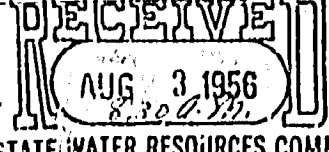
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANo. 213-2

Lacey Home Project

Water Division No. 2Big Sioux River District

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

Built 1948-49 and operated since 1950 is basic for priority claim and vested right
To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant Edward F. Lacey
Postoffice address Trent, County Meady, State S. Dak.

I. If a corporation _____

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors The gravel supplying water to this project is

criss-crossed by clay dikes but has furnished water for 72 hours plus of continuous pumping to 60 nozzles.

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant.

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

any or all methods as to past and future construction
plenty for

- (b) Cash on hand \$ future needs (c) Treasury stock, \$ none
(d) Bonds to be issued, \$ none (e) Other resources, \$ this and other lands

2. Name of diversion work Lacey Home Project
1.33 Sec. Ft. 4 water from river and

3. Amount of water claimed gravel pit project cubic feet per second 600 + 1500 total limit under
3 projects

4. Source of water supply wells described below and shown on map

5. Location of point of diversion Point A shown on the map, all on my land
left or Meady County.

- on north bank Big Sioux River
Whenever advisable for good of crop or for storage

6. Annual period or periods during which water is to be used during ample river flow period for later
summer crop, domestic, or stock watering use.

7. To be used for:
Irrigation using sprayer system generally or combination of pumping and gravity flooding

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated 324.77 acres.

- (b) Legal subdivisions to be irrigated SW 18, Twp. 105 N., R. 45 W. also SW 13-105-48

(NOTE--A list of lands to be irrigated giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) Domestic use at farmstead buildings on
SW 18 hereafter called on SW Sec. 18

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Stock watering, grain processing or fire protection
None any of the above uses claimed

- (b) Amount of power to be generated none horse power.

Amount claimed for engine cooling used for the water pumping engine

- (c) Location of plant Point A shown on the map

- (d) Method of developing power Engine driven pump

- (e) Point where water will be returned to stream it will be absorbed by ground that is
irrigated

No. 16. 167-3

Pumping plant additional to that used on Lacey Big Sioux River and Gravel Pit Projects metal pipe headers and distributors, and nozzles listed on Big Sioux River Project Application

8. Estimated cost of work: interchangeable on all Lacey Projects

(a) Head Gates, \$----- (b) Pumping plant, \$3000.00
(c) Fluming, \$----- (d) Canal earth, \$----- Rock, \$-----
(e) Other structures \$----- Total, \$-----

9. Description of diversion works: Pumping from wells far above the Sioux River and Sprinkling Nozzles

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
Ten wells 24 deep 4 ft. diameter gravel packed with 8" screen in center @ \$500 each valve and pump pit and connection to wells @ \$200. 750-gal. Hale pump with 115 HP. Waukesha Engine

II. Dimensions of works:

(a) Dam: Height none feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
material used in construction -----
(b) Reservoir: Capacity when filled none acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-FOOT CAPACITY

In making this application for a water right in compliance with existing statutes and the practice of the Water Resources Commission of the State of South Dakota, the undersigned does not waive any legal rights to subsurface or underground water or to the water in a deep hole in the river bed, regardless of the navigability of the stream, which accrued to the Patentee who secured the land from the U. S. Government and his successors in interest including the undersigned.

(c)* Head gate: Width ----- feet; height ----- feet;
Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 3 years.

11. Time required for complete application of water to the proposed beneficial use 3 or more years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Minnehaha ss.

I, Edward H. Lacey, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

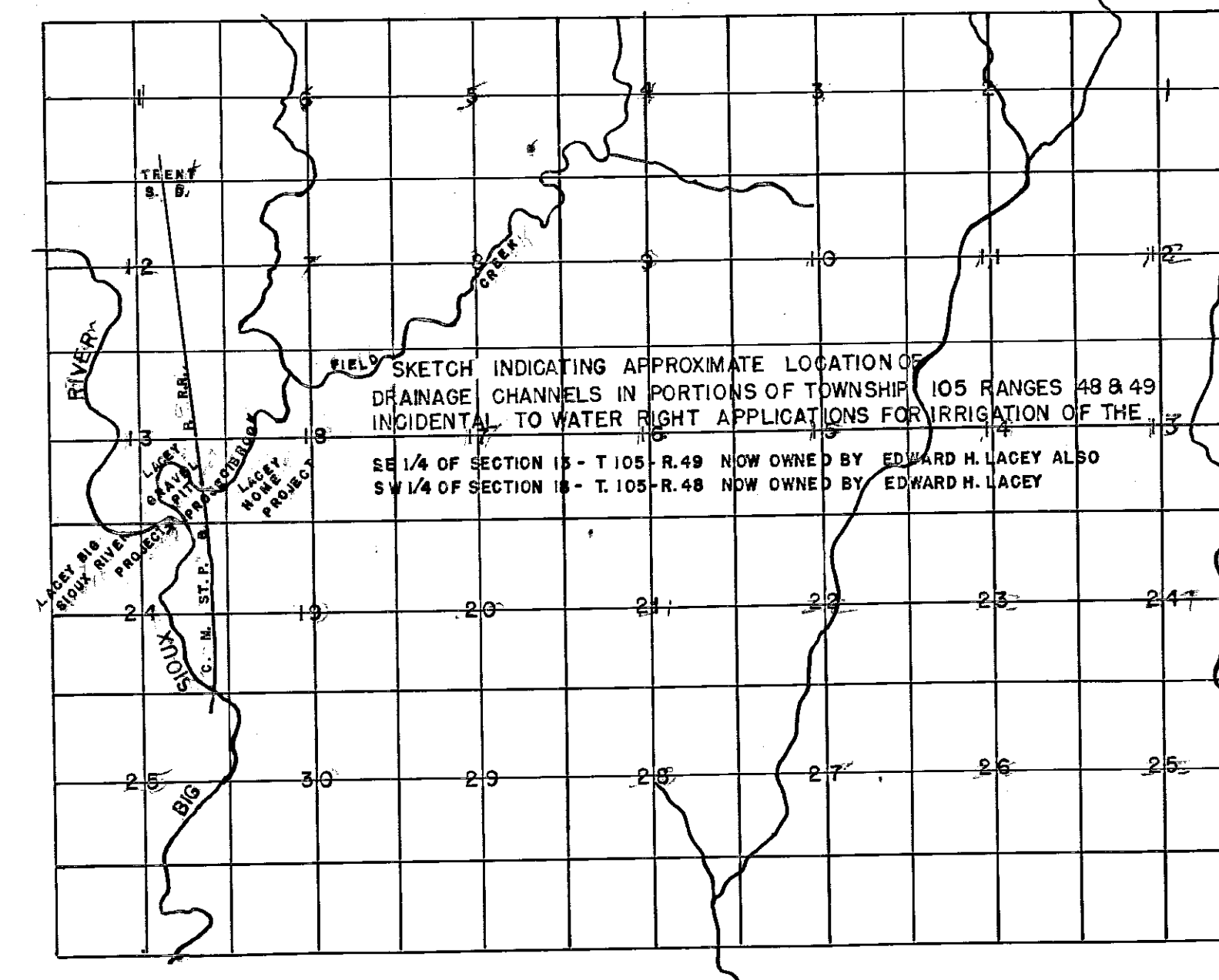
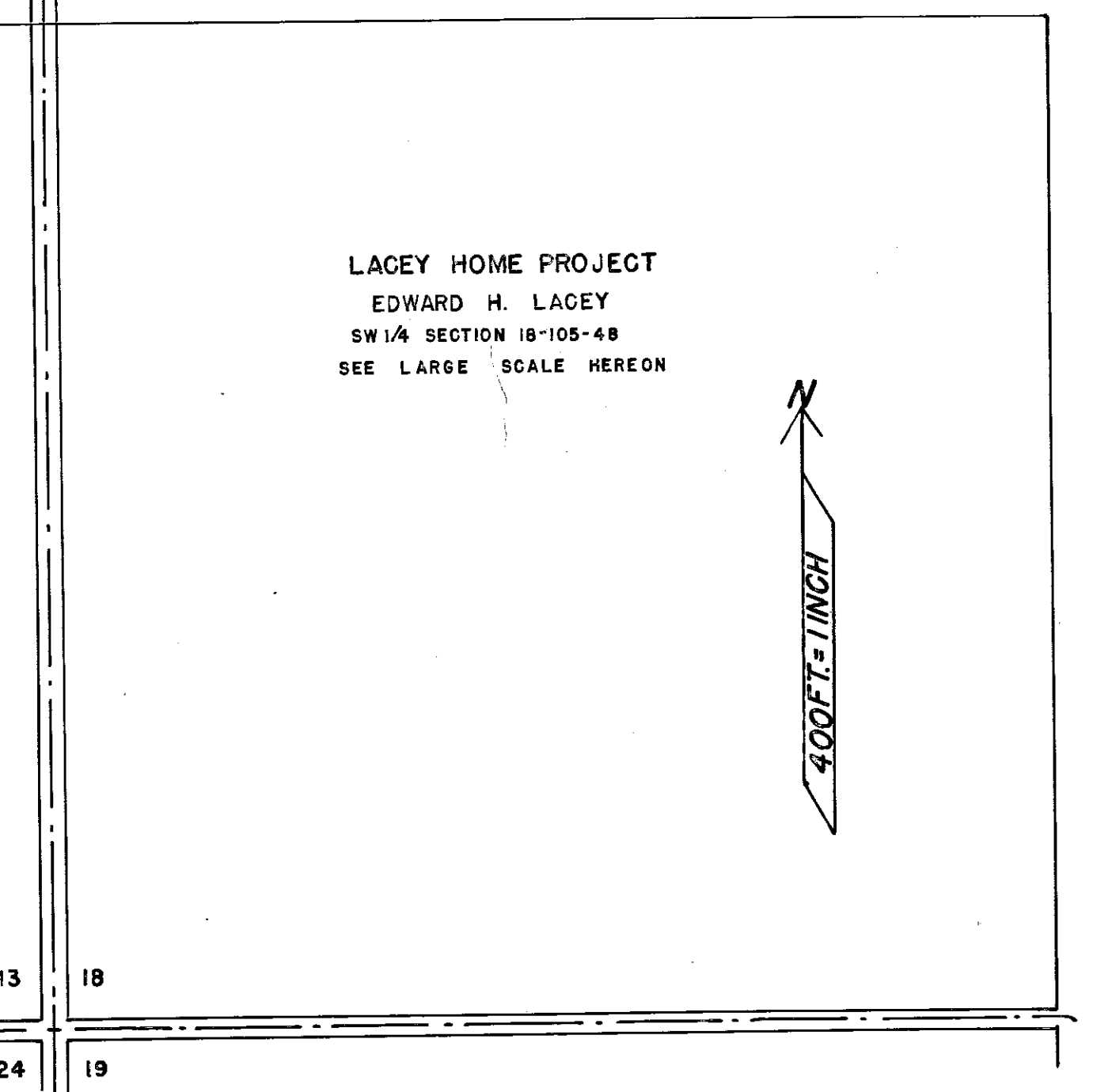
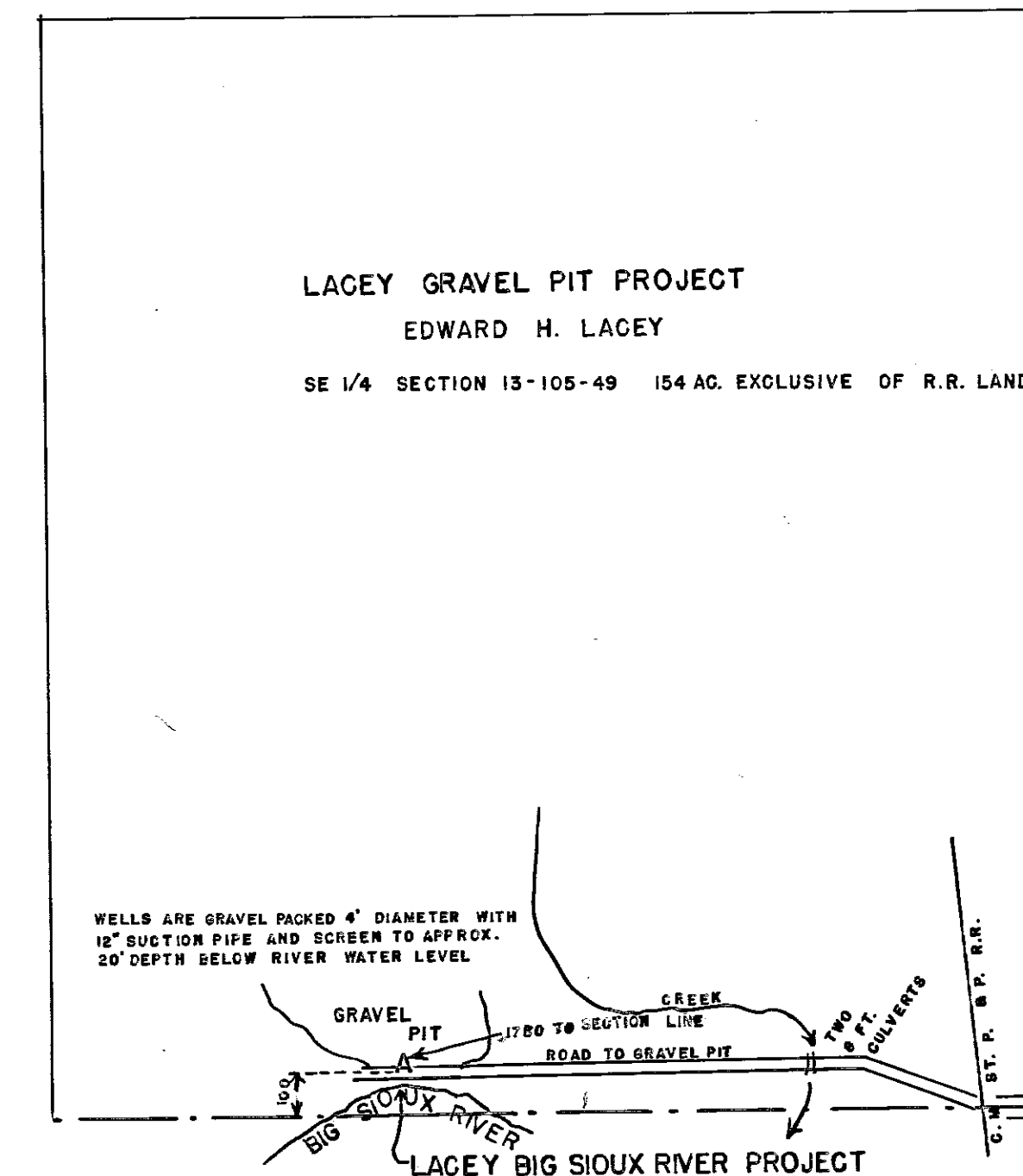
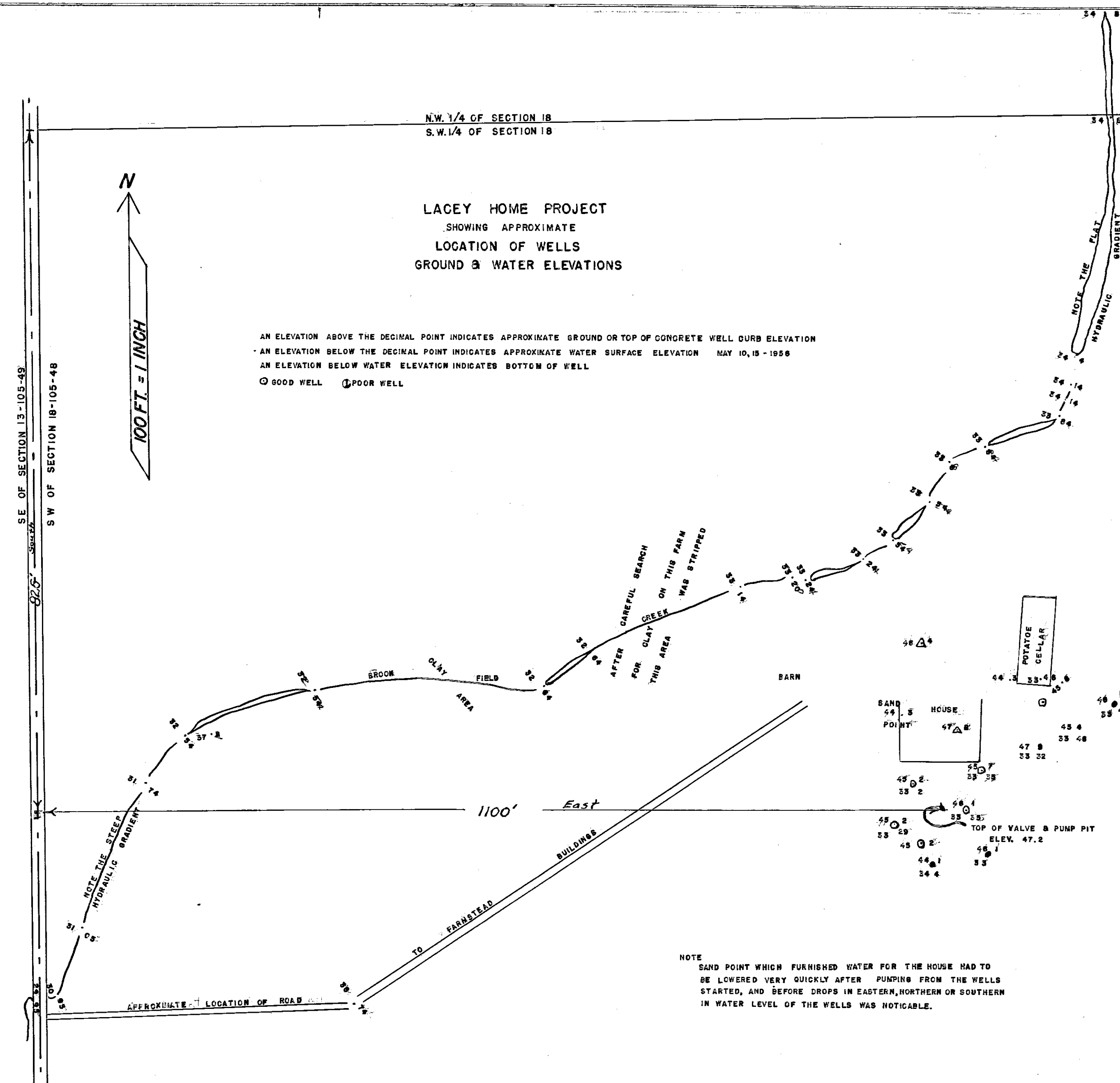
Signed

Edward H. Lacey

Subscribed and sworn to before me this 2 day of June 1956

Edmund J. Perlin
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



I, Edward K. Mather, a duly licensed Land Surveyor, in and for the State of South Dakota, do hereby certify that the accompanying map shows the land to be watered from one or more sources of water supply by pumping and sprinklers under the LACEY WATER PERMITS or Water Rights.

In Witness Whereof I have hereunto set my hand and seal this 31st. day of May, 1956
Edward K. Mather
Licensed Land Surveyor

State of South Dakota)
County of Moody) ss

On this 31st. day of May, 1956, before me, Elsie Hanson, the undersigned officer, personally appeared Edward K. Mather, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In Witness Whereof I have hereunto set my hand and official seal. Elsie Hanson
My Commission Expires: June 23, 1959 Notary Public, South Dakota

NO. 40 RAINBIRD NOZZLES					
3/16 X 1/8		7/32 X 5/16		9/32 X 7/32	
PRESSURE	DIAMETER	DISCHARGE	PRESSURE	DIAMETER	DISCHARGE
25	8.5	1.12	65	11.7	16.6
30	9.1	1.25	70	12.8	18.4
35	9.6	1.38	75	13.9	20.0
40	10.1	1.50	80	15.0	21.6
45	10.6	1.62	85	16.1	23.2
50	11.1	1.75	90	17.2	24.8
55	11.6	1.87	95	18.3	26.4
60	12.1	2.00	100	19.4	28.0

LACEY'S IRRIGATION PROJECTS

BIG SIOUX RIVER PROJECT
GRAVEL PIT PROJECT
HOME PROJECT

Map No. 167-3
(Appl's No. 211-3
212-3
213-3)

Remarks by State Water Resources Commission:

Vested Right claimed. At no time may water be pumped from either, or a combination of diversion points, under *Vested Right* Permits Nos. 211-3, 212-3, and 213-3, at a rate exceeding 4.65 cubic feet per second.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, July 13, 1956

This is to certify that the foregoing application was received by the Commission at 10:15 o'clock
a.m. upon the 14 day of June, 1956

State Water Resources Commission

By:

Joe Brimer
Chief Engineer, Executive Officer

Vested Right
Number of permit 213-3

Date of first receipt of application June 14, 1956

Date of return to applicant for correction, amendments or changes required as follows: July 13, 1956

Date of receipt of corrected application August 3, 1956

Date from which applicant may claim right 1950

Approved September 4, 1956, Recorded in Book 3 Page 175

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above mentioned ~~is to be completed on or before~~ was

14 1950, ~~to~~ was

2nd. The whole of said work ~~is to be completed on or before~~ was 1950

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

September 4, 1958

4th. The water appropriated shall be used for the purpose of Irrigation & Business

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.65 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is, actually and beneficially applied for irrigation on or before September 4, 1958; said water to be used during the following described annual period:

Continuous

Witness my hand this 4 day of September, 1956

State Water Resources Commission

By:

Joe Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued September 4, 1956

Water License Issued _____, 19____

211-3
212-3
213-3

Point of Diversion:

825 feet south and 1100 feet east of the SE Cor. Sec. 18, T 105N, R 49W
A point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 105N, R 49W, a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T 105N, R 49W, and a point 1780 feet west and 100 feet north of the SE Cor. of Sec. 13, T 105N, R 49W, and intermediate points.

Source of Water:

Big Sioux River and adjacent ground water located on the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 105N, R 48W, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T 105N, R 49W.

Read and change authorized:

Date Aug 3 - 1956

Edward K. Mathis
Signature

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 4 ft. diameter with gravel packing, Depth 24 ft. ±
Type of casing Concrete or steel for surface casing wood or steel below
(wood, concrete, steel, etc.)
Size of casing 36 top 12" below, Thickness of casing 12 to 20
Length of casing 24 ft. top. If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen perforated casing or spaced wood strips
Size of perforated screen 12" (diameter), 3' (length)
Thickness of gravel pack 12", length of gravel pack 3 ft. to 10 ft.

(c) Water Bearing Materials

Distance to water 10 ft. ± Character of water bearing materials gravel and sand
Thickness of water bearing material 2 ft. to 20 ft.

(d) Pump and Motor

Type of pump centrifugal (centrifugal, propeller, mixed flow, etc.)
Name of pump Hale Fire Pump Co., FM & Co., size
Kind of motor gasoline (gasoline, electric, diesel, etc.)
Horsepower 90-115, Name of Motor Chrysler, Waukesha, FM & Co.

(e) Complete well

Capacity at drawdown of unknown Estimated cost

(f) Owner of land upon which well is located Edward H. Lacey, Name

Trent, South Dakota Address

(g) Distance to nearest existing wells

On same owner's property 6 rods. On property owned by others none within a mile or more known of

This project takes its supply from water which flows northwesterly underground toward a creek tributary to the Big Sioux River, Water Level surface is 33. to 34. ft. above normal water level in the Big Sioux River.

It includes a central pumping plant with underground suction lines to many wells, which number may be increased. Each well has elevated ft. more or less of water in it, but draw down and yield varies materially.

See map for location and general lay out.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 213-3

WHEREAS, On the 14 day of June A. D. 1956

Edward H. Laony

of Trent County of Moody and State of
South Dakota duly made application (No. 213-3) to us for a permit to use 4.65
cubic feet per second of the waters of Big Sioux River & adjacent ground water
County of Moody, State of South Dakota, for irrigation & business
purposes; and

WHEREAS, On the 4 day of September A. D. 1956
Permit No. 213-3 was issued to said applicant for the diversion of said water, and ~~providing for the~~ recognizing
completion of the works of diversion therein described ~~on or before the~~ providing
in 1950 ~~XXXXXX~~ and for the application to beneficial use of said
water on or before the 4 day of September A. D. 1958
and.

WHEREAS, On the 3 day of August A. D. 1956
the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.65
cubic feet per second of said waters, as evidenced by our Certificate No. 213-3
dated September 4, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.65 cubic feet per second of water, with date of
priority of 1950 ~~and~~ and,

WHEREAS, On the 3 day of September A. D. 1958
proof was duly made of the application to beneficial use of 4.65 cubic feet per second of said water;
on 326.27 acres located in the SW $\frac{1}{4}$, Sec. 18 T105N, R48W and SE $\frac{1}{4}$,
Sec. 13, T105N, R49W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confer a to Edward H. Lacay
of Trent, South Dakota the holder and owner of said permit No. 213-3
a water right, dating from 1950 to the use of 4.65
cubic feet per second of the waters of the Big Sioux River and adjacent ground water
in the County of Moody and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ between a point 825 feet south
and 1100 feet east of the W₁ Cor., Sec. 18, T 105N, R 48W and a point 1780 feet
West and 100 feet North of the SE Cor., Sec 13, T 105N, R 49W
and conducted to and upon SE₁ Sec 13, T 105N, R 49W and SW₁ Sec 18, T 105N, R 48W

for the purpose of irrigation and business use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota.

this 3rd day of October A. D. Nineteen

Hundred and fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 213-3

Water Division No. 3-Big Sioux R. Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Edward H. Lacey

of Trent, County of Moody, and State of South Dakota, the holder of Permit No. 213-3, issued upon Application No. 213-3, bearing date of priority of 1950, authorizing the diversion of 4.65 cu. ft. per second of the waters of Big Sioux River and adjacent ground water, a point 825 feet south and 1100 feet east of the west $\frac{1}{4}$ Cor., Sec. 13, T 105N, R 48W and a point 1780 feet west and 100 feet north of the SE Cor. of Sec. 13, T 105N, R 49W and intermediate points for irrigation and business

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.65 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, SE $\frac{1}{4}$, Sec. 13, T 105N, R 49W and SW $\frac{1}{4}$, Sec. 18, T 105N, R 48W - -

326.27 acres

Witness my hand this 4th day of September A. D. 1956

State Water Resources Commission

By:
J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA)SS

On this, the 21st day of January, 1950, before me, Chas. Lacey, the undersigned officer, personally appeared Ed H. Lacey, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I have herunto set my hand and official seal.

{ NOTARIAL SEAL }

Chas. Lacey
Notary Public, South Dakota
My Commission expires June 27, 1953.

STATE OF SOUTH DAKOTA)
COUNTY OF MOODY)SS.

Filed for record this 11th day of February A. D., 1950, at 3:45 o'clock P. M. and recorded in Book 20 of Misc. on page 265.

{ REGISTER SEAL }

Laura I. Halvor
Register of Deeds

By _____ Deputy.

STATE OF SOUTH DAKOTA)
COUNTY OF MOODY)ss

I hereby certify that I have carefully examined the within instrument and compared the same with the original and that it is a true copy of the same, and that the above is correct copy of the filing thereof.

Laura I. Halvor
Register of Deeds

CERTIFICATE OF LOCATION OF PUMPING STATION
FOR THE DIVERSION, APPROPRIATION AND USE OF WATER.

TO THE REGISTER OF DEEDS OF MOODY COUNTY, SOUTH DAKOTA
AND TO WHOM THIS NOTICE MAY COME:-

TAKE NOTICE :-

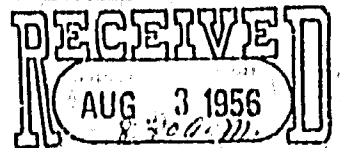
This is to certify that Ed H. Lacey
of Sioux Falls, South Dakota
is at this date the record owner of the following described land
in Moody County, South Dakota : to-wit The Southeast (SE)
quarter ($\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Five,
(105) N, Range Forty-Nine (49) W, less railroad, and the fractional
Southwest (SW) Quarter ($\frac{1}{4}$) of Section Eighteen (18), Township One
Hundred Five (105) N, Range Forty-eight (48), West of the 5th P.M.

That the above described land is agricultural land
bordering upon the Big Sioux River. That said owner desires to divert,
appropriate and use the waters of said river for the following
purposes, to-wit, for domestic use and to irrigate any and all crops
grown upon said land during the growing season of each year by means
of an overhead system of pipes carrying the water pumped from said
river at the rate of 1500 gallons per minute. That said pump and
irrigation system will be located upon the above described land
and adjacent to the bank of said river, at such point or points
as circumstances and necessity may require.

Dated January 21, 1950.

Ed H. Lacey
OWNER.

Location No. 213-3



Water Division No. 3 Big Sioux River Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Edward B. Lacey, owner and operator, Trent, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. I assumed that this was covered by posting of January 31, 1950 and recording of February 11, 1950.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wells pumped from common point (see map).

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Pump and wells that deliver to a central point 600 gallons per minute or more. Distributed through combined gravity and sprinkler system.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of the SW 1/4 Sec 18, T. 105N., R. 48W., and the SE 1/4 Sec 13, T. 105N., R. 49W. - 326.27 acres (gov't measurement).

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Domestic use, fire protection and possible farm product processing on above described lands.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 100 - 1500 gallons per minute.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Project was begun in 1950 and maximum water use of 1000 gallons per

minute was attained by 1951 on the afore mentioned land.

(Sign)

Edward H. Facy

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Sioux Falls*, County of *Minnehaha*

State of South Dakota, on this _____ day of _____ A. D. 19____

Witnesses.

Edwin S. Lawrence
notary public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

George D. Tykel Jr.
Lionel J. Brandman

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
--------------------	--	--------------------	--------------------------------	--------------	--------------	---------------	--------------------	-------------------------	--------------------------

211-3
212-3
213-3

September 6, 1956

Mr. Edward H. Mather
Dakota Engineering Company
Mitchell, South Dakota

Dear Mr. Mather:

Enclosed herewith are Mr. Edward H. Lacey's Vested Right permits and Certificates of Completion of Works for applications, No. 211-3, 212-3, and 213-3. You will note that we showed the works as completed. By this we meant the completion of his pump installations, wells, and the major portion of the mainline pipe. He will have two years in which to purchase the balance of his sprinkler line of which you spoke during your call at our office. This time is allowed and considered under the time allowed to furnish Proof of Beneficial Use of Water.

You will also note that we have changed the tie for the sand point wells to 625 feet south and 1100 feet east, instead of 1650 feet south and 2200 feet east. The latter description would have put the location in the NW 1/4 Sec. 18, T 105N, R 48W, instead of the NE 1/4 Sec. 18, T 105N, R 48W, as shown on the change that you authorized on August 3, 1956. The scale, as shown on your map (1" = 100') and the location as shown on our index map, seems to verify our assumption that the point of diversion is less than 1/2 mile south and less than 1 mile east of the West 1/4 Sec. 18, T 105N, R 48W. If our assumption and changes are correct, please confirm.

Also enclosed are Receipts, No. 1-196, No. 1-197, and No. 1-198 in the total amount of \$9.15 for recording and indexing fees which you have paid for Mr. Lacey.

Sincerely,

J. E. RICE
Chief Engineer

W:mrs

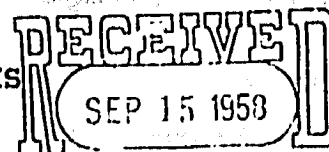
cc: 9

cc: Mr. Edward H. Lacey, Trust, . Dak.

Permit No. 213Water Division No. 3 Big Sioux Water District

Certificate of Examination of Works

Report of Examining Engineer



STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated September 3, 1958, I have this day made a thorough examination of the diversion works constructed by Edward H. Lacey of Trent, South Dakota Moody County, South Dakota, holder of Permit No. 211-3, 212-3, 213-3, issued upon Application No. 211-3, 212-3, 213-3 bearing date of priority of 1950, authorizing the diversion of 4.65 cu. ft. per second of the waters of ground water & Big Sioux River for domestic use, fire protection & possible farm product processing on lands specified herein. purposes. I have to report on the condition of the same as follows:

The diversion works comprise: See attached description

and the system is in the following condition: Good condition for very effective use whenever and wherever irrigation or other specified use is needed.

The point of diversion is located at points designated in the application 211-3, 212-3, and 213-3.

The works are capable of diverting and conveying to the place of use 4.65 cu. ft. per second of water, which is to be used for domestic use, fire protection and crop processing

The legal sub-divisions to be irrigated are: SW Sec. 12, T. 105 N., R. 48 W. and the SE Sec. 13, T. 105 N., R. 49 W. including 235.27 acres according to Government Land Office Official Survey.

comprising a total of 326.27 acres of land. The domestic use intended comprises water for man or beast as desired also for fire protection.

The utilization for power, mining, or other beneficial uses comprises: irrigation and processing of potatoes or other vegetables or farm products for market.

Witness my hand, this 6th day of September, A. D. 1958.

—SEAL—

Examining Engineer.

EQUIPMENT NOW ON HAND INCLUDES UNITS TO BEST SERVE THE CROP CHARACTER AND LOCATION WITH WATER APPLICATION LIMITED TO LEGAL LIMITATION OF THE WATER RIGHT

Diversion Works for Permits 211-3, 212-3 and 213-3 includes point 825 ft. south and 110 ft. east at the west $\frac{1}{4}$ corner, Section 18, T. 105, R. 48 W., also point 1780 ft. west and 100 ft. north of the SE Corner of Section 13, T. 105, R. 49. Point "A" between Big Sioux River and Gravel Pit, as shown on project map, includes wells pumped from common point as shown on the project map and located on the Lacey owned River frontage, or in the gravel pit.

540 ft.	8"	Aluminum tubing and couplings
300 ft.	7"	" " " "
5730 ft.	6"	" " " "
900 ft.	5"	" " " "
3240 ft.	4"	" " " "
10270 ft.		

- 259 No. Rainbird Sprinkler heads with nozzle connections and
- 175 Rainbird $\frac{13}{16}$ nozzle outlet combination to discharge 11.2 gpm under 35 psi pressure
- 175 " $\frac{5}{32}$ nozzle outlet combinations to discharge 11.2 gpm under 35 psi pressure
- 84 " $\frac{3}{16}$ nozzle outlet combinations to discharge 8.32 gpm under 35 psi pressure
- 84 " $\frac{1}{8}$ nozzle outlet combinations to discharge 8.32 gpm under 35 psi pressure
- 1 Rainbird Model 100 " Sprinkler with 1" x 7/16" x 3/16" nozzle & 100 psi, 350 GPM discharge
- 1 Waukesha 4 Cylinder Model HE 25 3 Serial No. 34668 Power Unit
- 1 Caterpillar Model 3 Cylinder 6" x 8" Model 80315 Power Unit
- 1 Cryslar Unit 6 Cylinder with Hale Pump having 4 $\frac{1}{2}$ " intake x 2-2 $\frac{1}{2}$ " outlets, Engine No. 104-6421
- 1 Cryslar Unit 6 Cylinder with Hale Pump having 4 $\frac{1}{2}$ " intake x 2-2 $\frac{1}{2}$ " outlets, Engine No. 215-93184
- 1 Spare Hale Pump having 4 $\frac{1}{2}$ " inlet and 2-2 $\frac{1}{2}$ " outlets
- 1 Spare Hale Pump having 4 $\frac{1}{2}$ " inlet and 2-2 $\frac{1}{2}$ " outlets for Waukesha Drive
- 1 FM & Co. Size 5 P.M. 875 HE No. 1-1-66 5 split case pump
- 1 Compater 6 x 6 No. 2013 LP 255

ABOVE EQUIPMENT CAN BE USED ANYWHERE OR IN VARIOUS COMBINATIONS DISCHARGING NOT MORE THAN 400 G.P.M. OF WATER = 2092.5 G.P.H.

211-3 212-3 213-3
J.W. Grines
State Office Bldg.
Pierre, So. Dak.

Jim Lacey
Trent, So. Dak.
57065

Dear Sir,

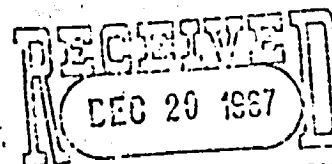
My Father and I farm 440 acres just south of Trent on the Sioux River. We have water rights for roughly 2200 gallons per minute on 320 acres of this land. The other 120 acres we purchased last spring and have no water rights on this. This newly purchased land adjoins our 320 acres on the south side. Several years ago we installed a 10" steel pipeline along our south line so now we have land on both sides of this line.

I would like you to determine or else ask the Water Resources Commission when it meets if we can go ahead and water this additional 120 acres without exceeding our 2200 gallon per minute right. From my point, there would be no point for us to acquire additional water as 2200 gallons is adequate to handle the acreage.

Also, I would like your personal opinion of the feasibility of developing the the Big Sioux River as outlined in this little folder enclòsed, recently I was elected to the Board of Directors of this association.

Sincerely,

Jim Lacey
Jim Lacey



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

211-3 212-3 213-2

December 20, 1967

Mr. Jim Lacey
Trent
South Dakota 57065

Dear Mr. Lacey:

Concerning your recent letter, the State water laws require that a water right must be obtained for the additional 120 acres you propose to irrigate even though you have sufficient water capacity to handle the additional acreage.

Water right application forms are enclosed. This can be handled as a supplement to your present water rights Nos. 211-3, 212-3 and 213-3, including the additions to the map.

With respect to the possible development of the water resources in the whole Big Sioux Basin as very generally outlined in the brochure attached to your letter, much benefit and solutions of problems could be the results of such development. In addition to the studies being made by the Corps of Engineers, the Soil Conservation Service and the Bureau of Reclamation have basin-wide investigations underway. With the information from all such work, what might be built will depend in large part upon the approval of people living in the basin. Verne Butler of the East Dakota Conservancy Sub-District, P. O. Box 68, 524 17th Ave., Brookings, South Dakota 57006, is following these studies closely. I assume that your Rural Area Development Association is working closely with him.

Sincerely,

J. W. Grimes

JWG/sjb
Enclosure
cc--Verne Butler

- Irrigation Supplies
- Berkeley Pumps
- E-Z Rain Machines
- Aluminum or Plastic Pipe
- Nelson Volume Guns
- Traveling Gun Hose
- Hot Vulcanized Hose Repair
- Gravel Packed Irrigation Wells
- Test Boring
- Westernhand Roller Pumps,
- Turbine Pumps
- Ground Water Heat Pumps
- Wood Stoves

ED H. LACEY & SONS
Box 796
TRENT, SOUTH DAKOTA 57065

PHONE (605) 428-5686 Ed (605) 428-5979 Jim
(605) 428-5141 Mike (605) 428-5101 Ted

John,

This covers now 213-3 212-2 211-3 as we use these as units most of the summer. We are considering adding 27 acres with burg pipe for ease of irrigation am presently waiting a response from the Dept of Trans. As we need to go under the RR track we need a permit to cross the track. Nora Doyle and Toby Wolf are in charge of this division, as there is no traffic on the line & no reason for delay, we have one crossing 1/4 mile south installed same way as this. Could you give them a call if possible at your convenience. I would appreciate completing this before beans are planted

Sincerely,

Ted Lacey (son)



Water Rights Division (605) 773-3352

211-3, 212-3, 213-3

May 14, 1981

Ted Lacey
Box 796
Trent, SD 57065

Dear Mr. Lacey:

We have contacted the Department of Transportation regarding your request to install a line to cross their track. Nora Doyle indicated they have to have one of their engineers check it out, and they have been tied up with other work. They anticipate that they will get to it soon.

We are assuming the 27 acres you mentioned are included in the acreage under Water Rights 211-3, 212-3 and 213-3. If so, we have no objection to changing the method of applying the water.

Sincerely,

BURTON F JONES
Water Rights Specialist

BFJ/gy

**OBSERVATIONS DURING THE FIELD INSPECTION OF THE EDWARD
H. LACEY IRRIGATION PROJECT (VESTED RIGHT 211-3, 212-3, and
213-3) ON NOVEMBER 2, 1956.**

Mr. Lacey was very cooperative during this inspection even when told that this was only a pick-up inspection and not a formal one.

He has 4 self contained pumping units equipped with $4\frac{1}{2}$ " inlet and $2\frac{1}{2}$ " outlet Hale pumps. Each is rated at 500 gpm. They are powered by Chrysler, Dodge, Wakasha (90Hp) and Diamond-T industrial engines. The pumps all have pressure gauges installed. These units were purchased from government surplus.

The water on the home project is pumped from 11 wells which are 3 feet in diameter with gravel pack screens, they are all curbed with concrete tile. All 11 wells are piped to a central pumping point. Each well is also valved and during the pumping Mr. Lacey adjusts the valves so that the requirement from each well will be such that the static water level in all of the wells will be kept as closely the same as possible. There is approximately 12 feet of water in each well.

He now has about 2640 feet of 6" line, 80 rods of 5", and 3340 feet of 4". Mr. Lacey is going to purchase 2000 feet of 8" main line pipe this spring in order to relieve some of the friction loss when pumping a half-mile which he is required to do at times. He has 170 Rainbird Model 40 5/32 x 13/64 nozzles (15 gpm @ 40#) and 170 rizers.

Normally Mr. Lacey has 160 acres in potatoes and 160 acres in corn, alfalfa and general crops. The entire acreage is usually irrigated.

The location of the central point of diversion for his 11 wells at home, the Big Sioux River and the three wells in the gravel pit compared very closely with that shown on the map.

He has three wells in the gravel pit which he drops a suction hose into and uses a portable pump.

There is only a Railroad fill that separates the gravel pit from the Sioux River diversion. Pumping may be done from both of these points with the pump at only one location as shown on the map.

Mr. Lacey's equipment was all in very good condition. At the time of my visit he had 3 of the pumping units torn down and was giving them a complete overhaul.

The general observation showed that the quality of the potatoes, corn etc, and fields were very good.

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

Edward H. Lacey
Box 796
Trent SD 57065

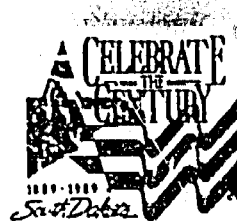
Dear Mr. Lacey:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 211-3, 212-3, 213-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin W. Brong*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 6, 1991

NOTICE OF AMENDMENT OF WATER PERMIT

TO: TED LACEY, OPERATOR
RR #1 BOX 39
TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Amendment to Water Permit No(s). 211-3,
212-3, 213-3

Pursuant to the provisions of the notice dated February 1, 1991, and following the Hearing February 27, 1991, the Water Management Board has amended Water Permit No(s). 211-3, 212-3, 213-3 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation.

Please contact Gerry McMath (605) 773-3352, if you have any questions.

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: **TED LACEY, OPERATOR
RR #1 BOX 39
TRENT SD 57055**

4. Article Number: **P 694 059 386**

Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise

21-3, 21-3
Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature of Addressee: *Ted Lacey*

6. Addressee's Address (ONLY if requested and fee paid): *Ted Lacey
RR #1 BOX 39
Trent SD 57065*

6. Signature of Agent: *[Signature]*

7. Date of Delivery: *3-7-91*

PS Form 3811 Apr 1989 U.S. GPO 1989-234-616 DOMESTIC RETURN RECEIPT

Water Rights Division - DVNR
Conversation or File Documentation

211-3
File No. 212-3

213-3

NAME OF PERSON OR FILE: Ted Lacey
ADDRESS: RR1, Box 39, Trent, SD 57065 COUNTY Moody
DATE: 8-31-89 TELEPHONE (605) 428-5122
RE: Status of Vested Rights 211-3, 212-3 + 213-3

COMMENTS:

On 6-28-89 I inspected the lands irrigated under Vested Right Claims NOS - 211-3, 212-3 + 213-3 to determine the status of the permits.

The 3 vested right claims have been combined to produce 2100 GPM ^(14,450 cfs) to irrigate 326 acres in the SE $\frac{1}{4}$ of Section 13, T105N, R49W and the SW $\frac{1}{4}$ of Section 18, T105N, R48W. The 3 claims cover diversions from the Big Sioux River ^{and wells} in an adjacent gravel pit in Section 13 + ~~a~~ shallow wells in Section 18.

The diversion point from the Big Sioux River is also used to supply water to another permit, No. 1500-3 now operated by Ted Lacey.

Presently approximately 252 acres are irrigated under the 3 Vested Right claims (see map). There are 4 diversion points capable of producing 2850 GPM (see map). About 765 GPM of the maximum diversion rate from the river diversion point is for Permit No. 1500-3. The 3 Vested

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tom Brannen

Water Rights Division - DVNR
Conversation or File Documentation

211-3
File No. 212-3

213-3

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

Right Claims should be combined into one
Voted Right and should be validated for
16.16 GPM ^(3.6 cfs) from 4 diversion points to
irrigate 252 acres.

The approximate acreage irrigated is

Section 13	Section 18
NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 3 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 22 Acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 29 Acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 38 Acres
131 Acres	121 Acres

The present capacities of the pivots and other systems are:
SE $\frac{1}{4}$ of Sec. 13 - 750 to 900 GPM, depending on wind gun
SW $\frac{1}{4}$ ~~SE~~ ^{SW} of Sec. 18 - 450 GPM
E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 18 - 750 GPM
traveling gun - 450 GPM
linear system (used at times) - 600 GPM

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Chris Brasher



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 15, 1992

NOTICE

TO: Edward H. Lacey
Box 796
Trent SD 57065

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim Nos.
211-3, 212-3 and 213-3

A Notice of Intent to validate Claim Nos. 211-3, 212-3, 213-3 was published on June 22 and 29, 1988 in the Moody Co. Enterprise, Flandreau SD. The Water Rights Division opposed validation of Nos. 211-3, 212-3, 213-3 for purposes of completing on-site inspection of the claims. The inspection of the claims was completed on June 28, 1989, by Tom Brandner staff engineer. The inspection found that the number of acres being irrigated has been reduced from 326.27 acres to 252 acres. The diversion rate is to be reduced, accordingly, from 4.65 cubic feet of water per second (cfs) to 3.6 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (252 acres/70 = 3.6 cfs).

The Water Management Board will consider validation of Claim Nos. 211-3, 212-3 and 213-3 at 9:30 am, May 6, 1992, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 9:30 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim Nos. 211-3, 212-3 and 213-3 are recommended for a diversion rate of 3.6 cfs from the Big Sioux River and three wells for stock watering and to irrigate 252 acres. Following the hearing, the Board is authorized to 1) validate the claims as recommended for 252 acres and 3.6 cfs, 2) validate the claims as licensed prior to the on-site inspection, 3) validate the claims based on evidence presented at the public hearing, or 4) defer validation of the claims. Applicable provisions of the published notice of intent to validate Claim Nos. 211-3, 212-3 and 213-3 will still apply at this hearing. A copy of the June 22 and 29, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. 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.

cc: Diane Best, Assistant Attorney General

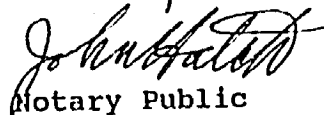
275.5

Edward H. Lacey, Box 796, Trent, SD 57065.

Diane Best, Assistant Attorney General, Capitol Building.

Christ of the road

Sworn to, before me, this 16th day of April, 1992.



213-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 24, 1992

Patrick Lacey
141 N Main #704
Sioux Falls SD 57102

Dear Mr. Lacey:

This letter is in response to our phone conversation on April 23, 1992. Enclosed are copies of Vested Water Right Nos. 211-3, 212-3, and 213-3; inspection notes by Tom Brandner; a map prepared from the inspection; and the water rights laws.

The copies of the vested right claims include each application as filed and the water license issued for each claim. Based on the inspection results, a map was prepared. The map outlines in red the acreage being irrigated (252 acres) and also shows the location of the pipelines in orange.

The statutes pertaining to validation of Mr. Lacey's vested right claims are South Dakota Codified Laws 46-2A-16 through 46-2A-18 (pages 27 and 28). The reduction in the diversion rate from 4.55 cubic feet of water per second (cfs) to 3.6 cfs is based on SDCL 46-5-6 (page 39). The acreage (252 acres) divided by 70 are the figures used to arrive at the 3.6 cfs figure.

You are welcome to attend the hearing in Pierre on May 6, 1992; however, if you agree with the contents of the notice dated April 15, 1992, there is no need to make the trip. The Water Management Board will validate the claim as recommended in the notice. Please let me know if you have any problems with the recommendation, we may be able to address your concerns and save you a trip to Pierre.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Water Rights Division - DWIR
Conversation or File Documentation

File No. 211-3
212-3
213-3

NAME OF PERSON OR FILE: Ted Lacey

ADDRESS: RR1, Box 39, Trent, SD 57065 COUNTY Moody

DATE: May 1, 1992 TELEPHONE 428-5122

RE: Validation of Vested Right Claims 211-3, 212-3 & 213-3

COMMENTS:

Mr. Lacey called me at home on the evening of April 30, 1992. He was concerned that we are recommending a reduction in the diversion rate for the three claims. He is unable to attend the WMB meeting on May 6th due to corn planting. The higher diversion rate is needed due to the sandy type soil. I told him I would check on the situation and call him at 1:00 p.m. on May 1st.

Called Mr. Lacey @ 1:30 p.m. on May 1st. Told him that we would recommend validation of the three Vested Right Claims at a diversion rate of 2.65 cfs. This exceeds the allowable rate (by statute) of 3.6 cfs by 1.65 cfs. The reason for recommending the 2.65 cfs is that the soil is very sandy and the configuration of the fields requires more time to irrigate. I also told him that we would incorporate the three claims into one claim. Mr. Lacey agreed with all of this.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: William D. Booz

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 213-3 FOR IRRIGATION

(1) Edward H. Lacey of Box 796, Trent, SD 57065 made Application No. 213-3, June 14, 1956 for validation of a vested right claim to appropriate 4.65 cubic feet of water per second from the Big Sioux River and groundwater, Moody County, South Dakota for irrigation and stockwater purposes. Vested Water Right No. 213-3 was validated May 6, 1992 with a priority date of January 1, 1948. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

An inspection of Vested Right Claim Nos. 211-3, 212-3 and 213-3 was completed June 28, 1989. The inspection found the amount of acres being irrigated had been reduced. Based upon the inspection and subsequent validation of the claims, Water License No. 213-3 is being issued to reflect what is actually being irrigated.

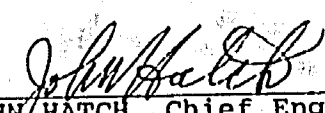
The applicable portions of Nos. 211-3 and 212-3 were incorporated into Vested Right No. 213-3 upon validation.

(2) The applicant is entitled to divert 4.65 cubic feet of water per second for beneficial use. The location of the diversion points are in the SW 1/4 SE 1/4 Section 13, T105N, R49W (Sioux River and three wells).

The location of the irrigated acreage is:

T105N, R49W Section 13	NW 1/4 SE 1/4	40 Acres
	NE 1/4 SE 1/4	40 Acres
	SE 1/4 SE 1/4	22 Acres
	SW 1/4 SE 1/4	29 Acres
T105N, R48W Section 18	NW 1/4 SW 1/4	3 Acres
	NE 1/4 SW 1/4	40 Acres
	SE 1/4 SW 1/4	40 Acres
	SW 1/4 SW 1/4	38 Acres
Total-----		252 Acres

(3) Pursuant to Section 46-5-30.1 Edward H. Lacey of Box 796, Trent, SD 57065 the holder(s) and/or owner(s) of Vested Water Right No. 213-3 is issued a license to appropriate 4.65 cubic feet of water per second from the Big Sioux River and groundwater (3 wells) with a priority date of January 1, 1948 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation and stockwatering. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 213-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

JUN 29 1992

SOUTH DAKOTA

VESTED WATER RIGHT NO. 213-3 FOR IRRIGATION

Date of Receipt of Claim June 14, 1956.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 213-3 for irrigation purposes for Edward H. Lacey, Box 796, Trent, SD, 57065 with the following limitations, conditions and qualifications:

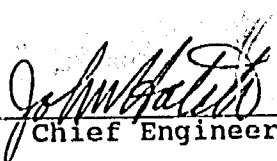
1. Vested Water Right No. 213-3 appropriates 4.65 cubic feet per second of water from the Big Sioux River and three wells for stock watering and to irrigate 252 acres. The points of diversion are located in SW1/4 SE 1/4 Section 13, T105N, R49W. The irrigated lands are located in the SE1/4 Section 13, T105N, R49W and in the SW1/4 Section 18, T105N, R48W. This exceeds the statutory limit by 1.05 cfs based on the type of soil (very sandy) and the method of irrigation (pivots do not make a complete circle).
2. The appropriation may not exceed the amount of water needed for beneficial use for stock watering and for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is January 1, 1948.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The applicable portions of Water License Nos. 211-3 and 212-3 have been incorporated into Water License No. 213-3 and the abandoned portions of Water License Nos. 211-3 and 212-3 have been cancelled.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Edward H. Lacey
Box 796
Trent SD 57065

Dear Mr. Lacey:

The Water Management Board has validated the enclosed Vested Water Right No. 213-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

The applicable portions of Water License No. 211-2 and 212-3 have been incorporated into Water License No. 213-3 and the abandoned portions of Water License Nos. 211-3 and 212-3 have been cancelled.



213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995
TED LACEY
RR #1 BOX 39
TRENT SD 57065

NOTICE

RE: Violation of Water Permit No(s) 1500-3, 213-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 1500-3, 213-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

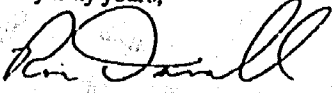
The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

CC: ED LACEY, BOX 196, TRENT, SD 57065

213-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 28, 1995

213-3
1500-3

Ted Lacey
RR #1 Box 39
Trent, SD 57065

Dear Mr. Lacey:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit and the Requirement to Submit the 1994 Irrigation Questionnaire.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

c: Ed Lacey, Box 796, Trent, SD 57065



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: TED LACEY, RR 1 BOX 39, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 213-3, 1500-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

213-3

TED LACEY
RR 1 BOX 39
TRENT SD 57065

4a. Article Number

Z 179 157 152

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☒ COD

7. Date of Delivery

1-10-98

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Ted Lacey

6. Signature: (Addressee or Agent)

X *Ted Lacey*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 22, 1998

213-3

1500-3

Ted Lacey
RR 1 Box 39
Trent, SD 57065

Dear Mr. Lacey:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 213-3 and 1500-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 12, 2002

213-3

Ted Lacey
24064 478th Ave
Trent, SD 57065

Dear Mr. Lacey:

I am contacting you in regard to ownership of land described in Vested Water Right No. 213-3. It has come to our attention that the vested water right may need to be transferred. Enclosed is a copy for your review.

Also enclosed, is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review and complete as needed. Once completed, return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If we should be directing our correspondence to someone other than you for the ownership change, please let me know. Thank you in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 26, 2002

213-3

Ted Lacey
24064 47th Ave
Trent, SD 57065

Dear Mr. Lacey:

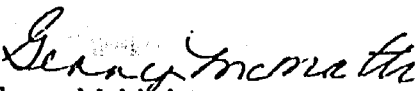
Thank you for sending in the transfer of ownership form for Vested Water Right No. 213-3.

The form was completed properly, however the transfer can not be completed without the \$2.50 filing fee as required by statute. My first letter may not have been clear with respect to payment of the fee.

Please remit a total of \$2.50 at your earliest convenience. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the fee, Vested Water Right No. 213-3 will be transferred from Edward H Lacey to Theodore (Ted) L Lacey and/or Bev L Lacey. If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
JUN 21 2002
WATER RIGHTS
PROGRAM

No. 213-3

Date: June 19, 2002

I/We request that Vested Water Right No. 213-3

formerly owned by: Edward H Lacey

be transferred to: (name & address) Theodore (Ted) L. Lacey and
OR Bev L Lacey 24064 478th Ave.
Trent S. D. 57065 Telephone No. 605 438 5122

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

252 acres -- SE 1/4 Section 13, T105N, R49W and the SW 1/4 Section 18, T105N, R48W

I/We understand that the validity of Vested Water Right No. 213-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ted/Bev Lacey, the new owner, certify that the above information is true and correct.

Theodore (Ted) L. Lacey
(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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO. 417210

Pierre, July 1, 20 02

RECEIVED OF Theodore L. or Beverly L. Lacey, 24064 478th Ave, Trent SD 57065
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 _____

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 213-3

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbe
Chief Engineer

gsm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 2, 2002

213-3

Ted Lacey
24064 473rd Ave
Trent, SD 57065

Dear Mr. Lacey:

Thank you for following up on the ownership change for Vested Water Right No. 213-3. No. 213-3 authorizes irrigation of 252 acres in the SE ¼ Section 13, T105N, R49W and the SW ¼ Section 18, T105N, R48W.

The transfer has been completed. The vested water right formerly listed in the name of Edward H Lacey is now listed as being owned by: "Theodore (Ted) L Lacey and/or Bev L Lacey".

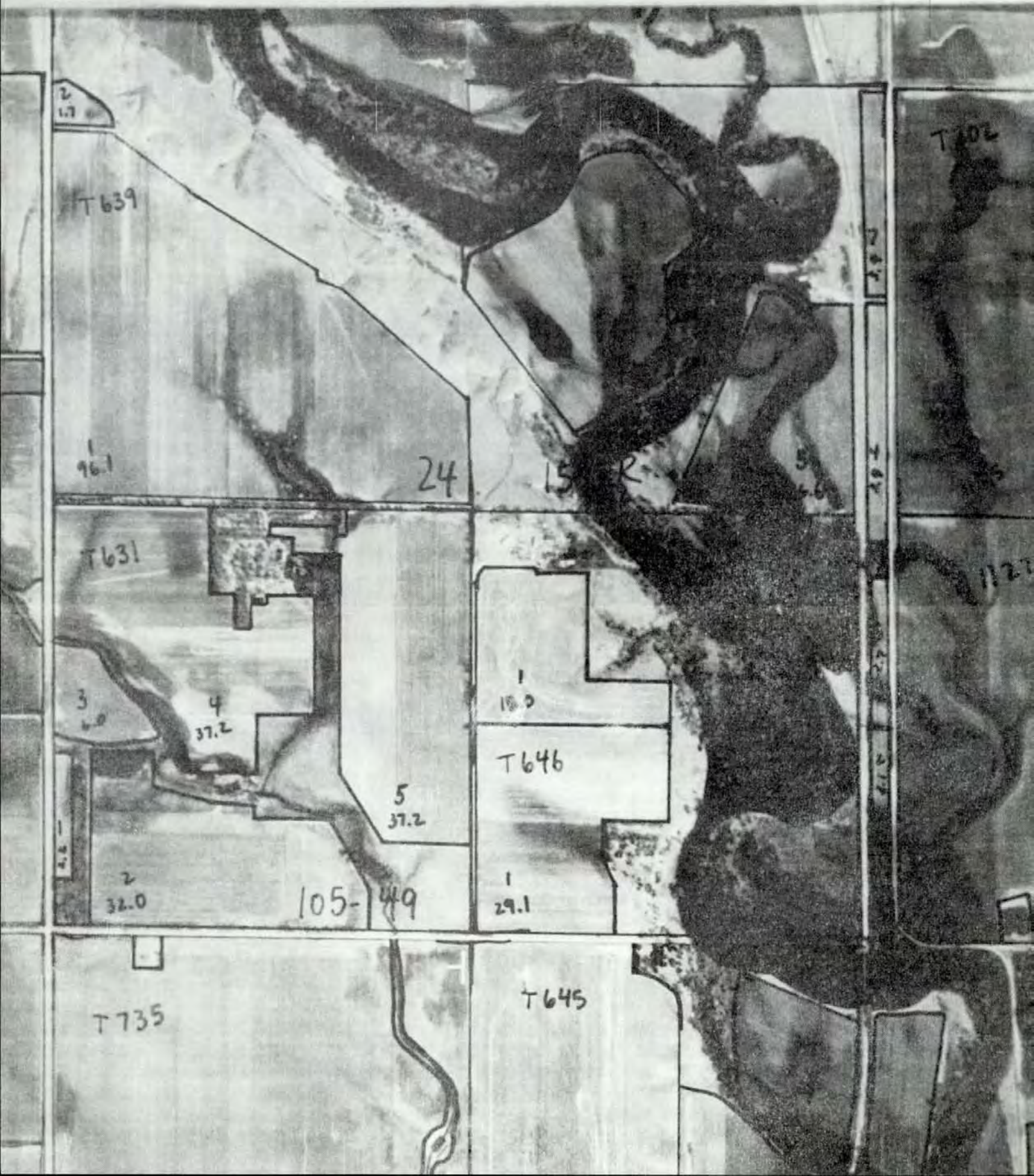
Enclosed is your Receipt No. 417210 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

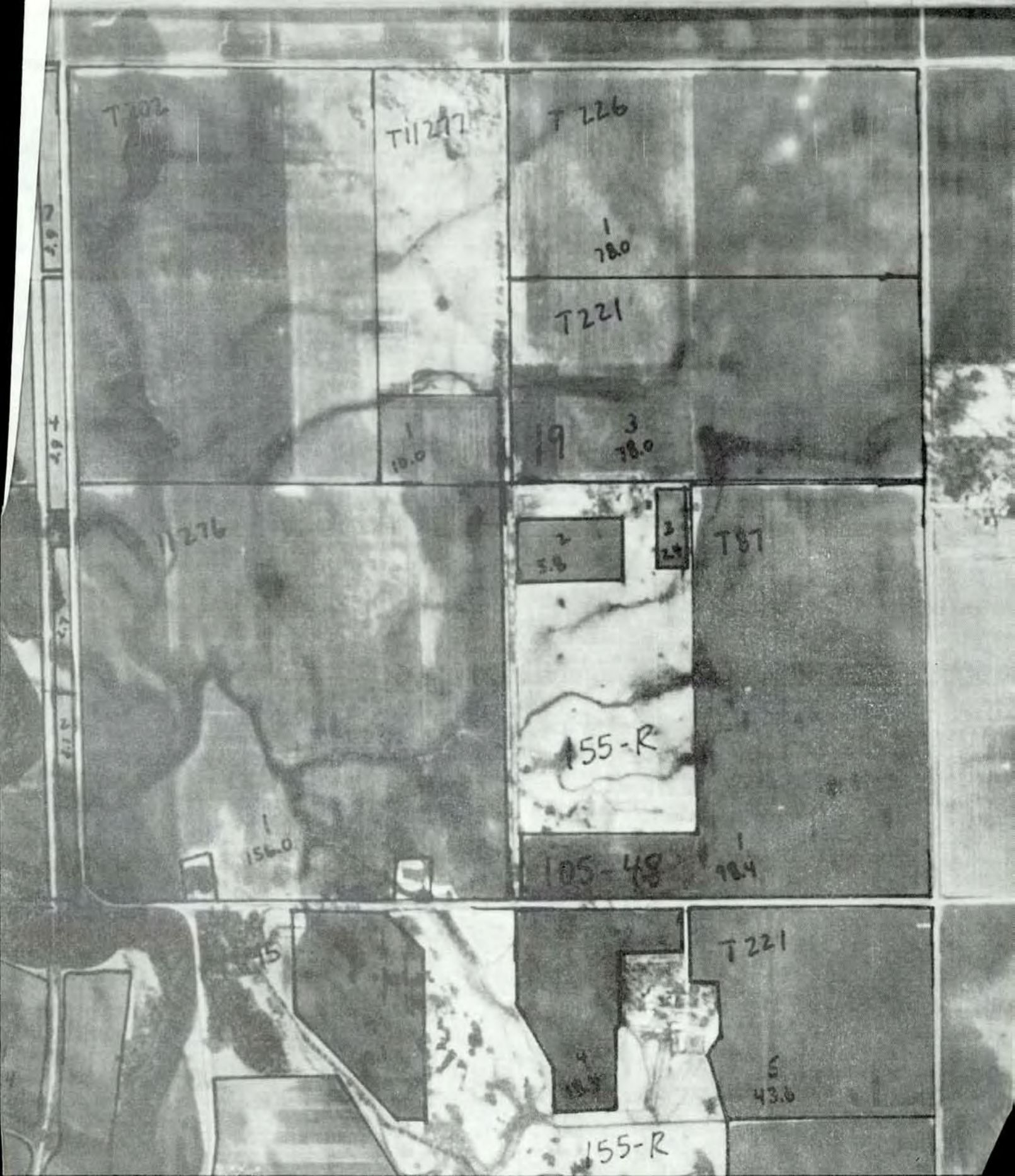
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOT TO SCALE



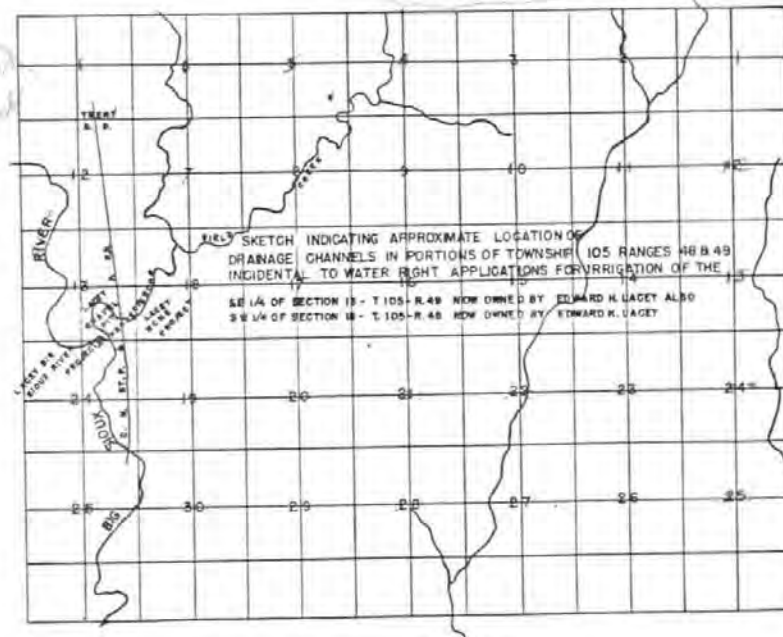
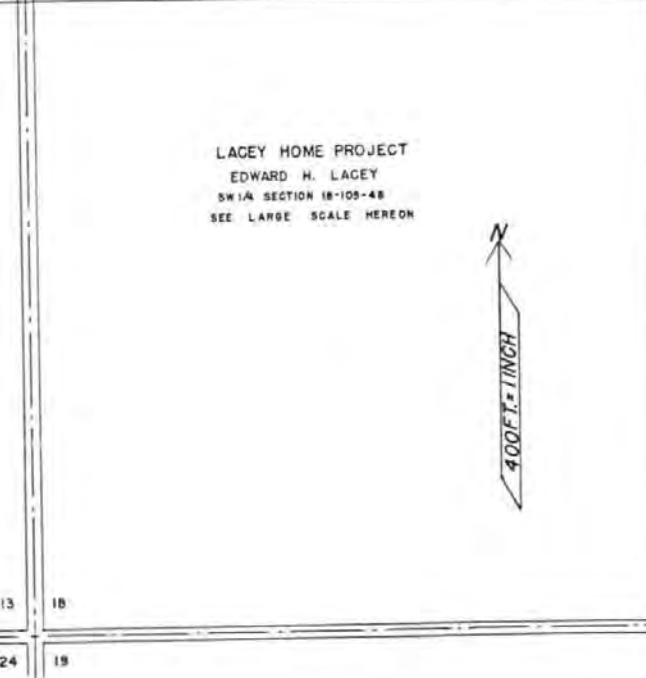
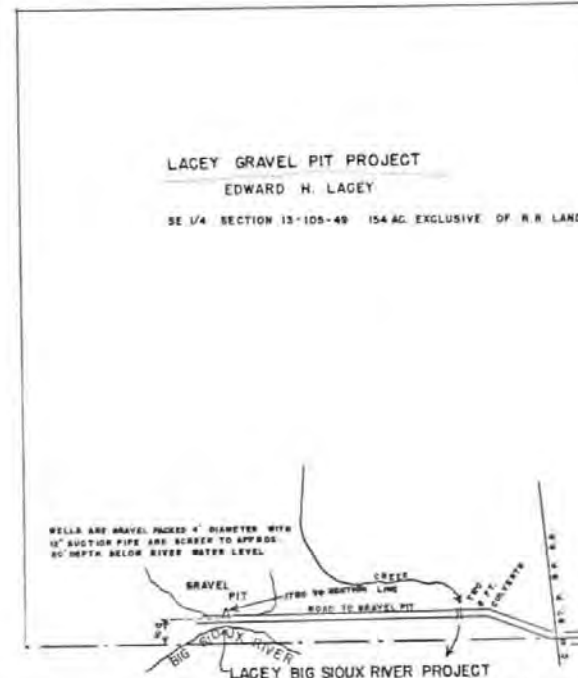
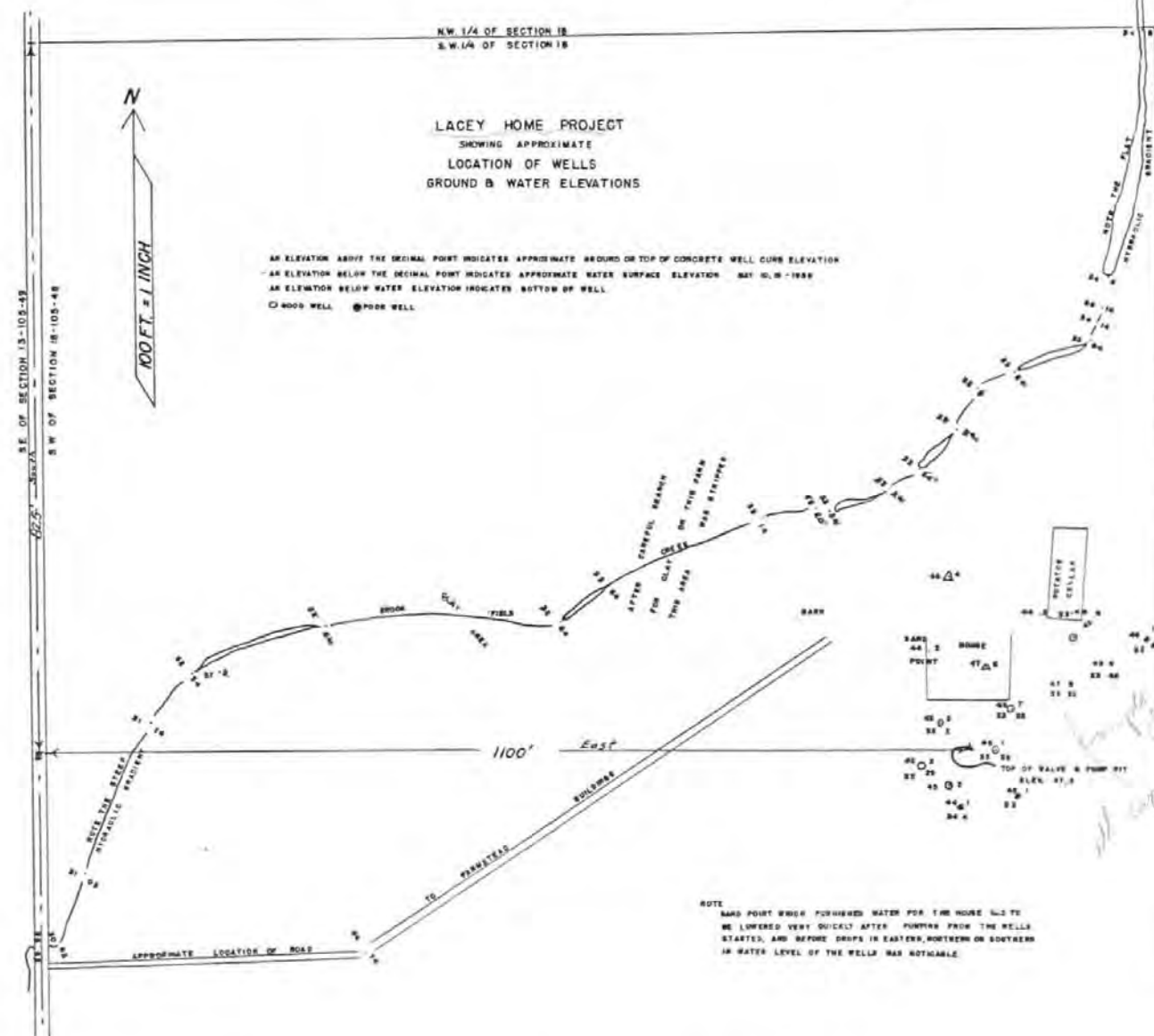
NOT TO SCALE



NOT TO SCALE NOT TO SCALE



Thomas M. Brandon
6-28-89



I, Edward K. Mather, a duly licensed Land Surveyor, in and for the State of South Dakota, do hereby certify that the accompanying map shows the land to be watered from one or more sources of water supply by pumping and sprinklers under the LACEY WATER PERMITS or Water Rights.

In Witness Whereof I have hereunto set my hand and seal this 31st. day of May, 1956
Edward K. Mather
 Licensed Land Surveyor

State of South Dakota)
 County of Moody)

On this 31st. day of May, 1956, before me, Elsie Hanson, the undersigned officer, personally appeared Edward K. Mather, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

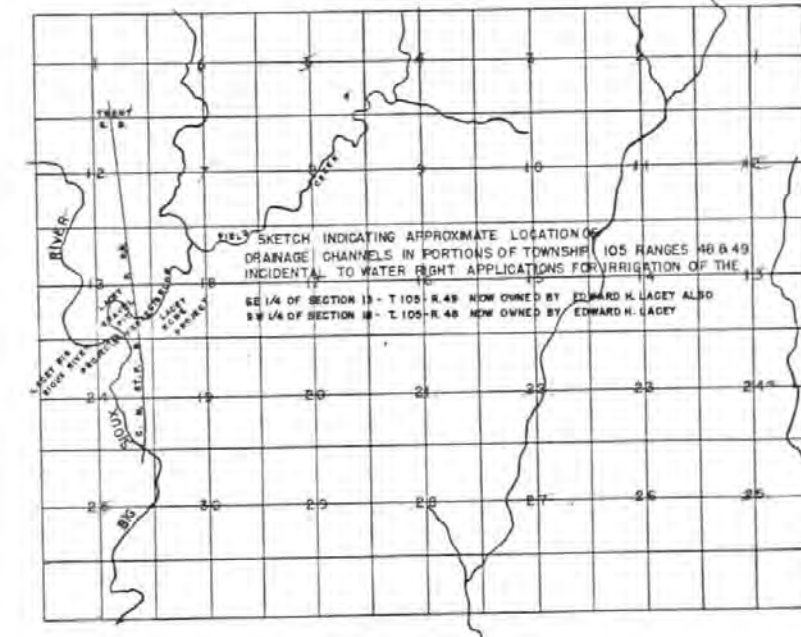
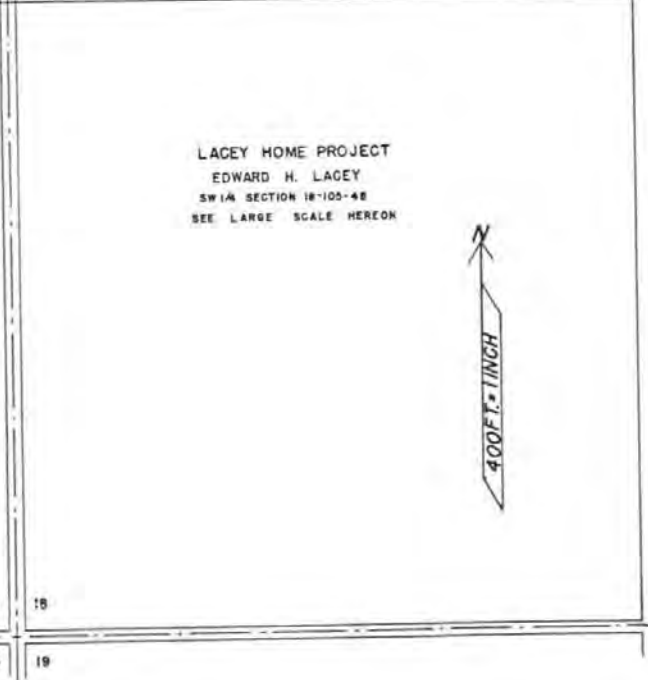
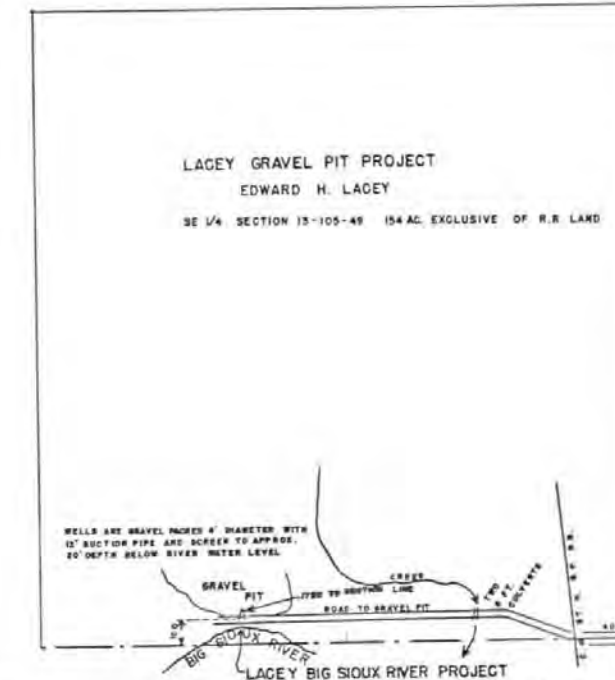
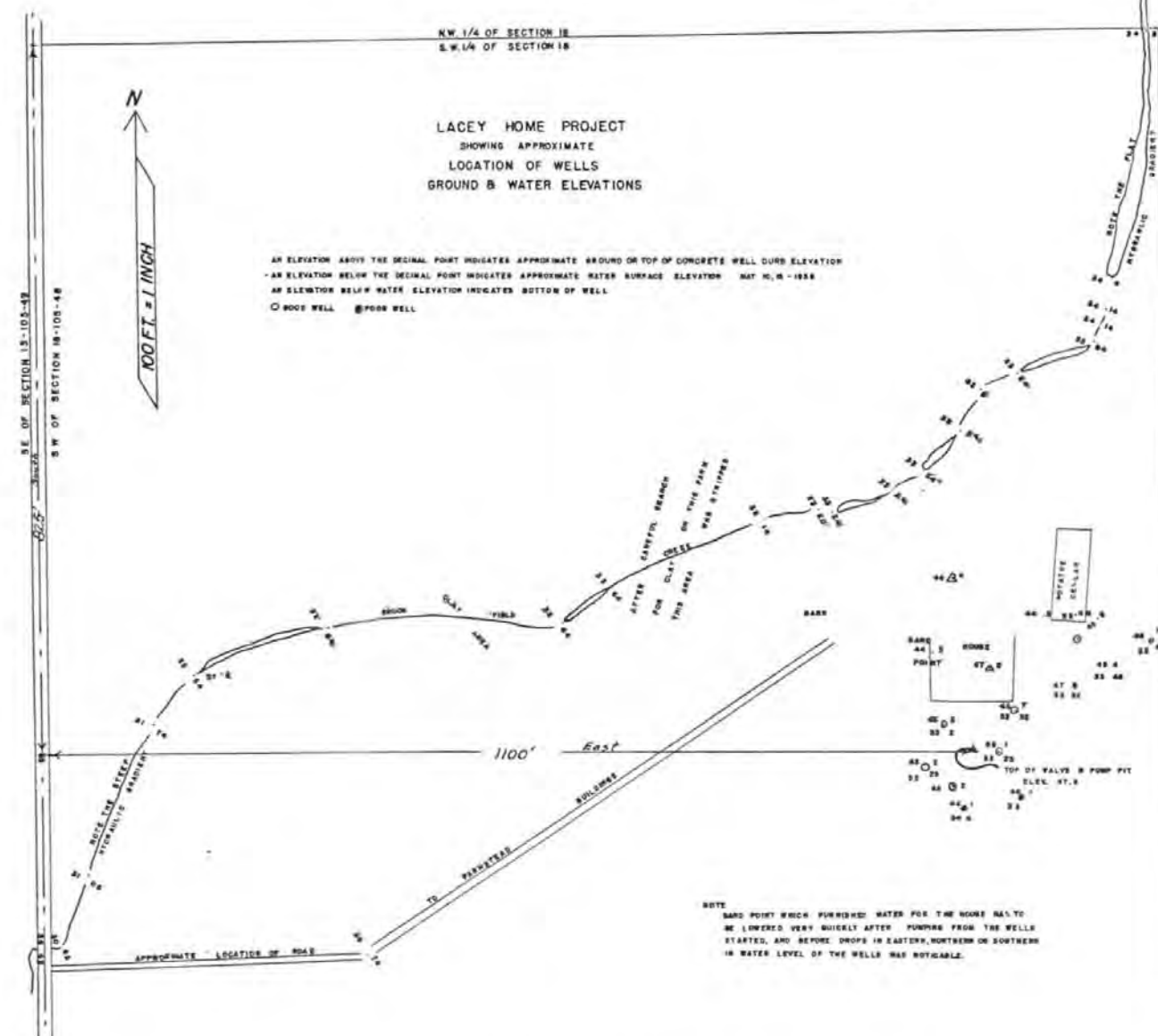
In Witness Whereof I have hereunto set my hand and official seal.
Elsie Hanson
 Notary Public, South Dakota
 My Commission Expires: June 23, 1959

NO. 40 RAMBIRD NOZZLES					
3/16 X 1/8		7/32 X 3/16		1/2 X 7/32	
PRESSURE	DIAMETER	DISCHARGE	DIAMETER	DISCHARGE	DIAMETER
20	8.8	7.1	8.8	10.7	8.8
30	9.1	7.99	9.6	12.8	10.4
40	9.4	8.23	10.1	14.6	11.0
50	9.6	8.46	10.5	16.2	11.5
60	9.8	8.69	10.8	17.6	12.0
70	10.0	8.91	11.0	18.9	12.5
80	10.1	9.12	11.2	20.1	12.8
90	10.2	9.32	11.4	21.2	13.1

LACEY'S IRRIGATION PROJECTS

BIG SIOUX RIVER PROJECT
 GRAVEL PIT PROJECT
 HOME PROJECT

Map No. 167-3
 (Appl's No. 211-3
 212-3
 213-3)



I, Edward K. Mather, a duly licensed Land Surveyor, in and for the State of South Dakota, do hereby certify that the accompanying map shows the land to be watered from one or more sources of water supply by pumping and sprinklers under the LACEY WATER PERMITS or Water Rights.

In Witness Whereof I have hereunto set my hand and seal this 31st. day of May, 1956
Edward K. Mather
 Licensed Land Surveyor

State of South Dakota)
 County of Moody)

On this 31st. day of May, 1956, before me, Elsie Hanson, the undersigned officer, personally appeared Edward K. Mather, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In Witness Whereof I have hereunto set my hand and official seal. *Elsie Hanson*
 My Commission Expires: June 23, 1959 Notary Public, South Dakota

NO. 40 RAINBIRD NOZZLES					
5/8x1/8		3/4x3/8		3/4x1/2	
PRESSURE	DISCHARGE	PRESSURE	DISCHARGE	PRESSURE	DISCHARGE
20	1.13	20	1.7	20	24.8
30	1.50	30	2.2	30	34.4
40	1.88	40	2.7	40	44.0
50	2.25	50	3.2	50	53.6
60	2.63	60	3.7	60	63.2
70	3.00	70	4.2	70	72.8
80	3.38	80	4.7	80	82.4
90	3.75	90	5.2	90	92.0
100	4.13	100	5.7	100	101.6
110	4.50	110	6.2	110	111.2
120	4.88	120	6.7	120	120.8
130	5.25	130	7.2	130	130.4
140	5.63	140	7.7	140	140.0
150	6.00	150	8.2	150	149.6
160	6.38	160	8.7	160	159.2
170	6.75	170	9.2	170	168.8
180	7.13	180	9.7	180	178.4
190	7.50	190	10.2	190	188.0
200	7.88	200	10.7	200	197.6

LACEY'S IRRIGATION PROJECTS

BIG SIOUX RIVER PROJECT
 GRAVEL PIT PROJECT
 HOME PROJECT

Map No. 167-3
 (Appl's No. 211-3
 212-3
 213-3)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

213-3

07-92

Location SW 1/4 SE 1/4 Sec 13 Twp 105-N Rg 49-W

County

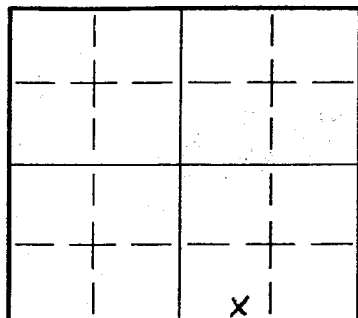
North

Moody

Please mark well location with an "X"

W

E



Well Completion Date

2-20-12Well Owner: Ted Lacey

Business Name:

Address: 24064 478th Ave.Trent, S.D. 57065

WELL LOG:

DEPTH

FORMATION

FROM

TO

Fine Brown Sand015Medium Sand1526Coarse Gravel2633

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/2 mile from Feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket False Casings

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
20 LB/FT 14 IN +1 FT 21 FT 20 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement _____ _____ lb./gal 0 ft 14 ft
 _____ _____ _____ lb./gal _____ ft _____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 12 FEETMaterial PVCSlot Size 100 Set From 21 Feet to 33 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: __________
NO, Why Not? _____Chlorine Pallets

Laboratory sent to for water quality analysis

No LogSTATIC WATER LEVEL 14' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Sub☐ Bailed☐ Other

Pumping Level Below Land Surface

28' ft. After 2 Hrs. pumped 300 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

RECEIVED

REMARKS

MAR - 1 2012**WATER RIGHTS PROGRAM**This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling

Signature of License Representative:

Jean Reddaway

Signature of Well Owner or Equitable Property Holder:

Ted LaceyDate: 2-27-12



213-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	CANTON	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	ALCESTER	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIoux FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

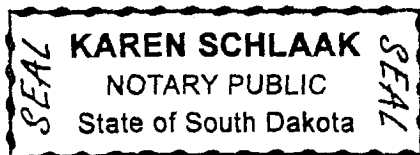
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013



213-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 15, 2014

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

Thank you for returning your 2013 irrigation questionnaires pertaining to Vested Water Right No. 213-3 and Water Right No. 1500-3. In reviewing your questionnaires, we found discrepancies in the amount of water used and have some concerns.

Water Right Nos. 213-3 and 1500-3 both allow you to use up to three acre-feet of water per acre each year. On your irrigation questionnaires, however, you reported substantially more water use. You reported the following information for 2013:

Water Right No.	Acres reported irrigated in 2013	Reported Water Use in 2013	Acre feet of water allowed based on acres irrigated
No. 213-3	252 acres	1104 acre feet	756 acre feet (252 x 3)
No. 1500-3	87 acres	1049 acre feet	261 acre feet (87 x 3)

We realize that in any given year, water use may be more or less depending on climatic conditions. Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect as accurate information as possible to ensure everyone is using only that amount of water appropriated to them.

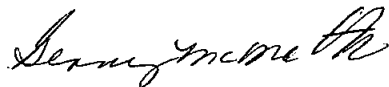
The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Our goal is to protect existing water rights and ensure that additional water rights do not impair those existing water users.

If you did indeed apply that much water in 2013, you are exceeding the limits of your water rights and need to be cutting back to within authorized use as outlined in your water rights. If you estimated your water use and have not kept track of days irrigated and water used, please ensure the information reported each year is as accurate as possible.

Page 2
May 15, 2014
Ted Lacey

As stated before, the information you provide is very valuable to us. If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352



213-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 4, 2015

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 213-3 and 1500-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

213-3

TED OR BEV LACEY
24064 478TH AVE
TRENT SD 57065

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR & MRS LACEY,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

 Jeanne Goodman, Chief Engineer
Water Rights Program



213-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 29, 2018

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires. You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 213-3 and 1500-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In reference to your note concerning combining of the two water rights, prior to doing that we need information from you on what source of water you use and what lands are being irrigated. The water rights authorize the following:

- **No. 213-3:** ground water (3 wells) and one diversion point on the Big Sioux River to irrigate 252 acres in the SE ¼ Section 13, T105N, R49W and SW ¼ Section 18, T105N, R48W;
- **No. 1500-3:** one diversion point from the Big Sioux River to irrigate 120 acres in the NW ¼ Section 19, T105N, R48W.

I have enclosed copies of the two water rights and included a map showing the sections of land described in the water rights. Please review the materials and let us know what land is being irrigated and with what source of water. Once we receive the information from you, we can take a look at the water rights and the possibility of combining them to ease reporting requirements for you. This may be difficult though because the water rights are for different acreage and different water sources. If you have any questions, please contact me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Ted Lacey

ADDRESS: 24064 478th Ave, Trent SD

DATE: February 2, 2018

RE: Combining Water Right Nos. 213-3 and 1500-3

COMMENTS:

Mr. Lacey called and asked whether it is possible to combine Nos. 213-3 and 1500-3 so only one irrigation questionnaire is sent since the same land. Mr. Lacey also indicated that he wanted to add 40 acres and use both the Big Sioux River diversion point and ground water diversion points. I told Mr. Lacey it was possible to combine two permits into one but not desirable in terms of reporting water use from both sources since it needs to be clear on the questionnaire how much water is used from each source.

I told Mr. Lacey I would look into Nos. 213-3 and 1500-3 to see whether they could be combined with his new application to add 40 acres (yet to be submitted). Upon reviewing Nos. 213-3 and 1500-3, they are not for the same land. No. 213-3 has both surface (Big Sioux River) and ground water sources and No. 1500-3 uses the Big Sioux River. I understood Mr. Lacey to say that both water sources could be used on all of the land covered by the water rights.

When the application comes for the additional 40 acres, confirmation should be made as to whether ground water is used on the land covered by No. 1500-3. If so, that should also be noted on the application for 40 additional acres. If developed, it may be possible that all the rights could be incorporated into a single water right provided all the lands are all being irrigated from the same water sources and are essentially one irrigation system.



Ron Duvall
Natural Resources Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

213-3, 1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Lacey:

The SD Department of Environment and Natural Resources has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. Water Right No. 213-3 does not have a bypass qualification and will not be amended by the proposed action. Water Right No. 1500-3 is included in those water rights proposed to be amended.

Attached is the qualification to be deleted from the water right(s) and the proposed new qualifications.

The proposed amendment to your water right will not impose a more restrictive condition than currently is in place on your water right. In some cases the bypass requirement remains the same but generally the proposed amendment decreases the minimum bypass that must exist before a user is able to pump water from the river. The amendment does designate a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed on-line at <https://waterdata.usgs.gov/sd/nwis/rt>. Many, but not all, water rights referenced the bypass being located at the pump site where there isn't real time flow information.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. Enclosed is the notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. This notice provides information on filing a petition in either support or opposition to the propose amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure

Proposed Qualification Revisions

In order to standardize the bypass qualifications for the 14 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Castlewood downstream to the USGS stream gaging station near Dell Rapids, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 1500-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals whenever 30 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Review of Big Sioux River Water Rights and Report on Proposed Amendments

February 13, 2018

Introduction

The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or “potholes,” and are commonly referred to as the “Prairie Pothole Region” (Hoogestrat and Stamm, 2015).

As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains snowpack melt and from runoff of larger rain events. Runoff tends to decrease in the late summer months going in to fall and winter.

Qualification Status

A review of Water Right Program files shows there have been 163 water right permits (water permits) issued for the Big Sioux River, some with priority dates going back to statehood. Many of these have been cancelled due to abandonment or forfeiture, some have been incorporated into other water permits and some remain active. An examination of water right files found the Water Resources Commission placed the first bypass qualification, 20 cubic feet per second (cfs) bypass at the diversion point, on a Big Sioux River water permit in Moody County in 1960 (Water Rights, 2018).

After the Water Resources Commission placed the first bypass qualification on a Big Sioux River water permit in 1960, it appears from then until the mid-1990’s, with the advent of real-time accessible stream gaging, the management of water permits from the Big Sioux River was primarily addressed on a river reach basis and the presence of senior priority water permits. Water permits issued in a similar reach with relatively similar priority dates would have the same bypass requirements. Later when water permits were issued, the bypass requirement would be incrementally increased to account for protection of the senior priority water permits (Water Rights, 2018).

The northern most river reach, from the headwaters in southern Roberts County to the Brookings – Moody county line, only has a hand full of permits issued since 1960. Bypass qualifications range from 5 cfs for those water permits issued in the mid-1960’s to 35 cfs for those issued more recently (Water Rights, 2018).

In the Big Sioux River reach from the northern border of Moody County to Dell Rapids, which has the most water permits issued, the 20 cfs bypass requirement was placed on Big Sioux River water permits from 1960 until 1966 when the bypass requirement was raised to 30 cfs for new permits issued. In 1968 the bypass requirement was raised to 35 cfs and was then incrementally increased to 50 cfs by 1976. Many of these water permits have subsequently been cancelled due to abandonment or forfeiture. The most recent water permits issued in this reach contained a 43 cfs bypass requirement (Water Rights, 2018).

In the Big Sioux River reach immediately to the south between Dell Rapids where the Big Sioux River crosses Cliff Avenue on the eastern side of Sioux Falls there have been multiple water permits issued. These contain a 20 cfs bypass requirement. Earlier issued water permits require a 20 cfs bypassed at the diversion point while the later issued ones require a 20 cfs bypass at the United States Geologic Survey (USGS) stream gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018 and USGS, 2018).

The southernmost river reach from where the river crosses North Cliff Avenue in eastern Sioux Falls to the confluence with Missouri River in southern Union County does not have any water permits with bypass requirements. This reach, even during drier climatic conditions has sufficient flow exceeding demand. The additional flow is attributed to effluent discharge from the Sioux Falls waste water treatment plant and contributions from downstream tributaries such as Split Rock Creek near Brandon (Water Rights, 2018).

Currently there are 59 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County, Figure 1. There have been 49 water permits issued since 1960, when the first bypass requirement was enacted, to present which have subsequently been cancelled due to abandonment or forfeiture. Currently 21 of the existing water permits contain some sort of flow bypass qualification. When the water permits were issued with bypass qualifications, it was done because the senior priority water permits were active and being used, so the amount of the bypass requirement placed on the water permit was based on a level to protect senior priority water use. Since there has been significant attrition in the number of active water permits using Big Sioux River water since 1960, with many of them being cancelled, this leaves a somewhat disjointed system of bypass requirements for the remaining water permits. In addition, the City of Sioux Falls holds two active future use permits with 1977 priority dates reserving 30,000 acre-feet of Big Sioux River water in the river reach between the Dell Rapids gage and the North Cliff Avenue gage (Water Rights, 2018 and USGS, 2018).

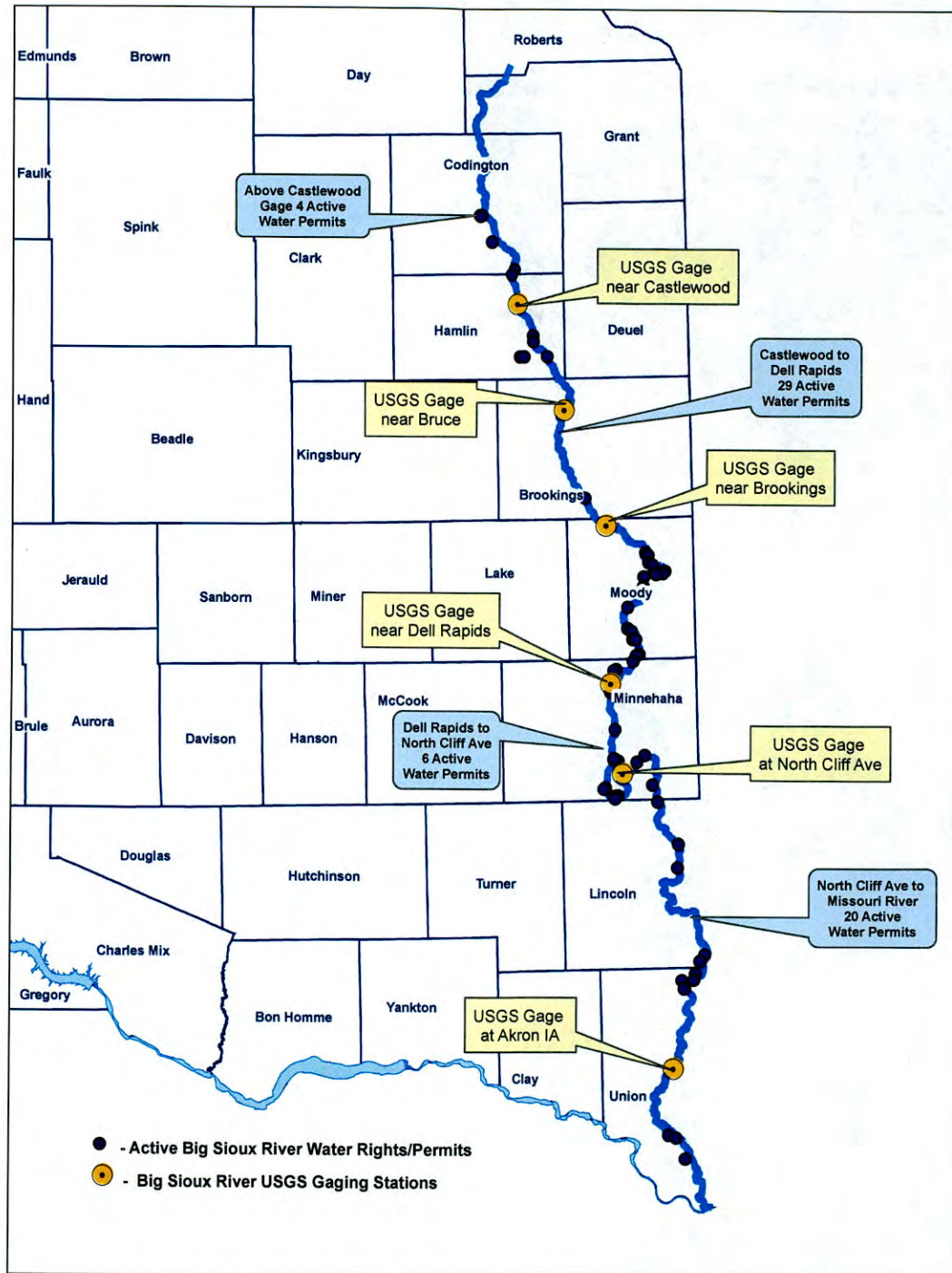


Figure 1. Area map of the Big Sioux River showing the locations of the active water rights/permits and USGS Big Sioux River stream flow gaging stations (Water Rights, 2018 and USGS, 2018).

It is proposed that the existing bypass qualifications for each of the active water permits be reviewed, taking into account the amount of bypass required, the presence of existing rights, the location of the diversions points, and the historical river flow conditions along the various reaches of the river. This review will determine if it is justified to recommend modifications of the existing bypass qualifications.

Authority

SDCL 46-1-14 gives the Water Management Board the authority to amend water right permits. Water permits issued by the board may be amended by the board with priority retained upon amendment. The board may alter terms, conditions, restrictions, qualifications or quantifications.

South Dakota Codified Law

46-1-14. Terms and conditions of permits and licenses--Amendment. The Water Management Board may issue any permit or license subject to terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity consistent with this chapter which it considers necessary to protect the public interest and which are related to matters within the jurisdiction of the board. Water rights issued pursuant to this section may be amended by the board and priority is retained upon amendment. Upon amendment the board may alter terms, conditions, restrictions, qualifications, or quantifications consistent with this chapter.

46-2-3.1. Delegation of authority to chief engineer--Restrictions. The Water Management Board may delegate to the chief engineer authority to act on its behalf concerning the quasi-judicial functions of interpreting, applying, and enforcing existing rules and laws and ordering action or abatement of action. The board may not delegate any other quasi-judicial functions as defined in § 1-32-1, except as otherwise provided by law. The board may promulgate rules pursuant to chapter 1-26 to delegate to the chief engineer the authority to issue permits pursuant to § 46-1-14.

46-2-17. Chief engineer's general enforcement authority. The chief engineer may:

- 1) Investigate the use of the waters of the state and compliance with the provisions of water permits, licenses, rules, regulations, and laws relating to water rights;
- 2) Institute enforcement and other proceedings before the Water Management Board;
- 3) Enforce orders of the board; and
- 4) Perform other acts authorized by statute or regulation.

46-2-18. Chief engineer's authority to order discontinuance of water use. The provisions of chapter 1-26 notwithstanding, the chief engineer may, after appropriate investigation, issue an order to any person to shut off or limit the person's use of surface or groundwater, or to plug or otherwise control a well. The order may be issued only to protect another user who has higher or earlier priority or to cause a user of water to discontinue the use of water to which the user has no legal right. Upon a refusal to obey the order, the chief engineer may request a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of the order.

The 21 remaining active water permits authorized to divert water from the Big Sioux River having bypass requirements are subject to SDCL 46-2-3.1, 46-2-17, and 46-2-18, as are all water permits. These statutes give the Chief Engineer the ability to issue written orders within the context of authority granted under the statutes. The remaining 37 active water permits without any bypass requirements authorized to use Big Sioux River water either have priority dates senior to 1960 or are located in the river reach between the North Cliff Avenue gage and the confluence with the Missouri River. There is no intent with this effort to place bypass qualifications on these 37 water permits that do not currently have bypass qualifications.

Evaluation of the Existing Flow Bypass Qualifications and River Reach

The active Big Sioux water permits containing bypass qualifications vary on where the flow bypass is to be measured. The ones with earlier priority dates require a minimum flow past the diversion point. Because it is

impractical for the water user to measure flow at their pump site the more recently issued permits contained bypass qualifications referenced to a nearby United States Geological Survey (USGS) stream flow gaging stations.

In the section of river from southern Codington County to a point where the Big Sioux River crosses North Cliff Avenue in eastern Sioux Falls, three of the USGS gaging stations allowing access to real-time stream flow information have been used as measuring points for bypass limits from the river. See Table 1 (USGS, 2018).

Station Number	Station Name	Years Operated
06479525	Big Sioux River near Castlewood SD	1977-2017
06481000	Big Sioux River near Dell Rapids SD	1949- 2017
06482020	Big Sioux River at North Cliff Ave at Sioux Falls SD	1972- 2017

Table 1. USGS Big Sioux River stream flow gaging stations located near Castlewood, near Dell Rapids and at North Cliff Avenue in Sioux Falls SD (USGS, 2018).

The USGS has collected daily flow data at these gaging stations over several years. The USGS maintains an archive of historical flow and statistical flow data for these gaging stations that can be accessed by the public. A major concern in setting bypass qualifications is to identify the times when the river is experiencing lower flows and also to identify when those lower flows occurred. A review will focus on events when a particular stream segment experiences the lower half of the daily flow. Median, otherwise referred to as 50 percentile (50%), is used to help understand the central tendency of a set of statistical results with the lower half of measured daily flow values being at or less than the 50% value. Based on the period of record for each gage site, the daily flow value or less would be expected to occur on average 10 out of 20 years. At the 25 percentile (25%) flow value, the daily flow would be expected to be at or below that value an average of 5 out of 20 years. At the 10 percentile (10%) flow value, the daily flow would be expected to be at or below that value an average of 2 out of 20 years, (USGS, 2018).

Analysis and Proposed Qualification Revisions

A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review took into consideration the existing water rights, the qualifications, the authorized use, the location of the diversion points, the annual period of use, and historic stream flow data.

Based upon this review, the river was broken into four separate bypass management reaches. The upper most reach is from the headwaters down to the Castlewood gage. The next reach is from the Castlewood gage to the Dell Rapids gage. The third reach is from the Castlewood gage to the North Cliff Avenue gage at Sioux Falls, and the final reach is from the North Cliff Avenue gage to the confluence with the Missouri River at North Sioux City.

The bypass qualifications originally adopted in the 1960's by the Water Resources Commission of 5 cfs for the reach north of Castlewood and 20 cfs for the reach between Castlewood to Dell Rapids were based on Water Rights staff recommendations. The recommendations were based on water use and flow history for each of those reaches. The 20 cfs bypass requirement for the river reach between Dell Rapids and Sioux Falls was first placed on a water permit in 1989 by the Water Management Board, a successor to the Water Resources Commission, following a low flow analysis by Water Rights staff for the Big Sioux River in that reach (Water Rights, 2018).

Of the 21 existing water permits containing some sort of flow bypass qualification all but two are for irrigation use. The two permits not for irrigation are for municipal use and are held by the City of Sioux Falls. Since most of the water permits having bypass qualifications were issued for irrigation, the following discussion

references a typical crop irrigation season of May 1 to October 15. The analysis focused on the typical irrigation season because this is characteristically when water management actions, such as issuing of shutoff orders by the Chief Engineer, would occur.

The irrigation season for grasses, as would be grown on golf courses and parks, may extend outside the typical irrigation season and run from the early April through late October. Of the four existing water permits for irrigation one is for a golf course at Dell Rapids and three are for irrigating golf courses and soccer fields in Sioux Falls (Water Rights, 2018).

Headwaters to Castlewood Reach

On the upper Big Sioux River there are four existing water permits, two are for storage in lakes Pelican and Kampeska and the other two are for irrigation. The two irrigation water permits containing a bypass qualification both are located approximately five miles upstream from the USGS stream gaging station near Castlewood. The total current authorized diversion rate for this reach is 4.26 cfs. Figure 2 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

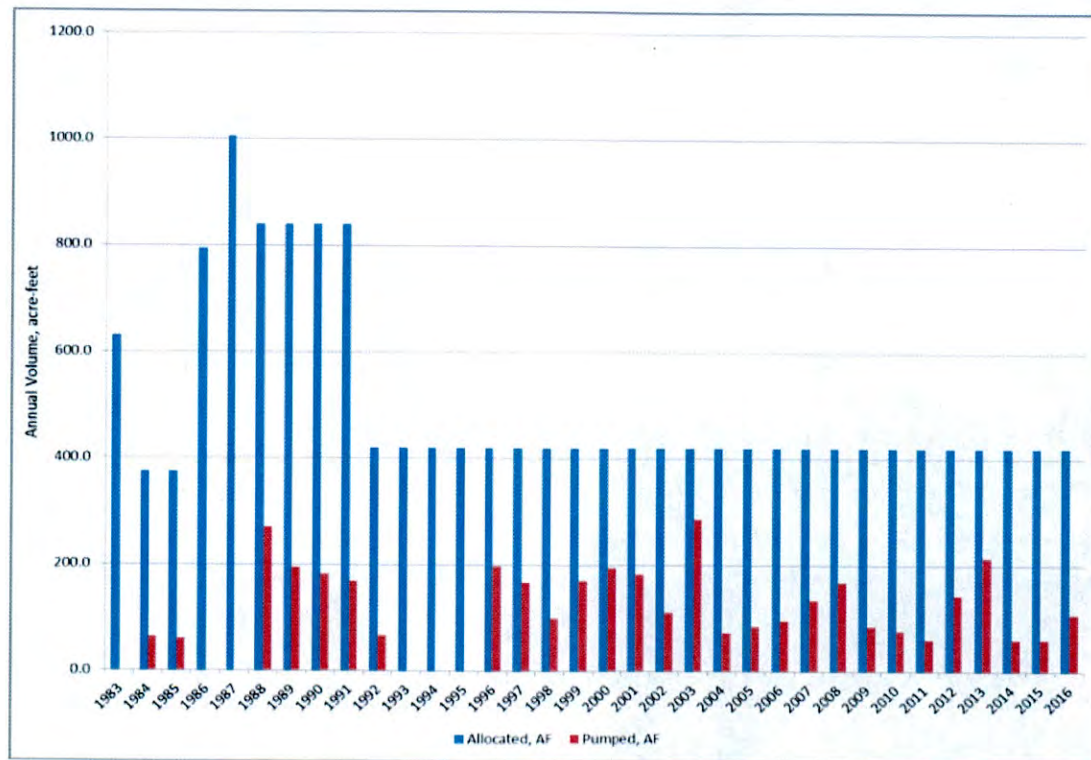


Figure 2. Total irrigation allocation and reported use from the Big Sioux River for the river reach upstream from the USGS gaging station near Castlewood (Water Rights, 2018).

On November 8, 1967, the Water Resources Commission set the initial bypass limit of 5 cfs on a water permit located in the upper river reach north of the Castlewood gage. The application for this water permit had been opposed at a previous meeting so the Commission deferred action and directed staff to investigate. At that time, staff determined excess water was available most years May through July, sometimes available in August and seldom available in September and October. In 2012, a permit was issued in this reach with a 35 cfs bypass qualification. This bypass requirement was the same one

previously placed on a downstream senior priority water permit located in the Castlewood to Dell Rapids reach (Water Rights, 2018).

Figure 3, is a hydrograph for the Castlewood gage showing the 50, 25 and 10 percentile daily flows for the 41 year period of record, 1977 to 2017. In Figure 3, the 10 percentile curve is above the 5 cfs line from the beginning of the irrigation season until the last 10 days of July. The 25 percentile curve is greater than 5 cfs throughout the irrigation season.

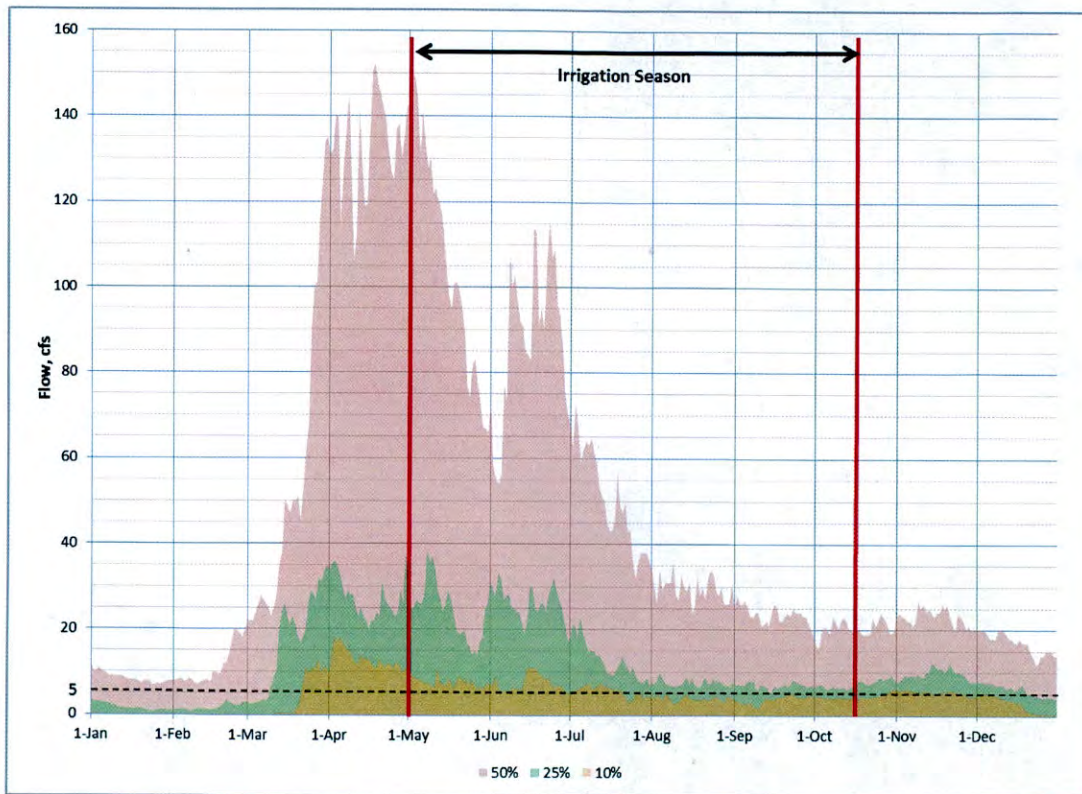


Figure 3. Daily percentile flow hydrographs for the USGS Big Sioux River near Castlewood 1977-2017, contributing drainage area 579 mi² (USGS, 2018).

The frequency of low flow events in the upper most river reach was examined by considering how many actual days the average daily flow was less than 5 cfs during the typical irrigation season of May through mid-October over the 41 year period of record. During that time frame 9.2% of the days that had flow less than 5 cfs fell within the May to mid-October irrigation season (USGS, 2018).

Figure 4 shows for the period of record at the Castlewood gage, the total number of days each year the average daily flow in the Big Sioux River was less than 5 cfs. This figure indicates this reach experiences dry climatic conditions causing several day periods of low flow less than 5cfs. The figure also shows there are many more years when the 5 cfs threshold is not met.

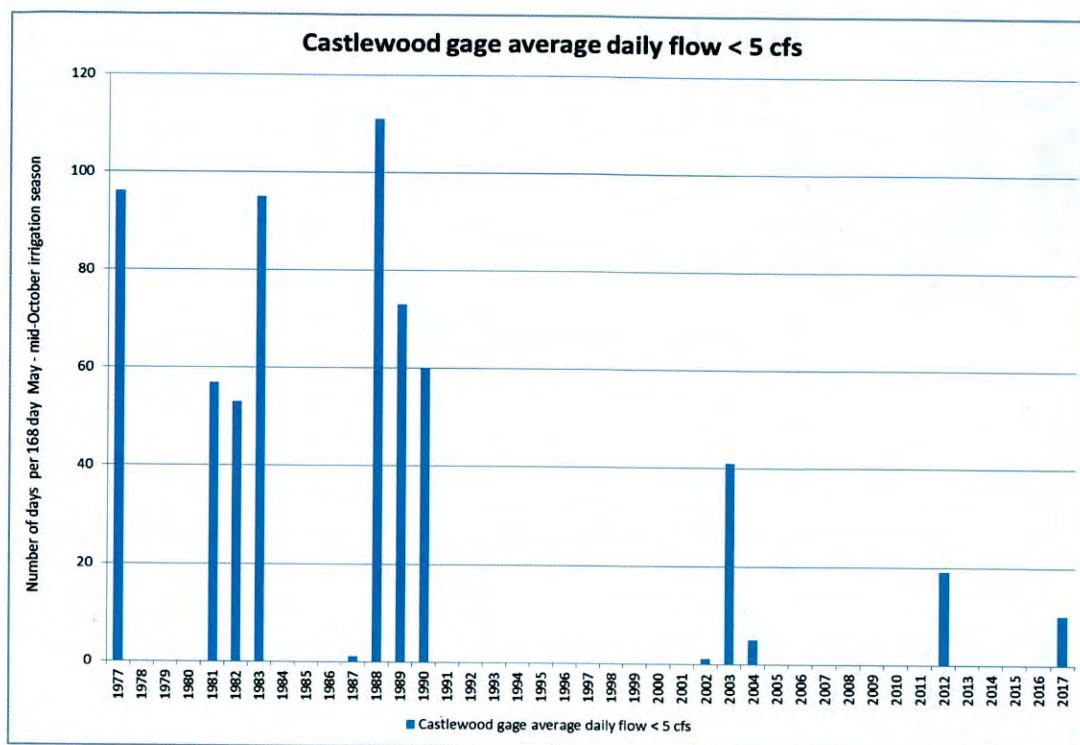


Figure 4. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Castlewood was less than 5 cfs (USGS, 2018).

In this reach it is proposed for both of the existing irrigation water permits, the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Castlewood to Dell Rapids Reach

The river reach between the Castlewood gage and the Dell Rapids gage contains 29 active water permits. One of existing water permits is for flood flow diversion, two are for storage in Poinsett and Dry lakes and two water permits are for instream storage in Flandreau Dam and Dell Rapids Dam. The remaining 24 existing water permits are for irrigation, with 14 water permits containing bypass qualifications. The total current authorized diversion rate for this reach is 31.86 cfs. Figure 5 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

In this Big Sioux River reach the original 20 cfs bypass requirement was placed on Big Sioux River water permits in April of 1960 by the Water Resources Commission based upon Water Rights staff review and recommendation to set bypass levels on permits. The bypass requirement was raised in 1966 to 30 cfs and was incrementally increased to 50 cfs by 1976. As stated earlier, many of these water permits have subsequently been cancelled due to abandonment or forfeiture (Water Rights, 2018).

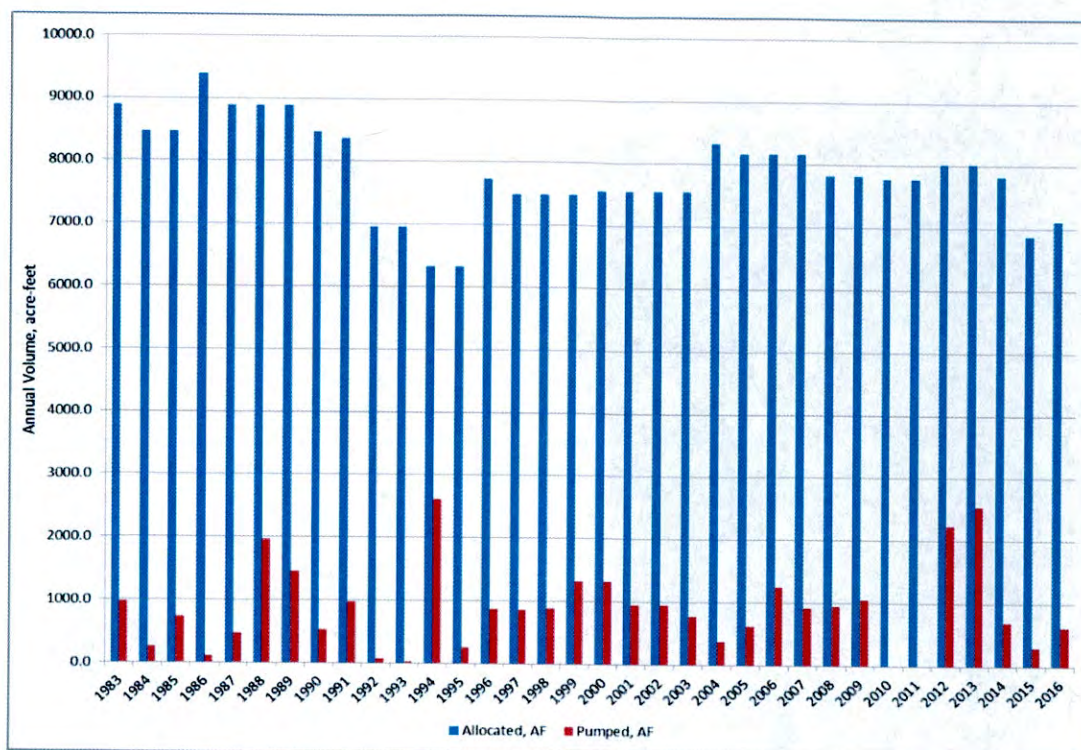


Figure 5. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Castlewood to the gaging station near Dell Rapids (Water Rights, 2018).

The current bypass limits on existing water permits in this reach range from 20 cfs to 50 cfs with some of the limits set at the diversion point and some measured at the Dell Rapids gage. Using the original 20 cfs bypass as the benchmark, this bypass level was compared to the historic flow record for the Dell Rapids gage. Figure 6 shows the daily percentile flow hydrographs for a 68 year period of record dating back to 1948 for the USGS stream gaging station near Dell Rapids. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the last ten days of August (USGS, 2018).

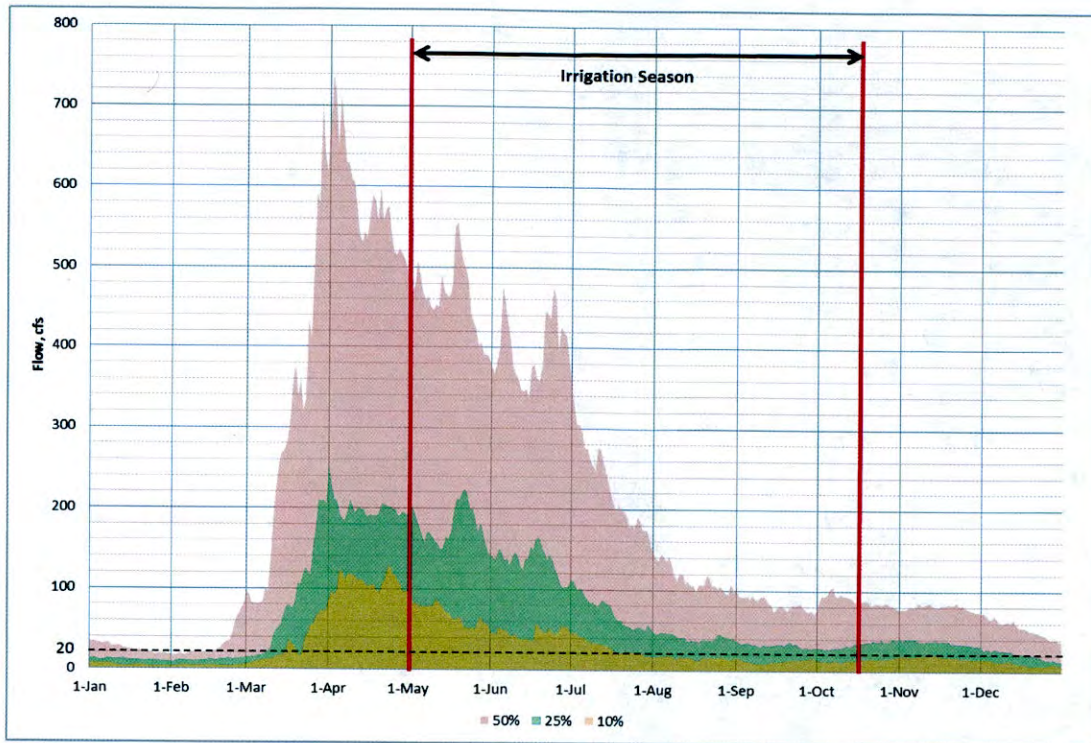


Figure 6. Daily percentile flow hydrographs for the USGS Big Sioux River gage near Dell Rapids 1949-2017, contributing drainage area 3057 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 69 year period of record. During that time frame 7.2% of the days had flow less than 20 cfs within May to mid-October irrigation season (USGS, 2018).

Figure 7 shows for period of record at the Dell Rapids gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what is seen in the upstream reach, this reach also experiences dry climatic conditions causing several days of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

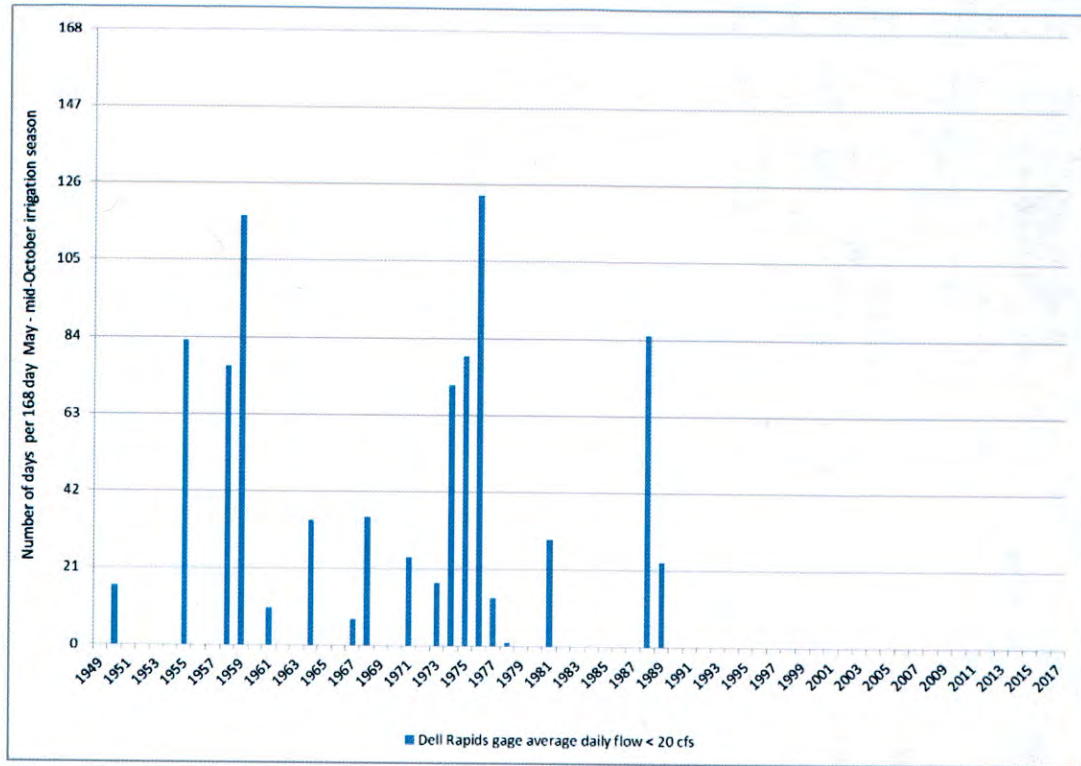


Figure 7. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Dell Rapids was less than 20 cfs (USGS, 2018).

In this reach it is proposed for the 14 existing irrigation water permits the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Dell Rapids to North Cliff Avenue at Sioux Falls Reach

In the river reach between the Dell Rapids gage and the North Cliff Avenue at Sioux Falls gage there are six existing water permits. The total current authorized diversion rate for this reach is 87.33 cfs. One right is for instream storage at Baltic Dam, two of the existing rights are for municipal use, and three are for irrigation. The bypass requirement for five existing rights with qualifications is 20 cfs. Three of the water permits require 20 cfs bypassing the diversion point and two requiring measurement of the flow bypass at the North Cliff Avenue gage. It should also be noted the City of Sioux Falls holds two future use permits located in this reach reserving up to 30,000 acre-feet from the Big Sioux River. The Water Management Board did a seven year status review of these permits in July of 2016. The Board ruled to allow these future use permits to remain in effect for the full 30,000 acre-feet for an additional seven years. Figure 8 shows the total annual appropriated volume and reported irrigation usage volume for the years 1983 to 2016, and Figure 9 shows the total annual appropriated volume and reported municipal usage volume for the years 1983 to 2016 in this reach (Water Rights, 2018).

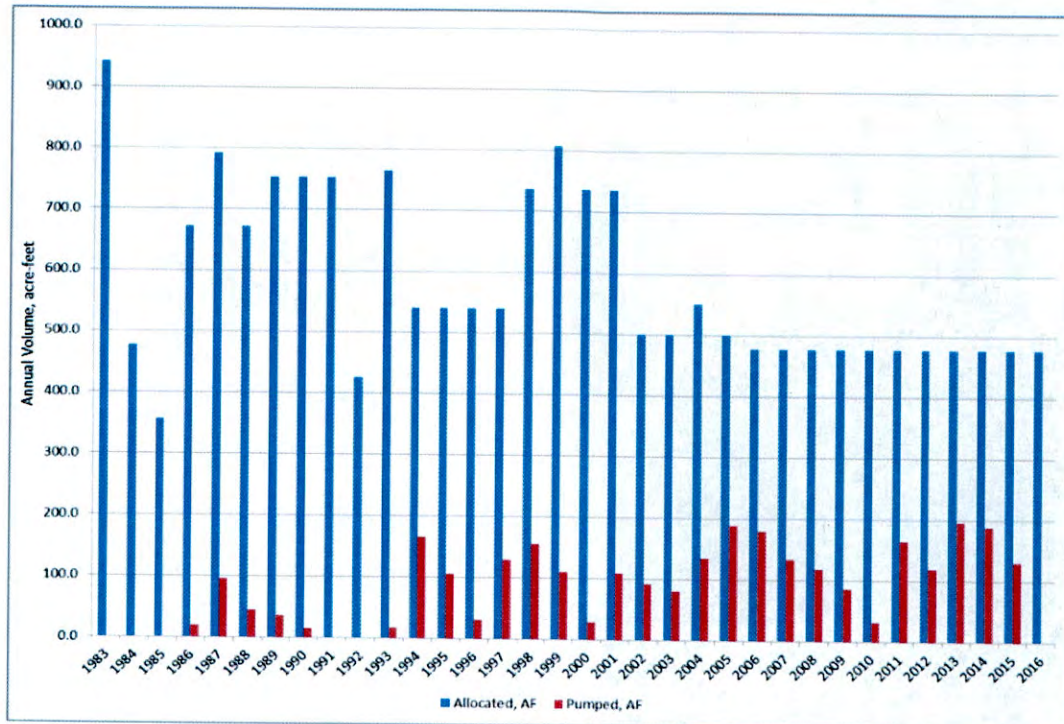


Figure 8. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

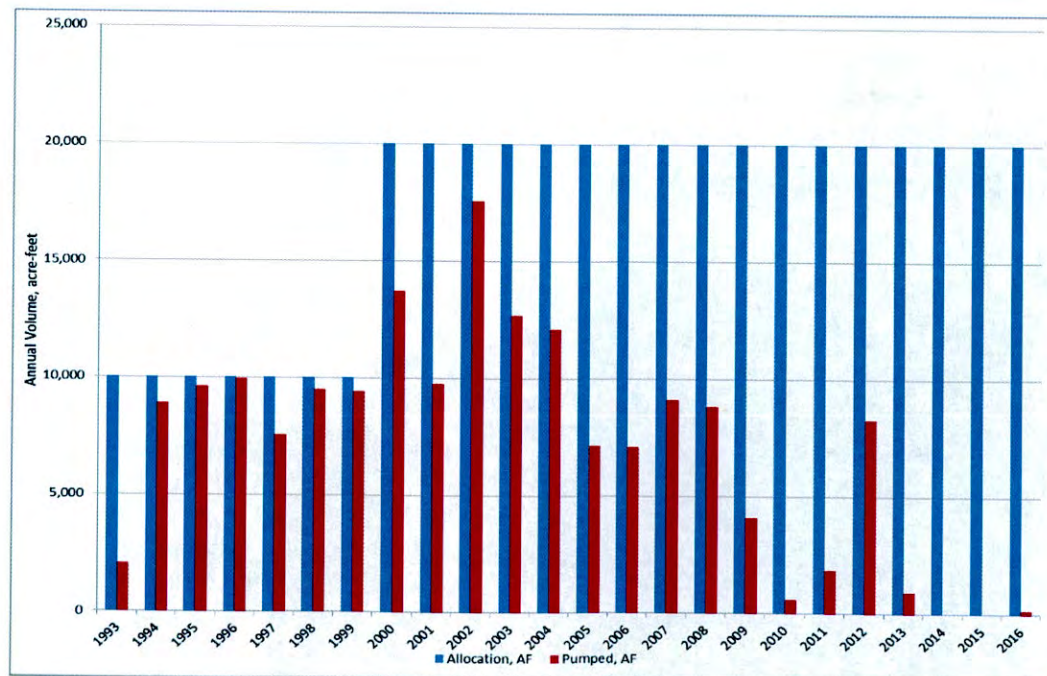


Figure 9. Total municipal allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

Figure 10 shows the daily percentile flow hydrographs for a 45 year period of record dating back to 1971 for the USGS stream gaging station at North Cliff Avenue at Sioux Falls. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the curve drops slightly below 20 cfs line for a few days the first part of September before rising above 20 cfs for the remainder of the irrigation season (USGS, 2018).

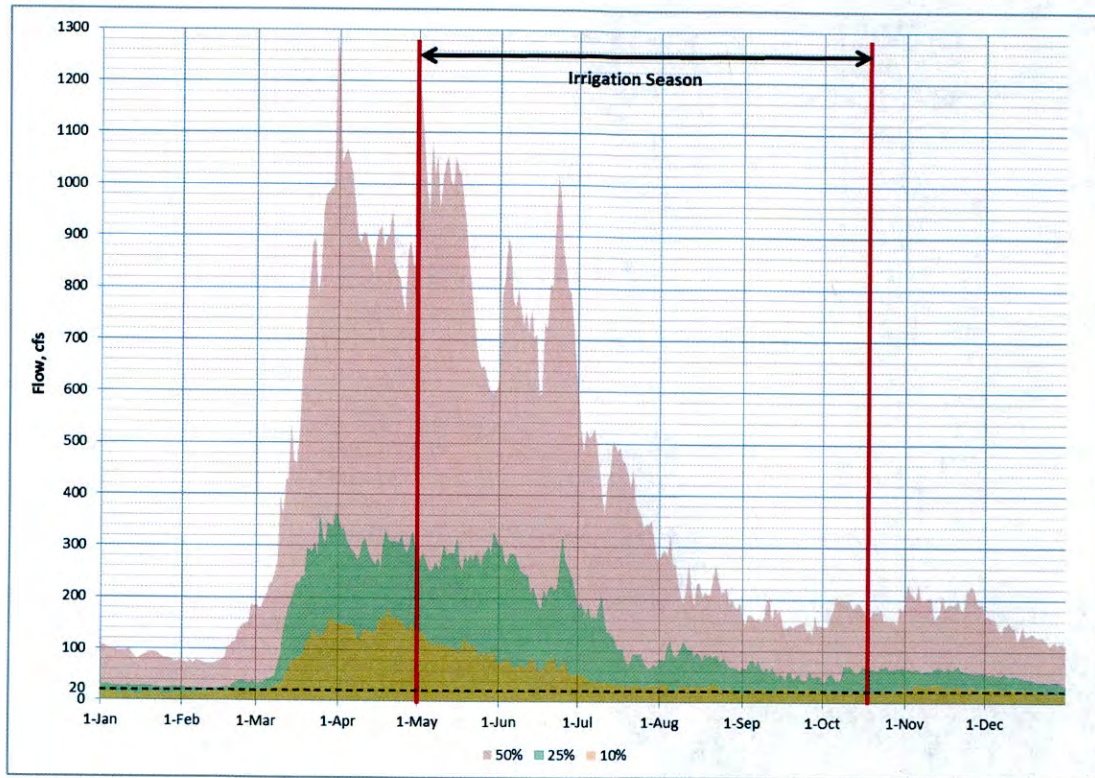


Figure 10. Daily percentile flow hydrographs for the USGS Big Sioux River gage at North Cliff Ave at Sioux Falls 1971-2017, contributing drainage area 3778 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 45 year period of record. During that time frame 2.6% of the days had flow less than 20 cfs fell within May to mid-October irrigation season (USGS, 2018).

Figure 11 shows for period of record at the North Cliff Avenue gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what was experienced in the upstream reaches, this reach can also experience during dry climatic conditions causing several day periods of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

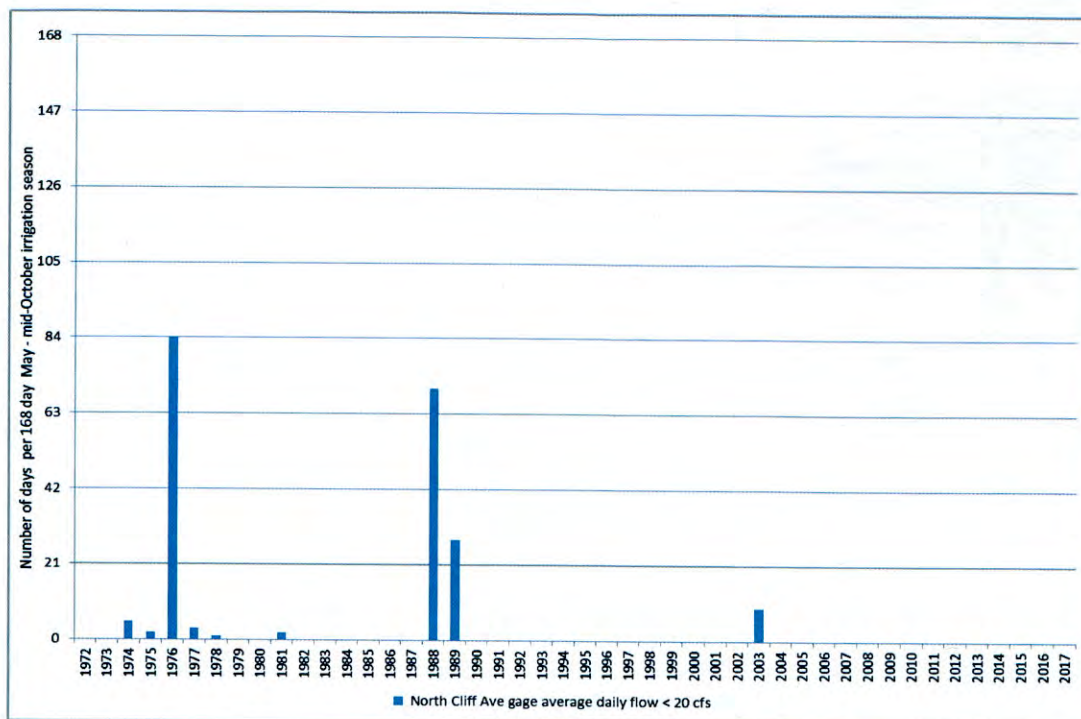


Figure 11. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station at North Cliff Avenue at Sioux Falls was less than 20 cfs (USGS, 2018).

The five existing water permits in this Big Sioux River reach all contain a 20 cfs bypass requirement. The earlier issued water permits required 20 cfs bypassed at the diversion point while the later issued ones required a 20 cfs bypass at the USGS gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018). In this reach it is proposed the existing bypass qualification on these five permits retain the 20 cfs bypass requirement but the qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

North Cliff Avenue at Sioux Falls to the Missouri River Confluence Reach

The southern reach of the Big Sioux River from the North Cliff Gage to the confluence with the Missouri River in southern Union County does not have any active water permits having bypass qualifications. As shown in Figure 12, the 10 percentile curve is above 50 cfs value throughout the entire irrigation season. This reach has not historically experienced a water shortage, and the Chief Engineer has not had to issue shutoff orders for any of the existing water permits located in this reach. There is not a proposal to amend any of the existing water permits in this lower reach of the Big Sioux River (USGS, 2018).

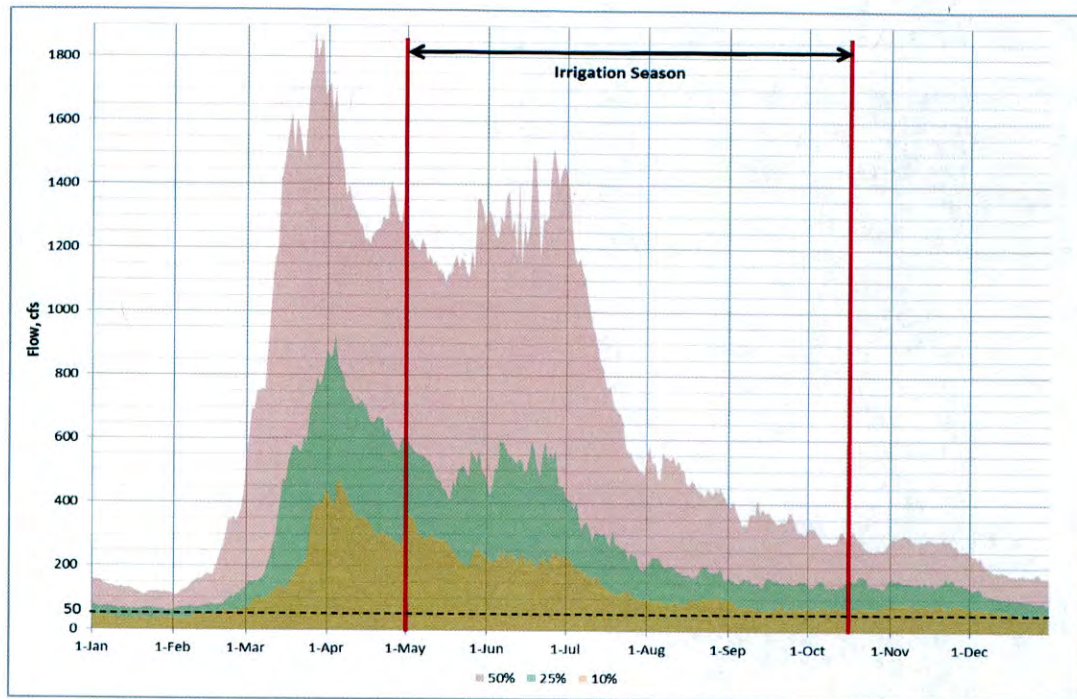


Figure 12. Daily percentile flow hydrographs for the USGS Big Sioux River gage at Akron IA 1971-2017, contributing drainage area 6995 mi² (USGS, 2018).

Considering Future Water Use

Anticipating future water demands from the Big Sioux River and climatic conditions may change over time. Particularly with the City of Sioux Falls holding two future use permits bearing a 1977 priority date reserving up to 30,000 acre-feet of water. It is proposed the following qualification be placed on all of the water permits being amended:

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.

Specific Proposed Qualification Revisions by Water Permit

In order to standardize the bypass qualifications for the existing water permits containing bypass qualifications in the Big Sioux River reach upstream from the USGS stream gaging station near Castlewood, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 1437-3

Delete Qualification:

- Diversions of water under this permit can only be made when there is flow of 5 or more cubic feet per second of water flowing at the diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Permit No. 7350-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 35 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the bypass qualifications for the 14 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Castlewood downstream to the USGS stream gaging station near Dell Rapids, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 956-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1175-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1302-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1350-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids

when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1500-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1696-3

Delete Qualification:

- Natural flows in the Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Sioux River portion of this permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1801-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1812-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2065-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 45 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2952-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 40 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6042-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 41 cfs is flowing past the Dell Rapids USGS Gaging Station, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6124-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 50 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 7110-3

Delete Qualification:

- Low flows as needed for domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 43 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, or unless written orders have been issued by the Chief Engineer. Diversions under this permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 8195-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020 and 43 cfs is flowing at the Dell Rapids USGS Gaging Station No. 06481000, unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the qualifications for the 5 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Dell Rapids downstream to the USGS stream gaging station at North Cliff Avenue at Sioux Falls, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 5431-3

Delete Qualification:

- Permit No. 5431-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs can be bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5512-3

Delete Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5698-3

Delete Qualification:

- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River,

when pumping, unless at least 20 cfs is flowing at the Cliff Avenue USGS Gaging Station, or unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210A-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are subject to senior water rights and any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Conclusions

1. Currently there are 58 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County. Currently 21 of the existing water permits contain some sort of flow bypass qualification.
2. Since many water permits have been cancelled over the years, the system of various bypass requirements on several existing Big Sioux water permits are not putting water to beneficial use to the highest extent possible for the current water permit holders. The system is also difficult to manage for the Water Rights Program.
3. A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review was completed of the original bypass requirements taking into consideration the existing water rights, the qualifications placed on them, their authorized use, the location of their diversion points, their annual period of use and historic stream flow data.

4. Based upon this review, the river was broken into four separate bypass management reaches and standardized qualifications are proposed for each of these reaches.
5. Anticipating future water demands from the Big Sioux River and climatic conditions may change over time, the amendments to the water permits being amended should also contain a qualification allowing the Water Management Board to retain jurisdiction to address future issues if as necessary.
6. On the reach upstream from the Castlewood gaging station, for the two water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
7. On the reach between the Castlewood gaging station and the Dell Rapids gaging station, for the 14 water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
8. On the reach upstream from the Dell Rapids gaging station to the North Cliff Avenue gaging station, for the five water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

9. The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.



Mark D. Rath
Natural Resources Engineer III

References

- Hoogestraat, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945–2013. USGS Scientific Investigations Report 2015-5146.
- USGS. 2018. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
- Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:36 AM
To: allegals@argusleader.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:37 AM
To: mce6@mcisweb.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:35 AM
To: svn@siouxvalleynewsonline.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:34 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018 in the Hamlin County Republican, Castlewood SD.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:32 AM
To: legals@thepublicopinion.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:37 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:38 AM
To: G5 (leader1@iw.net)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



CUSTOMER NUMBER:	78306	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	2727212	
RUN DATES:	2/15, 2018	
		AMOUNT DUE: \$162.36

RECEIVED

FEB 20 2018

WATER RIGHTS PROGRAM

Attn: Karen Schlaak
Water Rights Program
523 E. Capital - Jose Foss Building
Pierre, SD 57501-0000

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION

Customer Number: 78306
Invoice Number: 902065

523 E. Capital - Jose Foss Building

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse being duly sworn, says: That The **Argus Leader** is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday	the	15	day of	February	2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,
	the		day of		2018	,

and that \$162.36 was charged for publishing the same

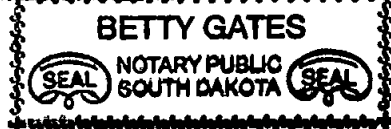
Sara Kruse

Subscribed and sworn to before me 2/15/18

Betty Gates

Notary Public, South Dakota

My Commission expires March 14, 2023



amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in or near the water right. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass of one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 3 cubic feet per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written condition on applicable orders to allow pumping to continue if climatic conditions are favorable. The referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capital, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capital Ave, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts of the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 30 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting near. The Chief Engineer's and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. If you have a disability for which special arrangements must be made at the hearing, the telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a party's right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board, you shall forthwith notify the Chief Engineer (Water Rights Program, 523 E Capital Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary of Environment and Natural Resources
Published once at an approximate cost of \$162.36.
Feb 15, 2018

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 Big Sioux River water right E Capital Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written condition on applicable orders to allow pumping to continue if climatic conditions are favorable. The

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 677349
Dallas, TX

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication

AMOUNT: \$162.36

FUNDING SOURCE:

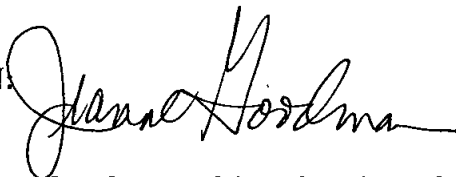
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIVED

MAR 07 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

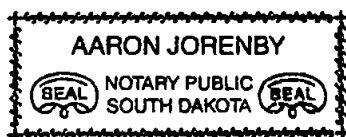
Leg#164 Notice on Hearing

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

February 15, 2018

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

Sixty-Seven Dollars and Seventy-Three Cents \$67.73



KM Foiles

26 day of

February

2018

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 164, 1x, 2/15
NOTICE OF HEARING
ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
 2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
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- Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.
- The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.
- The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.
1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from

the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer.

The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605)

773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$67.73.

March 7, 2018

PAYMENT REQUEST FORM

PAYEE: Brookings Register
PO Box 177
Brookings, SD 57006-0177

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$67.73

FUNDING SOURCE:

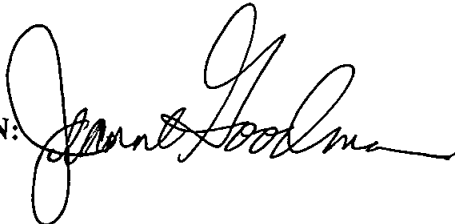
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

312 5TH ST
P.O. BOX 177
BROOKINGS, SD 57006-0177
Phone (605) 692-6271 Fax (605) 692-2979

WATER RIGHTS PROGRAM

CUSTOMER
NUMBER 106003

AMOUNT \$ _____
ENCLOSED _____

DOCUMENT	DATE	TYPE	REFERENCES	AMOUNT
372411	02/15/18	INVOICE	Leg164 Notice on Hearing	67.73
CURRENT	PAST DUE AMOUNTS			AMOUNT DUE
	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	
67.73	.00	.00	.00	67.73

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, 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 200 copies weekly, and has been published within said county for 52 consecutive 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 advertisement headed:

*Notice of hearing on Chief
Engineer's Recommendation
for Big Sioux River Water Rights*

a printed copy of which, taken from the newspaper 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 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

2-14-18

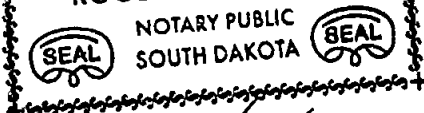
that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 75⁶²

M. L. Headrick bookkeeper
Subscribed and sworn to before me this

15th day of February AD 2018

Notary Public, County Moody, South Dakota
ROGER W. JANUSSEN



My commission expires 2/14/18

RECEIVED

FEB 28 2018

WATER RIGHTS
PROGRAM

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place

on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the

County of _____

AFFIDAVIT OF PUBLICATION

Filed in the office of _____

on the _____ day

Attorney for _____

Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at approximate cost of \$76

March 2, 2018

PAYMENT REQUEST FORM

PAYEE: Moody County Enterprise
PO Box 71
Flandreau, SD 57028

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$75.62

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Invoice
Moody County Enterprise
PO Box 71
Flandreau, SD 57028

Water Rights
523 E Capitol
Pierre SD 57501

Date	Item advertised	Rate
2-14-18	Notice of Hearing	75.62
Total		\$75.62

Payment can be sent to us at the above address.
Thank you

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

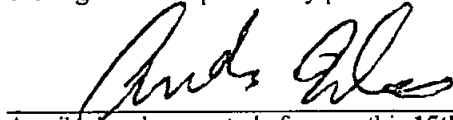
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**DENR Water Rights Program
Notice of Hearing**

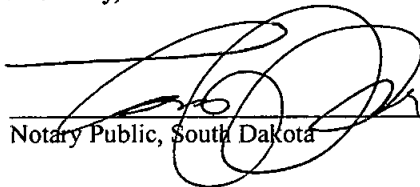
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

February 15, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$72.47 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

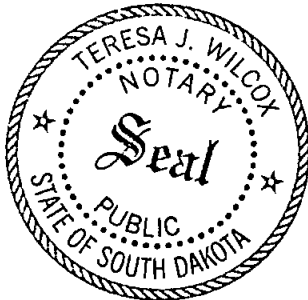


Ascribed and sworn to before me this 15th day of
February, 2018.



Notary Public, South Dakota

(Seal)



**NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS**

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those

water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the

My Commission Expires
December 9, 2020

RECEIVED

FEB 26 2018

**WATER RIGHTS
PROGRAM**

hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/> public or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

* The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published in the Sioux Valley News
on February 15, 2018, at the total
approximate cost of \$72.47.

February 26, 2018

PAYMENT REQUEST FORM

PAYEE: Sioux Valley News Inc.
PO Box 255
Canton, SD

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication-Big Sioux River

AMOUNT: \$72.47

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Sioux Valley News Inc.
213 East 5th St P O Box 255
Canton SD 57013

Statement	2/22/2018	50
	DATE	NUMBER

Phone Number: (605) 764-2000
Please return yellow copy
with payment.

Next Closing Day March 29, 2018

ID# 541

Dept of Environment & Natural Resou
Attn: Karen Water Rights Program
523 East Capitol, Joe Foss Building
Pierre SD 57501

We now offer online Subscriptions!
www.SiouxValleyNewsOnline.com

Balance Due: 72.47

Date	Description	Units	Debit	Credit
02/15/2018	Legals		72.47	
	Big Sioux River Notice			
	Balance Due		72.47	

Current	30	60	90	90+
72.47	0.00	0.00	0.00	0.00

Service charge of 1-3/4% per month (21% per year) on accounts 30 days past due. Minimum charge \$30.
In addition, costs and reasonable attorney's fees for collection may be charged.

RECEIVED

FEB 22 2018

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettstad

certify that the attached printed Notice was taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

February 15, 2018

Cost of Printing \$131.01

Jackie Wettstad
(Signature)

Accounting Clerk
(Title)

2/19/18
(Date Signed)

DEPT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS
Notice is given that the Water
Rights Program, Department
of Environment and Natural
Resources, 523 E Capitol Avenue,
Pierre SD 57501 proposes that
the Water Management Board
amend conditions placed on
many Big Sioux River water rights
in South Dakota. The objective is
to bring consistency among water
rights from the river and the ability
for the Chief Engineer to issue
written orders to allow pumping to
continue if climatic conditions are
favorable. The amendments will
not increase either the authorized
diversion rate or number of
irrigated acres authorized under
existing Big Sioux River water
rights.

Currently, water rights differ in
the amount of water that must be
bypassed at the pump site or at a
United States Geological Survey
(USGS) gaging station in order
for pumping to occur. The Water
Rights Program has reviewed all
Big Sioux River water rights and
determined that the conditions
can be modified to a standard
bypass at one of three gaging
stations depending on the stream
segment where the water right is
located. It is proposed that the
bypass condition along the river is
best managed in three segments
identified by USGS gaging
stations as follows:

1. River reach upstream from
the USGS gaging station near
Castlewood;
2. River reach between USGS
gaging station near Castlewood
downstream to gaging station
near Dell Rapids;
3. River reach between USGS
gaging station near Dell Rapids
downstream to gaging station
near North Cliff Avenue in Sioux
Falls.

Water rights that currently have a
bypass condition will be amended
such that those water rights
upstream of the Castlewood
gaging station will have a 5 cubic
feet of water per second (cfs)
bypass requirement. Those water
rights in the two other reaches
described above will have a 20 cfs
bypass requirement referenced to
either the Dell Rapids or North Cliff
Avenue gaging station depending
on the location of the water right.
Water rights with senior priority
dates that do not currently have
a bypass requirement will see no
change.

The proposed amendment will
not impose any conditions more
restrictive than the conditions
currently in place on any water
right. Big Sioux River water right
holders whose bypass condition
is proposed for amendment will
be provided personal notice of
the proposed amendment to their
water right.

The Chief Engineer recommends
that the Water Management
Board approve deletion of the
existing bypass condition on
applicable water rights and add
the following qualifications specific
to the bypass flow at a referenced
gaging station depending on the
location of the water right.

1. Low flows as needed for
downstream domestic use,
including livestock water, and
prior rights must be by-passed.
This water right does not
authorize diversion of water
from the Big Sioux River, when
pumping, unless at least "X"
cfs is flowing past the USGS
Gaging Station "IDENTIFY
APPLICABLE STATION" unless
written orders have been
issued by the Chief Engineer.
Divisions under this water right
shall be in accordance with any
written orders issued by the
Chief Engineer.

2. The Water Management
Board is retaining jurisdiction
of this water right in the
event additional information
shows that adjustments need
to be made to the bypass
requirements.

Any interested person opposing
or supporting the proposed
amendment and intending to
participate in the hearing shall file
a petition with the Chief Engineer.

The Chief Engineer's address is
"Water Rights Program, Foss
Building, 523 E Capitol, Pierre SD
57501 (605 773-3352)". A petition
filed by either an interested person
or a water right holder must be
filed by February 26, 2018.

The petition may be informal,
but shall be in writing and shall
include a statement describing
the petitioner's interest, the
petitioner's reasons for opposing
or supporting the proposed
change, and the signature and
mailing address of the petitioner
or the petitioner's legal counsel,
if legal counsel is obtained.

The hearing is an adversary
proceeding and any party has the
right to be present at the hearing
and to be represented by a lawyer.
These and other due process
rights will be forfeited if they are
not exercised at the hearing and
decisions of the Board may be
appealed to the Circuit Court and
State Supreme Court as provided
by law.

The staff report including affected
water rights and the proposed
changes is available at <http://denr.sd.gov/public> or contact Eric
Gronlund for this information, or
other information, at the Water
Rights Program address provided
above.

The Water Management Board
will consider the proposed
changes at 11:30 a.m. on March
7, 2018, in the Matthew Training
Center, Joe Foss Bldg, 523 E.
Capitol Ave, Pierre SD. The
hearing will be held pursuant to
the provisions of SDCL 46-1-14
and 46-2-17.

The Chief Engineer's
recommendation is not final or
binding upon the Board. The
Board is authorized to 1) approve,
2) modify, 3) defer, or 4) deny the
proposed amendments after it
reaches a conclusion based on
facts at the public hearing. The
Board has legal authority and
jurisdiction to consider this matter
pursuant to SDCL 46-2-9 and 46-
2-11.

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will be automatically delayed
for at least 20 days upon written
request to the Chief Engineer
from any person who has filed a
petition to oppose or support the
proposed change. The request
for an automatic delay must be
filed by February 28, 2018. If
an automatic delay is requested,
the hearing will be rescheduled
for a future Board meeting and
personal notice will be provided to
all petitioners regarding the time,
date and location.

Notice is given to individuals with
disabilities that this hearing is be-
ing held in a physically accessible
place. Please notify the Depart-
ment of Environment and Natural
Resources at least 48 hours before
the hearing if you have a disabili-
ty for which special arrangements
must be made at the hearing. The
telephone number for making ar-
rangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any
contested case, if the amount in
controversy exceeds \$2,500.00
"or if a property right may be
terminated, any party to the
contested case may require the
agency to use the Office of Hearing
Examiners by giving notice of the
request to the agency no later than
ten days after service of a notice of
hearing issued pursuant to SDCL
1-26-17." If you choose to use the
Office of Hearing Examiners rather
than the hearing procedure before
the Water Management Board
set forth above, you need to notify
the Chief Engineer (Water Rights
Program, 523 E Capitol Avenue,
Pierre SD) by February 26, 2018.
Steven M. Pinner, Secretary, De-
partment of Environment and Nat-
ural Resources.

Published once at an approxi-
mate cost of \$126.01.
(February 15, 2018)

February 22, 2018

PAYMENT REQUEST FORM

PAYEE: Watertown Public Opinion
120 3rd Avenue NW
Watertown, SD

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$131.01

FUNDING SOURCE:

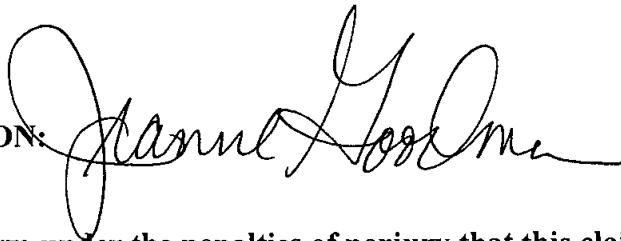
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

A handwritten signature in black ink, appearing to read "Hannah Goodman", is written over the "AUTHORIZATION:" label.

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

FEB 20 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republicanprinted and published in CastlewoodCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Feb 14, 2018Cost of Printing \$69.09LeeAnne Dufek
(Signature)Owner
(Title)2-14-2018
(Date Signed)NOTICE OF HEARING ON CHIEF
ENGINEER'S RECOMMENDA-
TION FOR BIG SIOUX RIVER
WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

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River reach upstream from the USGS gaging station near Castlewood;

River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;

River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

Low flows as needed for downstream domestic use, including live-stock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00, "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pimer, Secretary
Department of Environment and Natural Resources.

Published Feb. 14, 2018, at total cost of \$69.09.

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Hamlin County Publishing Inc.
PO Box 50
Castlewood, SD 57223

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing Big Sioux River

AMOUNT: \$69.09

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Statement

B 2 0 2018

Bill To
DENR Teresa Williams Air Quality Program 523 E. Capitol, Joe Foss Bldg. Pierre, SD 57501

[illegible]

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$69.09	\$0.00	\$0.00	\$0.00	\$0.00	\$69.09

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Bruce L. Odson,
the publisher of the Leader-Courier, deposes and says that
The Leader-Courier
is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 15 day of February, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 70.99, that the full amount of the fee charged insures to the benefit of the publisher of the 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 other person whomsoever.


Subscribed and sworn to before me

this 15 day of February, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River

water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;

2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;

3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information

shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or

contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the

time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.
Publish Feb. 15, 2018
Published once the total approximate cost of \$70.99
7-4-231

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Southern Union County Leader-Courier
PO Box 310
Elk Point, SD

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$70.99

FUNDING SOURCE:

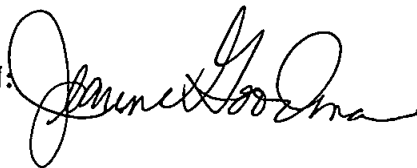
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Southern Union County
LEADER-COURIER

*The community newspaper of Dakota Dunes, Elk Point,
Jefferson, McCook Lake and North Sioux City.*

RECEIVED

FEB 20 2018

**WATER RIGHTS
PROGRAM**

**Water Rights Program
523 E Capitol Ave
Pierre, SD 57501**

2/15/18

DATE	INVOICE	DESCRIPTION	CHARGES	BALANCE
2/15/18	SJ073117	Notice of Hearing- Big Sioux River	\$70.99	\$70.99

Finance Charge \$0.00

AMOUNT DUE* \$70.99

*Includes finance charges on amounts more than 30 days past due.

**PO Box 310
Elk Point, SD 57025
Phone 605-356-2632
Fax 605-356-3626**

**PO Box 1457
North Sioux City, SD 57049
Phone 605-235-1914
Fax 605-232-3679**

FEB 26 2018

WATER RIGHTS
PROGRAMCity of
Sioux Falls

City Attorney

Providing a Better Quality of Life for You!

KAREN A. LEONARD
Deputy City Attorney
kleonard@siouxfalls.org

DANIEL J. BROWN
Assistant City Attorney
dbrown4@siouxfalls.org

RYAN J. SAGE
Assistant City Attorney
rsage@siouxfalls.org

100 S. Dakota Ave., Ste. 200
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8880

KEITH E. ALLENSTEIN, JR.
Assistant City Attorney
Police and Fire Legal Advisor
kallenstein@siouxfalls.org

(Law Enforcement Center)
320 W. Fourth Street
Sioux Falls, SD 57104-2413
605-367-8880

COLLEEN M. MORAN
Assistant City Attorney
ADA Coordinator
cmoran@siouxfalls.org

KATIE L. DUNN
Assistant City Attorney
Human Relations Legal Advisor
kdunn@siouxfalls.org

224 W. Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8745

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Assistant City Attorney
Public Works Legal Advisor
pbengford@siouxfalls.org

DIANE P. BEST
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Public Works Legal Advisor
dbest@siouxfalls.org

(Public Works Administration)
224 W. Ninth Street
P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8880

605-367-7039 TTY
605-367-7330 FAX
www.siouxfalls.org

February 23, 2018

SENT VIA U.S. MAIL AND EMAIL TO: DENRINTERNET@STATE.SD.US

Ms. Jeanne Goodman
Chief Engineer
Water Rights Program, DENR
523 E. Capitol Avenue,
Pierre, SD 57501

Re: Big Sioux River Recommendations

Dear Ms. Goodman,

Please consider this letter as the City of Sioux Falls' Petition to Intervene in the pending Big Sioux River Water Rights matter now scheduled for March 7, 2018.

The City of Sioux Falls ("*Sioux Falls*") appreciates the the Department of Environment & Natural Resources ("*DENR*") objective of bringing consistency to the water right permits and their administration along the Big Sioux River ("*BSR*"). Changing the qualifications to ensure they are all based on USGS river gages is a good thing. Sioux Falls does have some concerns that it would like to share with the South Dakota Water Management Board ("*Board*").

The proposed new qualifications for each stretch of the BSR would be based on the next USGS gage below the water permit involved. For example, irrigation above the Castlewood gage would be allowed so long as the Castlewood gage was at 5 cfs or more. As such, this qualification would tend to assure these upstream irrigators have the right to irrigate so long as the stream gage below them meets a particular criteria, without regard to what is happening to senior users further downstream. Under this scenario, a junior irrigator above the Castlewood gage could irrigate if the Castlewood gage was at 5 cfs regardless of whether the gages at Dell Rapids and Sioux Falls were below 20 cfs. At the same time, a senior appropriator would be constrained by the 20 cfs qualification at the downstream gages. While I understand these qualifications are intended to provide for flexibility by the Chief Engineer and as such, the Chief Engineer could seek cooperation among the upstream junior appropriators, the language of these qualifications seems to reduce the legal means for the senior water right holders to take action against junior water right holders that impair water rights downstream.

Ms. Jeanne Goodman
Page 2
February 23, 2018

Sioux Falls would suggest all downstream gage criteria be incorporated in the qualifications. For the two permits above Castlewood, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Similarly, for the 14 permits above Dell Rapids, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

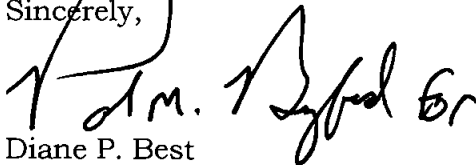
We appreciate the fact that administering these diversions during severe drought will be a challenge. We would respectfully submit, however, that the qualifications, as stated above, would protect the senior water rights and also be a better means to protect the flows in the river for the entire stretch impacted.

We also reserve our right to address any other issues that may be presented by other intervenors or the Board at a hearing.

At the hearing Sioux Falls may also address the extent to which releases from the Sioux Falls Water Reclamation Plant augment other available flows in the BSR.

Due to scheduling constraints, Sioux Falls is exercising its right to automatically delay the hearing for at least twenty (20) days as provided by state law.

Sincerely,



Diane P. Best
Assistant City Attorney

DPB/amr

Sioux Falls Ordinances

§ 53.015 USE OF PUBLIC SEWERS REQUIRED.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this subchapter, or permitted by the DENR or EPA.

(c) Except as provided in this subchapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(d) The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, in the city and abutting on any street, alley or right-of-way in which there is located or may be located a public sanitary sewer of the city, shall at the owner's expense install suitable toilet facilities therein, and connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within five years after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line and reasonably accessible as determined by the city engineer.

(1992 Code, § 41-111) (Ord. 47-81, passed 6-1-1981; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003) Penalty, see § 53.999

§ 53.016 PRIVATE WASTEWATER DISPOSAL.

(a) Where a public sanitary sewer is not available under the provisions of § 53.015(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and State of South Dakota Administrative Rules for individual and small on-site wastewater systems (ARSD Chapter 74:03:01).

(b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city engineer. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information deemed necessary by the city. A permit and inspection fee established by ordinance shall be paid to the city when the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city engineer. The city engineer shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within three hours of the receipt of notice by the city engineer.

(d) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of health. For persons with a public water supply, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. For persons with a private well, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) When a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 53.015(d), a direct connection shall be made to the public sewer within five years in compliance with this subchapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(f) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(g) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by a health officer.

(1992 Code, § 41-112) (Ord. 47-81, passed 6-1-1981; Ord. 19-82, passed 3-8-1982; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

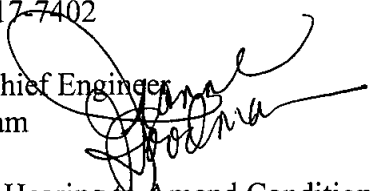
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Automatic Delay of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice regarding the Water Management Board hearing to consider an amendment to the conditions on many Big Sioux River water rights. The city's petition included a request for an automatic delay of the March 7, 2018 hearing date. Therefore, the hearing on this matter is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on March 7, 2018.

The hearing to consider amendment to the conditions on many Big Sioux River water rights is tentatively scheduled for the Water Management Board meeting to be held May 2 - 3, 2018, in Pierre. The Board will formalize its next meeting date at their March 7th meeting. Future notice of the time and place of the hearing will be provided.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the hearing process.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 27, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2018, regarding automatic delay of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



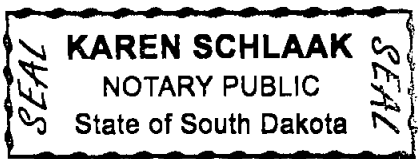
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2018



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

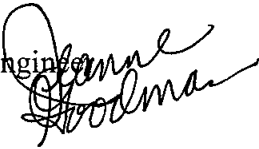
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 4, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice published in the Argus Leader regarding proposed amendment to conditions placed on many Big Sioux River water rights. The March 7, 2018, hearing was postponed at the city's request. This notice reschedules the hearing for May 3, 2018.

The Water Management Board will now conduct a hearing to consider proposed amendment to conditions placed on many Big Sioux River water rights at 8:30 AM (Central Time) on Thursday, May 3, 2018, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time.

Applicable provisions of the public notice of hearing published in the Argus Leader on February 15, 2018, still apply.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 4, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 4, 2018, regarding scheduling of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

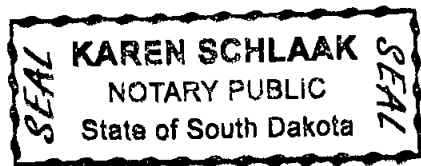
Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of April, 2018

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

213-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2019

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 213-3 and 1500-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GTDHKI**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

213-3

1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 213-3 & 1500-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2024

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaires you submitted for Water Right Nos. 213-3 & 1500-3, however they were both found to be incomplete.

On the questionnaires you submitted, the number of irrigated acres, pump rates, and monthly hours were not included. On the submission for Water Right No. 213-3, there is some information included that appears to indicate the irrigation of 2,400 acres.

I've enclosed copies for both submissions for you to review. Please contact me right away to discuss these questionnaires, as reporting is a time sensitive matter. Completed submissions are due December 2, 2024.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QUFRXC**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

213-3
1500-3

Ted Lacey
24064 478th Ave
Trent SD 57065

Dear Mr. Lacey:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 213-3 & 1500-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

1500-3

213-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: TED LACEY, 24064 478TH AVE, TRENT, SD 57065

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 213-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 213-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KFZJCH**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 27, 2026

213-3, 1500-3

Ted Lacey
24064 478th Ave
Trent, SD 57065

Dear Mr. Lacey,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us