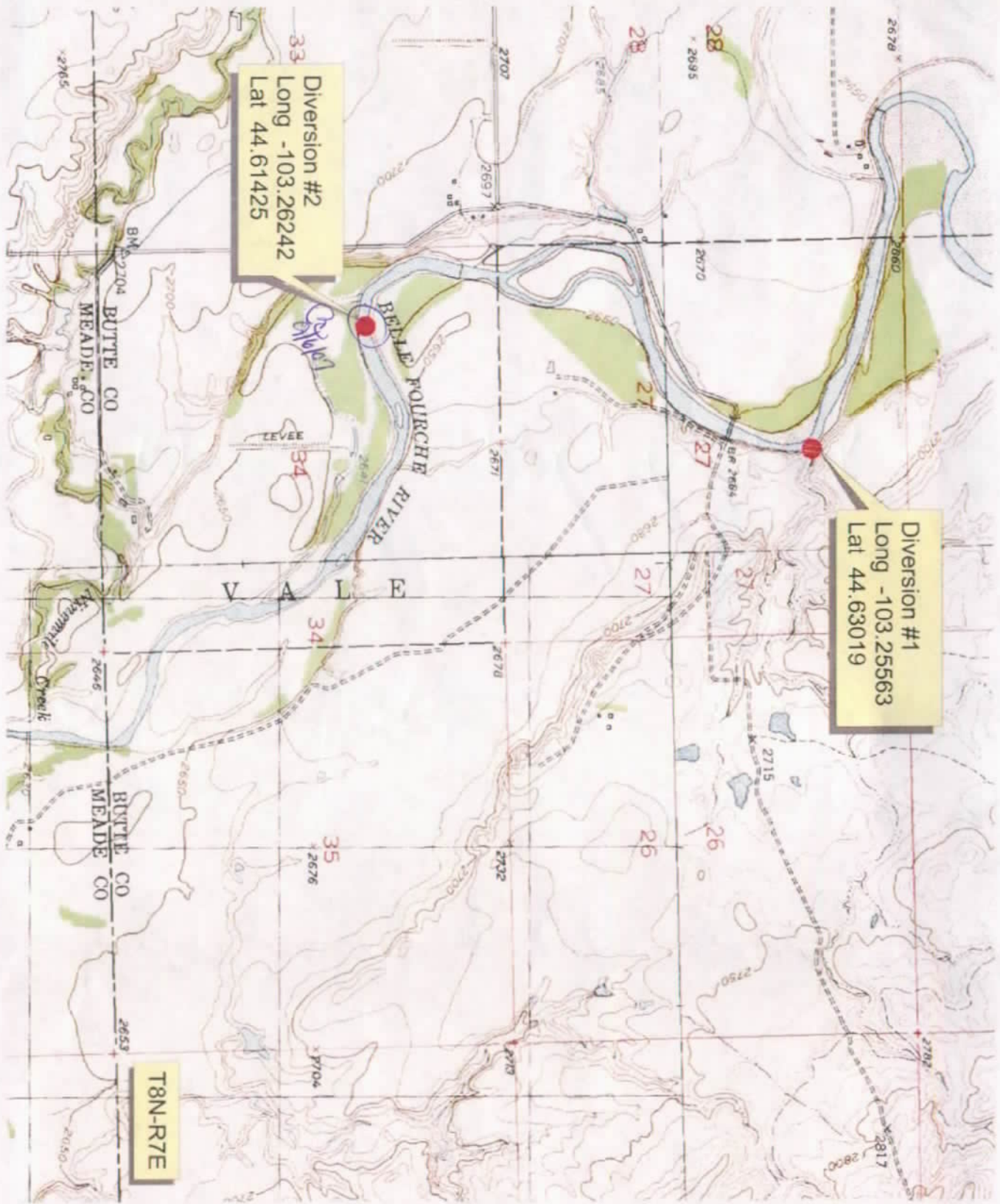
NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.



Mark D. Rath

Mark D. Rath
Natural Resources Eng Spec
SD DENR

2 Miles



Diversion #1
Long -103.25563
Lat 44.63019

Diversion #2
Long -103.26242
Lat 44.61425

T8N-R7E



26

25

BmA

HIB

KaA

8N 7E

T8N, R7E SEC. 35
Porena Cane
Soil Con
Belle Fourche, FO.
9/6/07

35

36

PrD

PrD

26

25

BmA

HIB

KsA

8 N 7 E

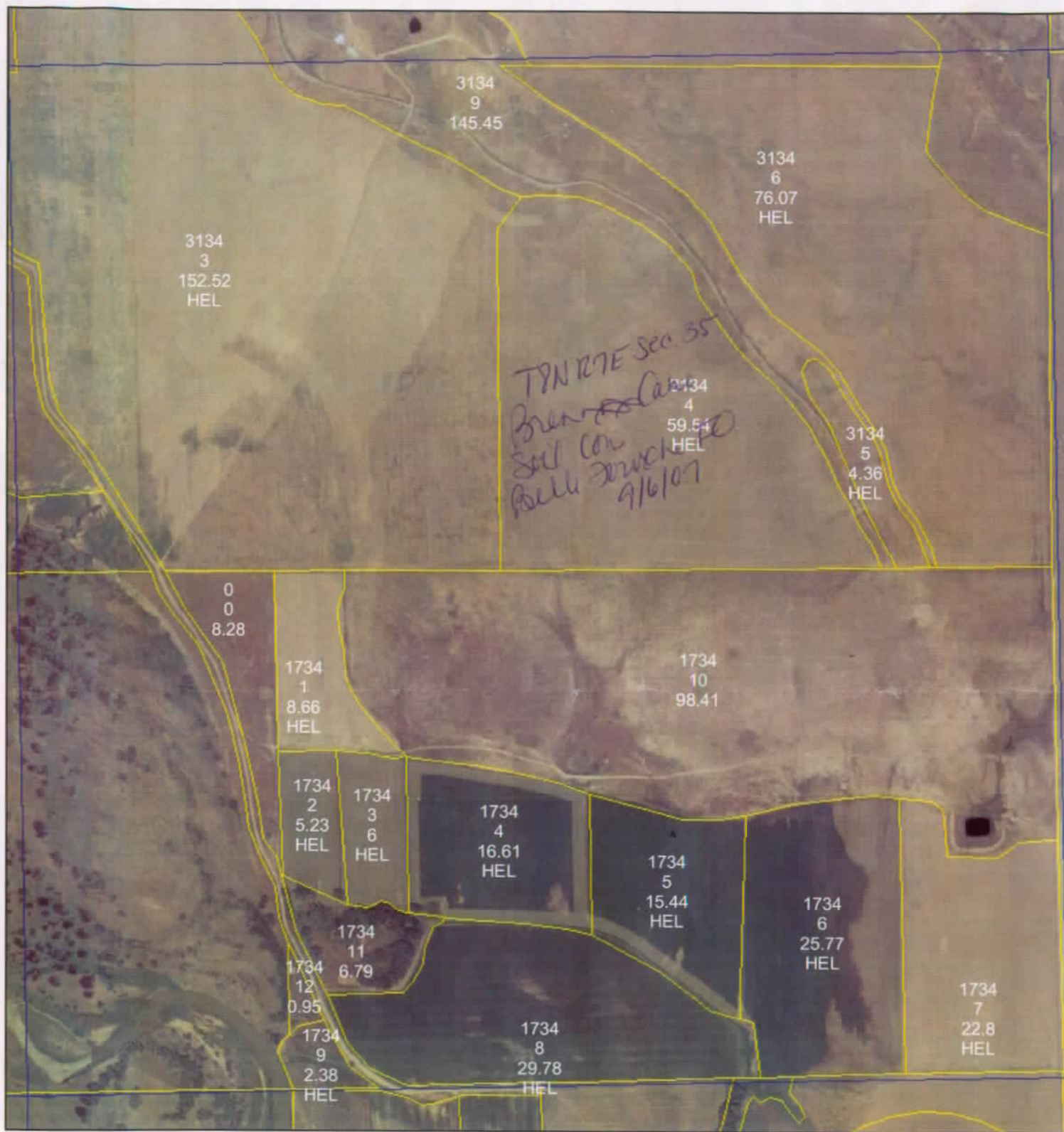
35

36

T8N, R7E Sec 35
Parent Co. No.
State Con.
Ballo F.C.
9/6/07

PrD

PrD



USDA United States Department of Agriculture
Farm Service Agency

Butte County, SD

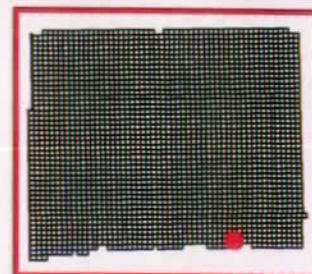
35-8N-7E 1:8,131

- Common Land Units
- Section-Township-Range
- CRP

- Wetlands - Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions

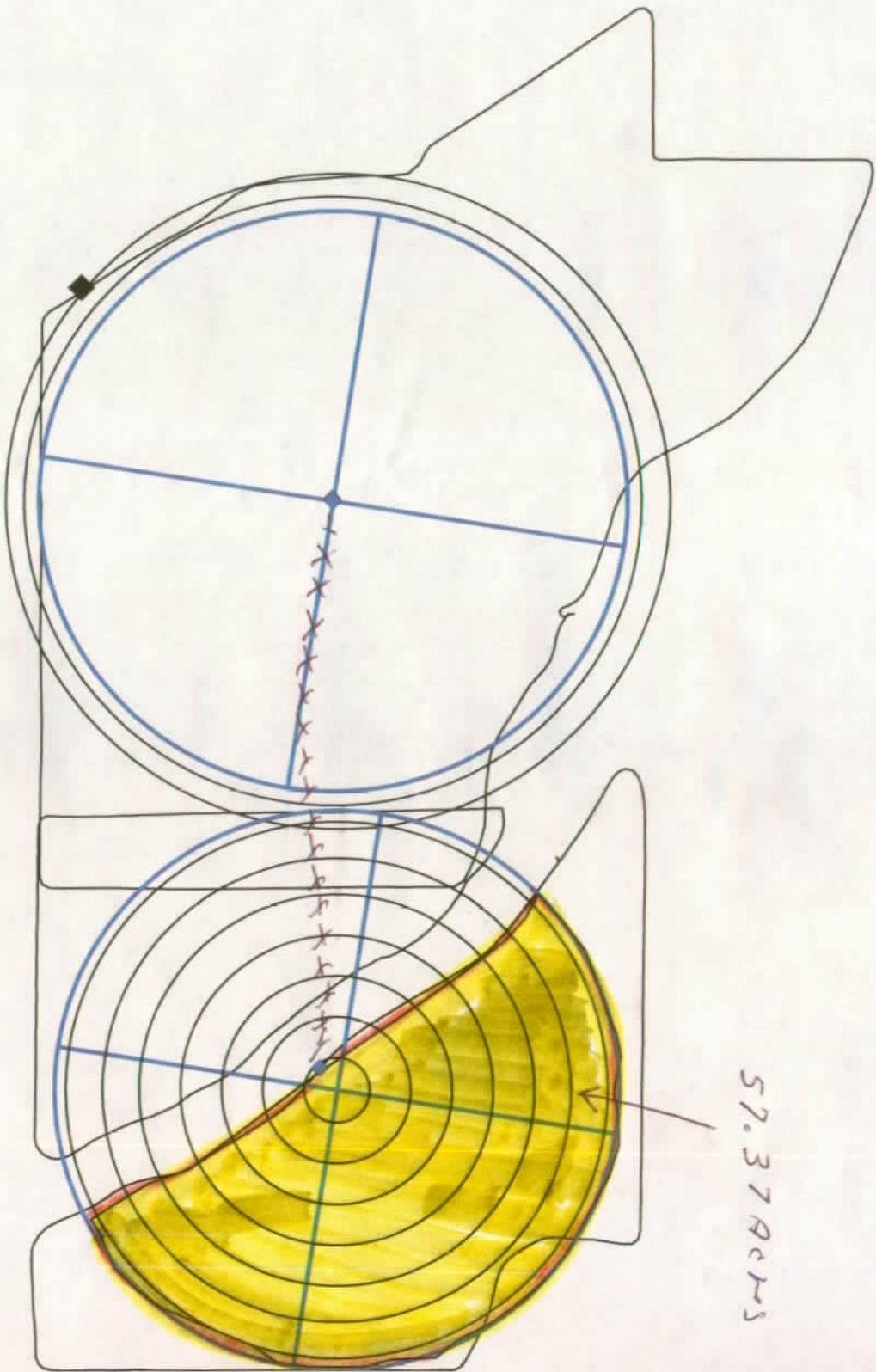
Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

USDA FSA maps using 2004 ortho rectified imagery are for FSA program administration only. This map does not represent a legal survey or reflect actual ownership.



May 18, 2007

X - New Pipeline From
existing Root



57.37 ACMS

**FARM AND RANCH
TABLE OF SOIL INTERPRETIVE GROUPS
*Butte County***

Map Symbol	Soil Mapping Unit Name	Component Name	Slope %	Cropland Capability Unit	Forage Suitability Group	Eco.Site Descrip- tion	Cons. Tree/Shrub Group	Other	
								K	I
BmA	BIDMAN LOAM, 0 TO 3 PERCENT SLOPES		0 - 3	III s2	E	Cy	4C	0.32	48
HIB	HISLE LOAM, 0 TO 9 PERCENT SLOPES		0 - 9	VI s3	NS	TCp	10	0.32	48
KeA	KEITH SILT LOAM, 0 TO 2 PERCENT SLOPES		0 - 2	II c2	F	Si	3	0.32	48
PrD	PIERRE CLAY, 6 TO 21 PERCENT SLOPES		15 - 21	VI e4	NS	Cy	10	0.37	86

Interpretive Grouping	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
	Crop
IIc2	Interpretations not currently available
IIIs2	Deep and moderately deep, loamy soils on nearly level (0 to 2%) uplands that have dense clayey subsoils. The main limitations are unfavorable rooting zone in the subsoil and inadequate moisture. The main hazard is wind erosion.
VIe4	Moderately deep and deep clayey soils on sloping to steep (6 to 25%) uplands. These soils have severe water and wind erosion hazards. The main limitations are inadequate rainfall and unfavorable rooting zones.
VIs3	Soils on nearly level to sloping (0 to 9%) uplands with thin, sandy to clayey surfaces and dense, clayey or claypan subsoils. The main limitation is the unfavorable rooting zone. The main hazards are wind and water erosion on most soils, but flooding is a hazard on some.

Interpretive Grouping	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
	Forage Suitability
E	Silty Clay - These soils are in the foot slope and toe slope landscape positions. They are slow or moderately slowly permeable soils that contain high contents of soluble salts in the underlying material. An unfavorable root zone limits choices and productivity of climatically adapted grasses and legumes. This group consists mainly of deep and moderately deep and well to somewhat poorly drained soils. They have medium or moderately fine textured surface layers over fine or moderately fine textured subsoils. Species best suited to this group of soils include alfalfa, crested wheatgrass, green needlegrass, intermediate wheatgrass, pubescent wheatgrass, and western wheatgrass. The major management concern on this site is maintaining plant vigor and soil tilth. Proper grazing use, deferred grazing, planned grazing systems, and proper hayland management will improve plant vigor and soil tilth.
F	Silty - These soils are in all landscape positions except basin. They are medium or moderately fine textured soils with moderate or moderately slow permeability. Some of these soils are rarely flooded and calcareous or have a short duration water table. All climatically adapted grasses and legumes are suited but bunch type species are not recommended on slope gradients of six percent or greater. This group consists mainly of deep and moderately deep and well to somewhat poorly drained soils. Species best suited to this group of soils include alfalfa, crested wheatgrass, green needlegrass, intermediate wheatgrass, pubescent wheatgrass, and western wheatgrass. The major management concern on this site is maintaining plant vigor and soil tilth. Proper grazing use, deferred grazing, planned grazing systems, and proper hayland management will improve plant vigor and soil tilth.
NS	Not Suitable - These soils are in all landscape positions except for basin. They are very shallow to gravel, sandy with low organic matter, very strongly saline or alkaline, or clayey with dense subsoils. This group also contains steeply sloping phases of soils contained in the other pasture and hayland suitability groups which are not recommended for pasture plantings because of erosion hazards and/or difficulty in establishing erosion control practices and pasture plantings. Because of these severe limitations, this group is not recommended for pasture plantings. This group consists mainly of shallow to deep soils. No species are recommended for this group of soils for pasture plantings.

Interpretive Grouping	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
	Ecological Site
Cy	Clayey range site: Climax plant cover is chiefly a mixture of western wheatgrass and green needlegrass with an understory of blue grama, buffalograss, and sedges. Forbs and shrubs are not common, however, in the western part of the area sagebrush is part of the climax plant community. With continued overuse the stand of western wheatgrass and green needlegrass is replaced by a sod of buffalograss and blue grama. This sod may give way in places to little barley and cactus.
Si	Silty range site: The climax plant cover consists of a stand of mid and tall cool season grasses. Western wheatgrass is the major constant dominant. Green needlegrass in many places is a codominant. Needleandthread occurs in lesser amounts and in places there are minor amounts of the warm season grasses, little bluestem, and prairie sandreed. In the understory are blue grama, buffalograss, sedges, and in places some bluegrasses. Forbs and woody plants occur but usually are not abundant; however, in some places leadplant, a legume, is significant. With continued overuse the midgrasses are replaced by short grasses. The cover becomes a blue grama sod with a small amount of threadleaf sedge. This sod may give way in places to annual plantains, pricklypear, and fringed sagewort.
TCp	Thin Claypan range site: Climax plant cover consists chiefly of a stand of short grasses with some midgrasses present. Western wheatgrass is the principal midgrass. Blue grama is always present and buffalograss is usually present. Forbs are seldom significant. Shrubs such as pricklypear and sagebrush may be present in significant amounts. With continued overuse the midgrasses are replaced by blue grama, buffalograss, and saltgrass. If overuse continues there will be considerable bare ground, especially during dry cycles and weeds will be common during wet cycles.

Interpretive Grouping	LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT
	Windbreaks
3	CONSERVATION TREE/SHRUB GROUP 3 - Soils in this group are deep; at least 40 inches to a restrictive layer. The depth to a water table during the growing season is greater than 5 feet. Soils within this group are well drained, loamy textured soils with moderate and moderately slow permeability on uplands. These soils are well suited to all types of woody plantings. Except for those trees and shrubs that require abundant moisture, all climatically suited trees and shrubs have the potential to grow well. Competition from grass and weeds is the principal concern in establishing and managing trees and shrubs on these soils. Water erosion is a concern on the gently sloping to moderately steep areas.
10	CONSERVATION TREE/SHRUB GROUP 10 - Soils in this group have one or more characteristics such as soil depth, texture, drainage, channeled phases, available water capacity, slope, salt toxicity, or salts which severely limit planting, survival or growth of trees and shrubs. Soils in this group are usually not recommended for farmstead and feedlot windbreaks, field windbreaks, and plantings for recreation and wildlife. However, on-site investigations may reveal that tree and shrub plantings can be made with special treatments (hand planting, scalp planting, specialized site preparation, drainage, or other specialized treatments). The selection of species must be tailored to the soil conditions existing at each site. Limiting conditions and the specialized treatments required to overcome these limitations must be documented on the planting plan.
4C	CONSERVATION TREE/SHRUB GROUP 4C - Soil depth to a restrictive layer is at least 20 inches. Soils in this group have clayey textures throughout the profile. They have slow or very slow permeability, and occur on uplands. These soils are fairly well suited to woody plantings. Most of the climatically suited trees and shrubs grow well; however optimum growth is not possible because of the limited available water capacity and root development zone. High clay content and water availability have an effect on the selection of tree and shrubs species suitable for these soils. Competition from grass and weeds is the principal concern in establishment and management of trees and shrubs. The clayey soils are subject to severe wind erosion. Water erosion is a concern on the gently sloping to moderately steep areas.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/21, 2007

RECEIVED OF Bismarck Ranch V Stacy 13999 Bismarck Ranch Rd Vale SD 57788

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

Fee for Application for Permit No. <u>1889-1</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>1889-1</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.

03167

By Garland Erbe
Chief Engineer

eg

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 1889-1, Vergil Stacy

ADDRESS: 13999 Bismarck Ranch Road, Vale SD COUNTY: Butte

DATE: September 21, 2007 TELEPHONE: 605 456-4404

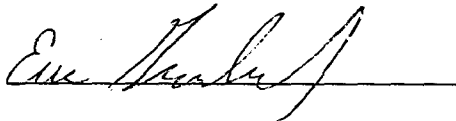
RE: Phone call to Mr. Vergil Stacy

COMMENTS:

I contacted Mr. Stacy for clarification on the diversion rate for this application. The application states the amount of water claimed to be 900 gpm and states his intent to use the existing pump.

Mr. Stacy holds Water Right No. 1122-1 to divert 2,000 gpm. I asked whether this was a request for additional diversion rate authority to irrigate the 57 acres or just an application for additional acres from the existing diversion works. Mr. Stacy stated that he will use the existing pump and is not requesting more than pump rate currently authorized.

I told him that I would amend the application accordingly and Mr. Stacy concurred.

NAME: 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 1889-1, 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. 1889-1, Vergil Stacy, 13999 Bismarck Ranch Road, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 1889-1 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. Diversion under this permit shall be in accordance with any written orders 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
December 14, 2007

REPORT ON WATER PERMIT APPLICATION NO. 1889-1

Vergil Stacy

November 17, 2007

Application No. 1889-1, Vergil Stacy, proposes to irrigate 57.37 acres located in the NE $\frac{1}{4}$ Section 35, T8N-R7E from the Belle Fourche River using the existing diversion works authorized by Water Right No. 1122-1. Water Right No. 1122-1 appropriates 4.49 cubic feet of water per second (cfs) from the Belle Fourche River at two points located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 to irrigate 314 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, NE $\frac{1}{4}$ Section 34 and the N $\frac{1}{2}$ Section 35; all in T8N-R7E. No increase in the existing diversion rate authority is requested.

Review of the Water Source

The water source for this proposed project is the Belle Fourche River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T8N-R7E in Butte County. The Belle Fourche River rises in the northeast Wyoming and flows northeast around the northern edge of the Black Hills then east to the Cheyenne River confluence north of Wasta, SD, a total of 290 river miles. Belle Fourche Dam is part of the U.S. Department of the Interior, Bureau of Reclamation (BOR) Belle Fourche Project completed in 1914 that includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres located in southern Butte County in western South Dakota.

Since 1945 the United States Geological Survey (USGS) has maintained a stream flow gaging station near on the Belle Fourche River near Sturgis, SD located approximately 13 miles downstream of this proposed project. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 236 to 231 cfs or greater during any given year. There is a 75 percent probability the median flow rate could range from 77 to 211 cfs or greater for this same period of time. (Table 1)

Table 1. Belle Fourche River near Sturgis, SD Median Flow Percentiles (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	9	15	30	42	49	94	142	142	78	38	37	20
25	19	25	52	56	77	172	211	208	167	56	47	28
50	28	39	98	133	236	281	266	270	248	65	56	36
75	40	90	408	473	650	659	364	330	299	88	77	50
90	89	300	942	927	1372	1555	556	427	345	174	149	90

Review of the Project and Existing Water Rights

This application proposes additional acreage to be added to irrigation authorized by Water Right No. 1122-1 without increasing the authorized diversion rate. Therefore, the existing water rights downstream of this project would not be expected to be adversely affected. 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.

Conclusions

1. Water Permit Application No. 1889-1 proposes to add 57.37 acres to what is already authorized by Water Right No. 1122-1 without increasing the diversion rate.
2. Approval of this request would not be expected to adversely affect existing water rights.

Aaron R. Tieman

Aaron R. Tieman
Natural Resources Project Engineer

Approved by

Mark D. Rath

Mark D. Rath
Natural Resources Engineering Specialist

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN - 9 2008

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Pam Capp, being duly sworn, says: That the *Belle Fourche Post* or *Belle Fourche Bee* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as an Office Manager by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

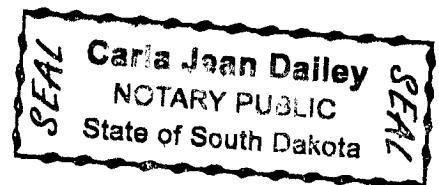
<u>December 26</u> 200 <u>7</u>	<u>200</u>
<u>January 2</u> 200 <u>8</u>	<u>200</u>
<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>
<u>200</u>	<u>200</u>

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ -0-, insures solely to the benefit of the publisher of said newspaper: that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Pam Capp
office manager

Subscribed and sworn to before me this

7th day of January, 2008
Carla Jean Dailey



Notary Public, South Dakota

My Commission Expires: May 24, 2012 Account No. 60001557

Total Amount -0-

**NOTICE OF APPLICATION
No. 1889-1 to Appropriate
Water**

Notice is given that Vergil Stacy, 13999 Bismarck Ranch Road, Vale SD 57788 has filed an application for a water permit to irrigate 57.37 acres located in the NE 1/4, Section 35: all in T8N-R7E from the Belle Fourche River using the existing diversion works authorized by Water Right No. 1122-1. Water Right No. 1122-1 appropriates 4.49 cubic feet of water per second from the Belle Fourche River at points located in the SW 1/4, NE 1/4, Section 27 and SW 1/4, NW 1/4, Section 34 to irrigate 314 acres located in the SW 1/4, SW 1/4, Section 26, NE 1/4, Section 34 and the N 1/2 Section 35: all in T8N, R7E. No increase in the existing diversion rate authority is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1889-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SO 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 January 14, 2008.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

**Publ. December 26, 2007
January 2, 2008
Belle Fourche Post**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2007

Belle Fourche Post
PO Box 400
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

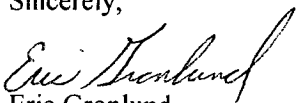
Enclosed is a Notice on Application No. 1889-1 to Appropriate Water to be published twice. Please publish the first notice on December 26, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Ranch Rd, Vale SD 57788 (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. 1889-1

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

Date _____

We are in receipt of your letter of December 14, 2007 enclosing Notice to Appropriate Water by Application No. 1889-1 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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.

December 14, 2007

Vergil Stacy
13999 Bismarck Ranch Rd
Vale SD 57788

Dear Mr. Stacy:

Water Permit Application No. 1889-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Belle Fourche Post printed at Belle Fourche SD (Ph # 605-892-2528). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

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.

Instruction to Newspaper - Publish first Notice on December 26, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1889-1 to Appropriate Water

Notice is given that Vergil Stacy, 13999 Bismarck Ranch Road, Vale SD 57788 has filed an application for a water permit to irrigate 57.37 acres located in the NE ¼ Section 35; all in T8N-R7E from the Belle Fourche River using the existing diversion works authorized by Water Right No. 1122-1. Water Right No. 1122-1 appropriates 4.49 cubic feet of water per second from the Belle Fourche River at points located in the SW ¼ NE ¼ Section 27 and SW ¼ NW ¼ Section 34 to irrigate 314 acres located in the SW ¼ SW ¼ Section 26, NE ¼ Section 34 and the N ½ Section 35; all in T8N, R7E. No increase in the existing diversion rate authority is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1889-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. 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.

Any person interested in opposing or supporting this application or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 14, 2008.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 12 2009

Vergil Stacy
13999 Bismarck Ranch Rd
Vale SD 57788

Dear Mr. Stacy:

Enclosed is Water Permit No. 1889-1 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

1889-1

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

July 15, 2009

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

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

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

Dear Sir:

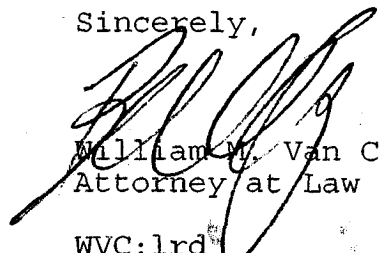
Attached please find Notice of Transfer of Ownership for the three
aforementioned water rights. Vergil and Karen Stacy sold their
property and assigned their interest in those water rights to my
client, NW Ranches, LLC.

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUL 16 2009

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1889-1

Date: 7/14/09

I/We request that Water Right/Permit No. 1889-1 formerly owned by:

Vergil & Karen Stacy

be transferred to:

New Owner Name: NW Ranches, LLC

Address: 117 E Capitol PO Box 66

City, State, Zip Pierre SD 57501

Telephone No. 605 274 8851

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

NE 1/4 G 35; ~~SE~~ SW 1/4 NE 1/4 G 27; SW 1/4 NW 1/4 G 34;
SW 1/4 SW 1/4 G 26; NE 1/4 G 34; N 1/2 G 35 all
in T8N R7E.

☒ I understand that the validity of Water Right/Permit No. 1889-1 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 Vander
(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.

1889-1



**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

1889-1

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

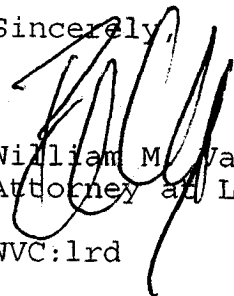
Genny McMath
Environmental Scientist
Water Rights Program
523 East Capitol
Pierre SD 57501

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 Lovald 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>1889-1</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. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL 50 00

No. 04184

By [Signature]
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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



1889-1
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.