

Water Right Number 3882-3

1. Considered 5-25 . 77
2. Name of Applicant ROBERT T. LEISEN
3. Post Office Address ABERDEEN
4. Amount of water claimed 2.0
5. Source of water supply 288' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in CAMPBELL County
about 10.5, ft Miles of MOJAVE CITY
8. Proof of Publication
Received 5-20-77
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 3156 2-3Map No. 3141-5 Water Division No. 3 Missouri River District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Robert T. Leisen
 Postoffice address 4148 Prairiewood Drive, State Aberdeen, South Dakota 57401
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Robert T. Leisen - Unit # 3
4. Amount of water claimed (cubic feet per second) 3-2.2
5. Source of water supply Ground Water
6. Location of point of diversion CENTER SE 1/4 SECTION 16, T125N, R76W
- County Campbell
7. Annual period or periods during which water is to be used March - November
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and how number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 of 16-125-76	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years Additional time required to complete application of water to the proposed beneficial use 2 years
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News, Aberdeen, SD
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump Bowl

B. Works proposed to transport water to place of use.

Main Line

C. Works proposed to apply water to beneficial use.

Center PivotEstimated Total Cost \$ -----

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Campbell) ss.I, Robert T. Leisen

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

Signed Robert T. LeisenSubscribed and sworn to before me this 3 day of March 1977

Notary Public (or other qualified officer)

COMMISSION EXPIRES
MARCH 4, 1981

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3882-3
ROBERT T. LEISEN 6148 PRAIRIE WOOD DR., ABERDEEN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57401 With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MARCH 4, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MAY 25, 19 77, Recorded in Book 18 Page 280

WATER RIGHT PERMIT NO. 3882-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3882-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 4, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 19 79
3. The whole of said work is to be completed on or before MAY 25, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 8020 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MAY 25, 19 84; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 14TH day of JUNE, 19 77

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

PAGE NO.

4¹³

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log provided by driller

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

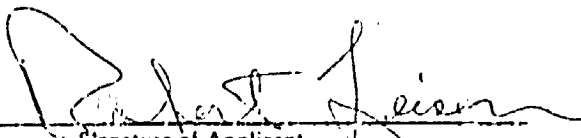
Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property None rds. On property owned by others 320 rds

G. Water Storage Dams.

- If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.


Signature of Applicant

SEE PERMIT NO 5367-3

FOR WATER QUALITY DATA

Form 6 - Notice Intent to Appropriate Water

No. 2862-3

Publish first publication, on or before May 12 1, 19 77

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 11, 19 77

Notice is hereby given that Robert T. Laisen
whose post office address is Aberdeen, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.0 cubic feet of water per second of time from the ground water through the
Robert T. Laisen, the point of diversion of which is to be located in the
center of SE 1/4
of Section 16, Twp. 125N, Range 76W. Said water to be used for the purpose
of providing irrigation on the following described land.

SE 1/4, Section 16, T125N, R76W

This application No. 2862-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 19 77 at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Robert T. Laisen, 4143 Fruitwood Dr., Aberdeen, SD 57401

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No 3882-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Campbell) ss.

I, William R. Bommersbach hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Prairie Picayune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Herreid

County of Campbell and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 12, 1977

May 19, 1977

William R. Bommersbach
(Signature)

Publ. Co.
(Title)

May 19, 1977
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

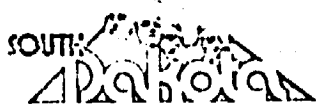
Pierre, South Dakota 57501
April 11, 1977
Notice is hereby given that
Robert T. Lelsen whose post
office address is Aberdeen,
South Dakota, has made an ap-
plication in accordance with
the provisions of the water
laws of South Dakota for a
permit to appropriate for
beneficial use 20 cubic feet of
water per second of time from
ground water through the Rob-
ert T. Lelsen No. 3, the point of
diversion of which is to be lo-
cated in the center of SE $\frac{1}{4}$ of
Section 16, Twp. 125N, Range
76W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land:

SE $\frac{1}{4}$, Section 16, T125N, R76W
The application No. 3882-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 25th day
of May, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.

Water Rights Commission
JAMES WINTERTON
Water Rights Specialist
(Publ. May 12 and 19, 1977)



3882-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

December 27, 1978

Wilfred Rienbold
Mobridge, SD 57601

Dear Mr. Rienbold:

Mr. Leisen has indicated to us that you lease the land pertaining to Water Right No. 3882-3.

Please complete the enclosed data sheet for our records, return the data sheet to this office at your earliest convenience.

Sincerely,

Genny Young
Staff Assistant

gy

encl

Form 10.

No. _____



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

Post Office _____

Date 9/14/77

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

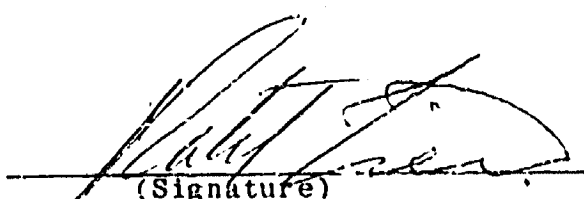
Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3882-3.

Water Right Permit No. 3882-3 states that the diversion system is to be constructed by MAY 15, 1982 and that the water is to be put to beneficial use by MAY 15, 1984.

The diversion system was completed on JULY 1, 1977.
Applying the water to beneficial use was completed on JULY 1, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.


(Signature)



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 5, 1984

3881-3

3882-3

John L McFee
403 11th
Ipswich SD 57451

Dear Mr. McFee:

A recent inquiry on your Water Permits No. 3367-3, 3368-3, 3881-3 and 3882-3 we found that Permits 3881-3 and 3882-3 do not have soil/water compatibility approval from the State Conservation Commission. Soil/water compatibility approval must be received to bring your permits into compliance with State Law.

We need to know if you are the owner or operator of Permit No. 3882-3 for the SE 1/4, Section 16, T125N, R76W. This permit was not transferred to your name. Since the inquiry included this permit we are sending the information to you.

Enclosed are two partially completed WI-1 forms to be completed by you. This form must be submitted with a water sample, soils map and a water sample from each well shown on the WI-1 form to the Water Quality Lab at Brookings. An instruction sheet is enclosed for your information on how to submit the water samples. If you have any questions on the soil/water compatibility please contact Jim Stukel, Division of Conservation, Anderson Building, 445 E Capitol, Pierre SD 57501. Phone 773-3259.

Sincerely,

BETTY WESTLUND
Natural Resources Analyst

BW:ks

enclosures

cc: Jim Stukel

Equal Opportunity Employer

3381-3
3882-3

June 6, 1986

John L. McFee, M.D.
P.O. Box 498
Ipswich, South Dakota 57451

Dear Doctor McFee:

In reference to our telephone conversation of June 6, 1986, enclosed is a partially completed transfer form for transferring Water Permit No. 3882-3 to your name. The permit is currently listed in the name of Robert Leisen.

Please check over the transfer form, date and sign in the presence of a notary. Upon completion of the form, return it to our office with a \$2.50 filing fee. Water Permit No. 3882-3 will be transferred to you at such time as the completed form and filing fee are received in our office.

During our telephone conversation, we discussed the soil/water compatibility approval needed for both Permit No. 3881-3 and Permit No. 3882-3. The Division of Conservation has advised our office that water samples from your wells have been taken and the results are now on file. All that is needed to clear up the discrepancies are signed WI-1 forms from you. I have enclosed the completed forms, please sign and have them notarized. Upon completion return the WI-1 forms to the following address:

Jim Stukel
Division of Conservation
Anderson Building, Room 322
Pierre, SD 57501

If you have any questions, please advise. Your prompt attention in this matter will be appreciated.

Sincerely,

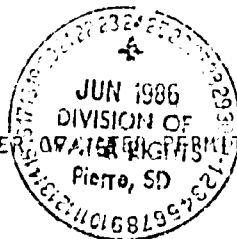
Genny McMath
Natural Resources Analyst

GM:ms
Enc.

cc: Jim Stukel, Div. of Conservation

NO. 3882-3

NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 6-20-86

This is to notify you that the title to the lands described as follows:

160 Acres - SW1/4 Section 16, T125N-R76W

formerly owned by Robert T. Leisen

has been transferred to John L. McFee, Jr., N.D. PO Box 498, Ipswich, SD 57451

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3882-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Edmunds) ss.

I, John L. McFee, Jr. being first duly sworn on my oath despose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

John L. McFee, Jr.
(Signed)

Subscribed and sworn to before me this 20th Day of June, 1986.

Notary Public
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, June 27, 1926

RECEIVED OF John L. McFae, Jr., M.D., PO Box 498, Ipswich, SD 57451

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 2802-3		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH/26

No. 3882-3

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

June 25, 1986

John L. McFee, Jr., M.D.
P.O. Box 498
Ipswich, South Dakota 57451

Dear Doctor McFee:

Enclosed is receipt No. 410470 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3882-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

3882-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

KRAUSE-ALLBEE FARMS, OP
RR #1 BOX 7
MANSFIELD SD 57463

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 3007-3, 3367-3, 3368-3, 3381-3, 3382-3 & 3652-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3007-3, 3367-3, 3368-3, 3381-3, 3382-3 & 3652-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. 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 4th hearing date, 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: John McFee, Jr., PO Box 498, Ipswich, SD 57511
Richard Lindsey, RR #3, Aberdeen, SD 57401
Milton Ehresman, Ronne Farrell, 830 6th Ave SE, Aberdeen, SD 57041



KRAUSE ALBEE FARMS INC
RR 1 BOX 7
HANSFIELD, S D 57460

DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

RON DUVAL:

ENCLOSED PLEASE FIND COPIES OF WATER MANAGEMENT IRRIGATION
QUESTIONNAIRE TAKEN FROM OUR FILES. THE ORIGINALS WERE MAILED AT AN
EARLIER DATE AND SHOULD BE IN YOUR FILES. ALSO COPIES OF THE LETTER
YOU SENT ME REGARDING THE VIOLATION FOR NOT SENDING IN QUESTIONNAIRE.

IF I NEED TO DO ANY FURTHER FOLLOW UP ON THIS MATTER PLEASE
ADVISE.

KRAUSE ALBEE FARMS INC

Larry Krause
LARRY KRAUSE MGR

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

UNIVERSITY MICROFILMS



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1992

Larry Krause
Krause-Albee Farms
RR #1 Box 7
Mansfield, SD 57460

RE: Irrigation Questionnaires - Permit Nos. 3007-3, 3367-3,
3368-3, 3652-3, 3881-3, 3882-3, 4480-3, 4757-3, 5128-3 &
5495-3

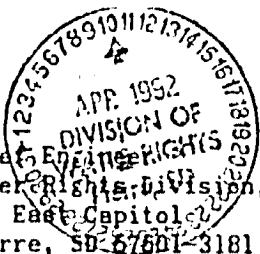
Dear Mr. Krause:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above listed water permits. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



NOTICE OF TRANSFER OF OWNERSHIP

No. 3882-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____

I, We request that Water Permit/Right No. 3882-3

formerly owned by: John Miller, Jr.

be transferred to: (name & address) Larry Krause

RR1 Box 7 Mansfield SD: _____ (telephone No.) 887-3562

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

SE 1/4 Section 16, T125N, R16W

I/We understand that the validity of Water Permit/Right No. 3882-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

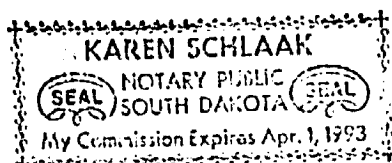
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Larry Krause 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, and that I know of my own personal knowledge that the information herein stated is true.

Larry Krause
(Signed)

Subscribed and sworn to before me this 16th day of April, 1992.



Karen Schlaak
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

AND ON MICROFILM WITHIN THE
REPRODUCTION. REVISION

25:1

ROLL NO. 11-24

DATE MICROFILMED

7-1-92
JAN 15 1993
CAMERA OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

418177

Pierre, _____ April 19 _____, 19 92

RECEIVED OF Larry Krause, RR 1 Box 7, Mansfield, SD 57460

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 Water Permit No. 3882-3

2 50

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John H. H. H. H.
Chief Engineer



April 15, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 3367-3

3368-3

3881-3

3882-3

Larry Krause
RR 1, Box 7
Mansfield, SD 57460

Dear Mr. Krause:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3.

Our records now show you as the owner of Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

L



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LARRY KRAUSE, 37841 147TH ST, MANSFIELD, SD 57460

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. 4757-3, 5128-3 & 5495-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. 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) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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) 4757-3, 5128-3 & 5495-3 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) 4757-3, 5128-3 & 5495-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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.



3882-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

Larry Krause
37841 147th St
Mansfield, SD 57460

RE: Water Permit/Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 4757-3, 5128-3 & 5495-3

Dear Mr. Krause:

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/Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 4757-3, 5128-3 & 5495-3.

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



3882-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: LARRY KRAUSE, 37841 147TH ST, MANSFIELD, SD 57460
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5128-3, 5495-3 & 5896-3, 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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) 5128-3, 5495-3 & 5896-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 5128-3, 5495-3 & 5896-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3367-3, 3368-3, 3652-3, 3881-3 & 3882-3 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/r before February 28, 2000, 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.



3882-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 18, 2000

Larry Krause
37585 149th St
Mansfield, SD 57460

RE: Irrigation Questionnaires for Water Permit/Rights Nos. 3367-3, 3368-3, 3652-3, 3881-3,
3882-3, 5128-3, 5495-3 and 5896-3

Dear Mr. Krause:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. Questionnaires were completed for you based on your January 18th telephone conversation with Ron Duvall.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit or Right Nos. 3367-3, 3368-3, 3652-3, 3881-3, 3882-3, 5128-3, 5495-3 and 5896-3. 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



3882-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 27, 2000

Larry Krause
37585 149th St
Mansfield, SD 57460

Dear Mr. Krause:

Thank you for contacting us about the status of your Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3. It is my understanding that the land described in these permits came out of CRP the fall of 1998. You indicated systems were being placed back on the land with irrigation anticipated for the year 2001.

If I remember correctly, you also indicated that the land was up for sale and the tentative buyers were concerned with the status of the water permits. Water rights or permits remain active as long as the water use has not been abandoned and/or forfeited. I am enclosing excerpts of SD Water Laws and Water Management Board Rules dealing with legal excuse for nonuse of water and exceptions to forfeiture for nonuse of water.

State law does provide exceptions to forfeiture for nonuse (see SD Water Law 46-5-37.2 of enclosed excerpt) for acreage placed in an acreage reserve or production quota program. A water permit is not forfeited for nonuse if the land authorized for irrigation is placed in a program as outlined in the statute. Taking into consideration when you indicate the land came out of CRP, it appears that the permits have not been forfeited for nonuse. However, if the land is not irrigated in the 2001 season, the water permits may be subject to cancellation based on three years of nonuse of water (SDCL 46-5-37).

The final determination on whether a water permit is valid is ultimately a decision of the Water Management Board. If, after reviewing this letter and the enclosed excerpts, there remains uncertainty as to whether your water permits may be subject to cancellation, you may file a declaratory ruling request. We can then proceed to bring the matter before the Water Management Board for a final determination.

If I can help answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
email: genny.mcma@state.sd.us

enclosure

HURON DRILLING INC.
WELL LOCATION MAP

NAME Robert T. Leisen

DATE March 3 19 77

WELL NO. # 3

SE

QUARTER, SECTION 16

TWP. 125

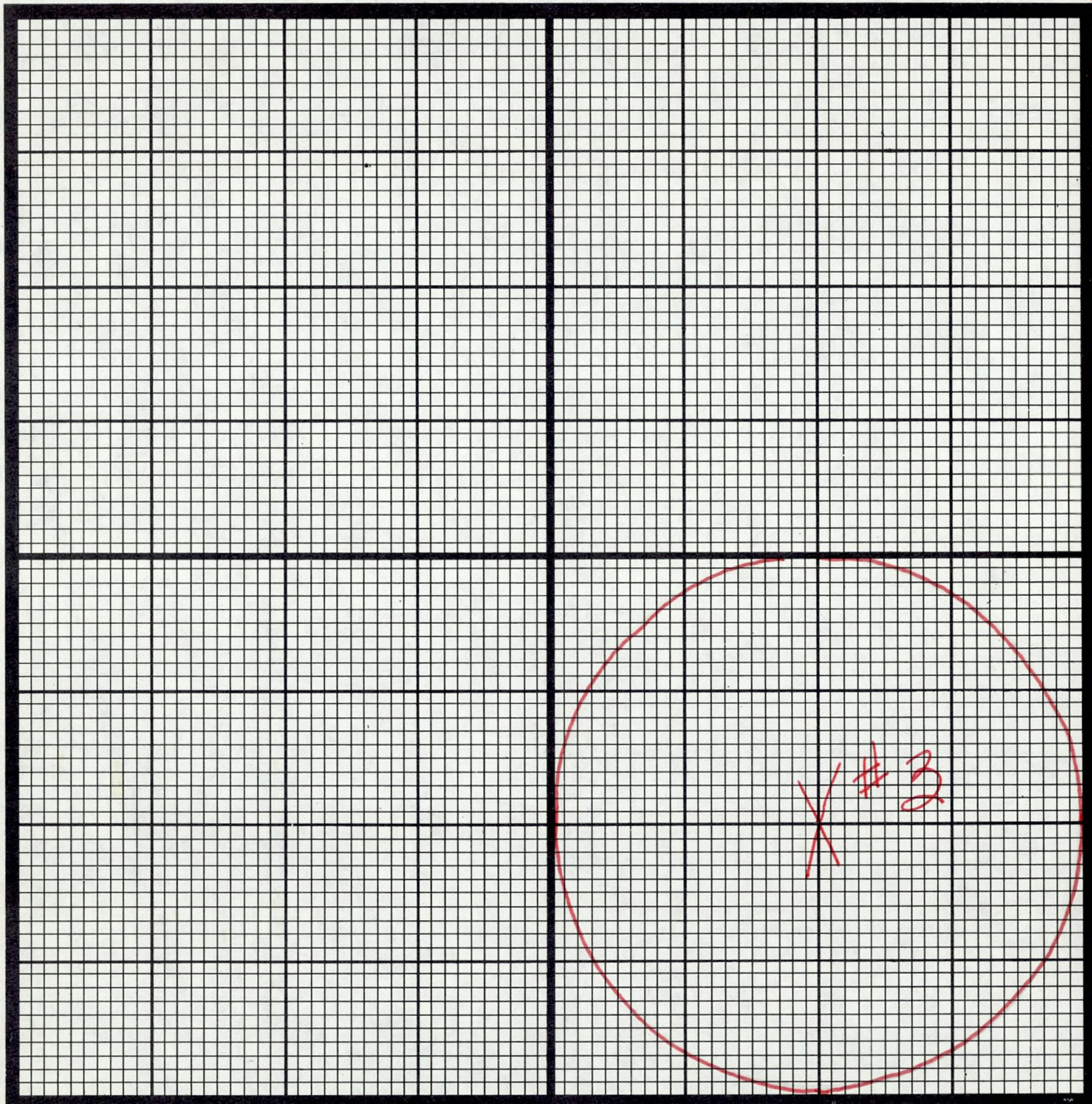
RANGE

76

IN

Campbell

COUNTY



X — PROPOSED LOCATION

Prepared By

Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

MAP NO. 3141-3 (APP. NO. 308823)

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 3882-3

Date: 5/19/2006

I/We request that Water Right/Permit No. 3882-3 formerly owned by:
Larry Krause, 37585 149th St, Mansfield SD 57460 be transferred to:

New Owner Name: Miles Lacey

Address: 26511 485th Ave

City, State, Zip Valley Springs SD 57068 Telephone No. 605 582 6204
351 7515

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

SE1/4 section 16-T125N-76W (one well)

☒ I understand that the validity of Water Right/Permit No. 3882-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Miles Lacey, the new owner, certify that the above information is true and correct.

Miles 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

Date May 30, 2006, 20__

RECEIVED OF Miles Lacey, 26511 485th Ave, Valley Springs SD 57068

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 <u>3882-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 02471

By

Darlan Erbe
Chief Engineer *gm*



May 31, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3367-3

3368-3

3881-3

3882-3

Miles Lacey
26511 485th Ave
Valley Springs SD 57068

Dear Mr. Lacey:

I am writing to acknowledge receipt of the ownership changes you filed for Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3. The transfers have been completed and the water permits formerly held by Larry Krause are now listed in your name. Enclosed are your Receipt Nos. 02468, 02469, 02470 and 02471 in the amounts of \$2.50 each. You may keep these for your records.

I have also included copies of the water permits and samples of irrigation questionnaires for your files. With respect to the irrigation questionnaires, Water Management Board Rules require submission of these forms each year. The enclosed copies will give you an idea of what type of information you will need to keep track of during the crop season. The actual forms you will need to complete and return to us will be sent to you in October.

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 1, 2011

No. 3367-3
3368-3
3881-3
3882-3

Dick Lacey
48456 266th St
Brandon SD 57006

Dear Mr. Lacey:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3. The water permits are currently listed in the name of Miles Lacey.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$200.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

RECEIVED

DEC - 7 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3882-3

Date: 12-6-11

I/We request that Water Permit No. 3882-3

formerly owned by: Miles Lacey

be transferred to: (name & address)

Dick or Konny Lacey

48456 266th St.

Brandon S.D. 57005

Telephone No 605-7576639

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

160 acres - SE 1/4 Section 16-T125N-R76W

I/We understand that the validity of Water Right/Permit No. 3882-3 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 Fifty Dollars (\$50.00) 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 Dick or Konny Lacey, the new owner, certify that the above information is true and correct.

Dick 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

Date 12/7, 20 11

RECEIVED OF Dick or Konny Lacey 48456 266th St Brandon SD 57005

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 <u>3282-3</u>		50 00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **00099**

By

Laurel Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2011

3367-3
3368-3
3881-3
3882-3

Dick or Konny Lacey
48456 266th St
Brandon SD 57005

Dear Mr. & Mrs. Lacey:

Thank you for the prompt return of the transfer forms and filing fees for Water Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3.

The ownership changes have been completed. The permits formerly held by Miles Lacey are now listed in your names.

Enclosed for your records are Receipt Nos. 05096, 05097, 05098 and 05099. If you have any questions, please contact me.

Sincerely,

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

PAID

JUN 8 2022

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Ck# 1049
Rec't# _____

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUN 08 2022

Water Right/Permit No. 3882-3

OFFICE OF
WATER

Date: _____

I/We request that Water Right/Permit No. 3882-3 formerly owned by:
Dick or Konny Lacey be transferred to:

New Owner Name: Lacey Land, LLC

Address: 48456 266th Street

City, State, Zip Brandon, SD 57005 Telephone No. 605-757-6639

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

160 acres - SE 1/4 Section 16, T125N, R76W

☒ I understand that the validity of Water Right/Permit No. 3882-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Konny Lacey, Authorized Member of Lacey Land, LLC the new owner, certify that the above information is true and correct.

Konny 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.



DONAHOE LAW FIRM, P.C.

Brian J. Donahoe

Licensed to Practice in SD, IA & MN

brian@donahoelawfirm.com

June 3, 2022

PMB 2020
DANR Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JUN 08 2022

OFFICE OF
WATER

Re: Notice of Transfer of Ownership – Lacey family

Water Rights Program,

Our firm represents Dick and Konny Lacey, their Living Trust, and a new entity they formed called Lacey Land, LLC. Real property and water rights are being consolidated with ownership by Lacey Land, LLC. Enclosed for filing and processing are six (6) individual Form 0495LD V2, Notice of Transfer of Ownership, for water wells in Campbell County, SD. A check for \$300.00 is enclosed (6 notices at \$50/each = \$300.00).

The water rights are being transferred from Dick or Konny Lacey, or the Richard D. and Konny R. Lacey Living Trust to Lacey Land, LLC:

Water Rights/Permit No. 3367-3
Water Rights/Permit No. 3368-3
Water Rights/Permit No. 3881-3
Water Rights/Permit No. 3882-3
Water Rights/Permit No. 8136-3
Water Rights/Permit No. 8159-3

If possible, Lacey Land, LLC would like to consolidate permits after transfer as much as possible. We do not anticipate future land transfers and believe there is no reason to have multiple permits on these properties. If that is not possible, or would require additional fees, Lacey Land, LLC is not interested. Please contact me with any questions or concerns.

Thank you.

Sincerely,

Brian J. Donahoe

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 8, 2022

RECEIVED OF Donahoe Law Firm PC 401 E 8th St Ste 215, Sioux Falls SD 57103

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 <u>3882-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

3882-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 28, 2022

Konny Lacey
Lacey Land LLC
48456 266th St
Brandon SD 57006

RE: Water Permit/Right Nos. 3367-3, 3368-3, 3881-3, 3882-3, 8136-3 & 8159-3

Dear Ms. Lacey:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on the above listed water permits and water rights.

The ownership changes have been completed. Water Permit/Right Nos. 3367-3, 3368-3, 3881-3, 3882-3, 8136-3 & 8159-3 formerly listed under Dick or Konny Lacey or Richard D and Konny R Lacey Living Trust are now listed under **Lacey Land LLC**.

As requested, we will work to combine and process the licenses for Permit Nos. 3367-3, 3368-3, 3881-3 and 3882-3. These will be sent to you under separate cover.

Receipts for the filing fees will be sent to Donahoe Law Firm PC with a copy of this letter. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: Brian Donahoe, Donahoe Law Firm PC

Permit Nos. 3368-3 and 3882-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **November 13, 2006**, made a thorough examination of the water use system constructed by **Miles Lacey** of **26511 485th Ave., Valley City, SD 57068** holder of Permit Nos. **3368-3 and 3882-3**, bearing the priority of **November 19, 1976 and March 4, 1977** authorizing the diversion of **3.0** cu. ft. per second (cfs) and **2.0** cfs of the waters of the **Grand Aquifer** for **Irrigation** purposes, in **Campbell** County.

Inspection contact & relationship **Miles Lacey (351-7515)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **300** (feet)
- 4) Well log is available **Y**
- 5) Comment: **The well log does not include any information regarding the casing, screen, static water level etc...**

Pump:

- 1) Make **Unknown**
- 2) Model **Unknown**
- 3) Size **Unknown**
- 4) Capacity **900** GPM

Motor:

- 1) Make **US Motor**
- 2) Model No. **R-9982-00-061**
- 3) Horsepower rating **125** hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **(2) Valley**
- 2) Number of towers **7**

- 3) End gun Y
- 4) High or low pressure Low

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1310 feet north and 1380 feet west of the SE corner of Section 16-T125N-R76W

(N 45.64087, W -100.03292) (SW ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 16-T125N-R76W

NW ¼ NE ¼ - 33.5 acres

NE ¼ NE ¼ - 33.5 acres

SW ¼ NE ¼ - 33.5 acres

SE ¼ NE ¼ - 33.5 acres

NW ¼ SE ¼ - 33.5 acres

NE ¼ SE ¼ - 33.5 acres

SW ¼ SE ¼ - 33.5 acres

SE ¼ SE ¼ - 33.5 acres

comprising a total of 268 acres of land and the license should be issued for 2.0 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 3368-3 authorizes the diversion of 3.0 cfs of water from one well located near the center of N ½ Section 16 from the Grand aquifer to irrigate 320 acres located in the NW ¼, NE ¼; all in T125N-R76W with a priority date of November 19, 1976. At the time of the licensing inspection, the well authorized by Permit No. 3882-3, was being used to operate one pivot in the NE ¼ and one pivot SE ¼ Section 16-T125N-R76W. The permits authorized to irrigate the SE ¼ Section 16 are Permit Nos. 3367-3 and 3882-3. Also, it is unclear whether the well authorized by this permit was ever used for irrigation of any acreage in the NE ½ Section 16.

Report of Examination of Works

Permit No. 3368-3 and 3882-3

Water Permit No. 3367-3 authorizes the diversion of 3.0 cfs of water located near the center of the S $\frac{1}{2}$ Section 16 from the Grand aquifer to irrigate 320 acres located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 16; all in T125N-R76W with a priority date of November 18, 1976.

Water Permit No. 3882-3 authorizes the diversion of 2.0 cfs of water from one well located in the center of the SE $\frac{1}{4}$ Section 16 from the Grand aquifer to irrigate 160 acres located in the SE $\frac{1}{4}$ Section 16 with a priority date of March 4, 1977. The acreage covered under this permit overlaps the acreage already authorized by Permit No. 3367-3 which has an earlier priority date.

The well in the SW $\frac{1}{4}$ Section 16 is used to operate one pivot in the SW $\frac{1}{4}$ Section 16 and one pivot in the NW $\frac{1}{4}$ Section 16; all in T125N-R76W.

The well in the SE $\frac{1}{4}$ Section is used to operate one pivot in the SE $\frac{1}{4}$ Section 16 and one pivot in the NE $\frac{1}{4}$ Section 16; all in T125N-R76W.

Applicable portions of Water Permit Nos. 3367-3, 3368-3 and 3882-3 should be incorporated to reflect the system as developed while each retaining their priority dates as shown below:

- Diversion Point: Transfer the diversion of water authorized by Water Permit No. 3368 to the SE $\frac{1}{4}$ Section 16 to retain its original priority date of November 19, 1976.
- Acres: 268 total acres authorized by Permit Nos. 3367-3 for 134 acres with priority date of November 18, 1976 in the SE $\frac{1}{4}$ Section 16, and 134 acres authorized by Permit No. 3368-3 for 134 acres in the NE $\frac{1}{4}$ Section 16 with a priority date of November 19, 1976.

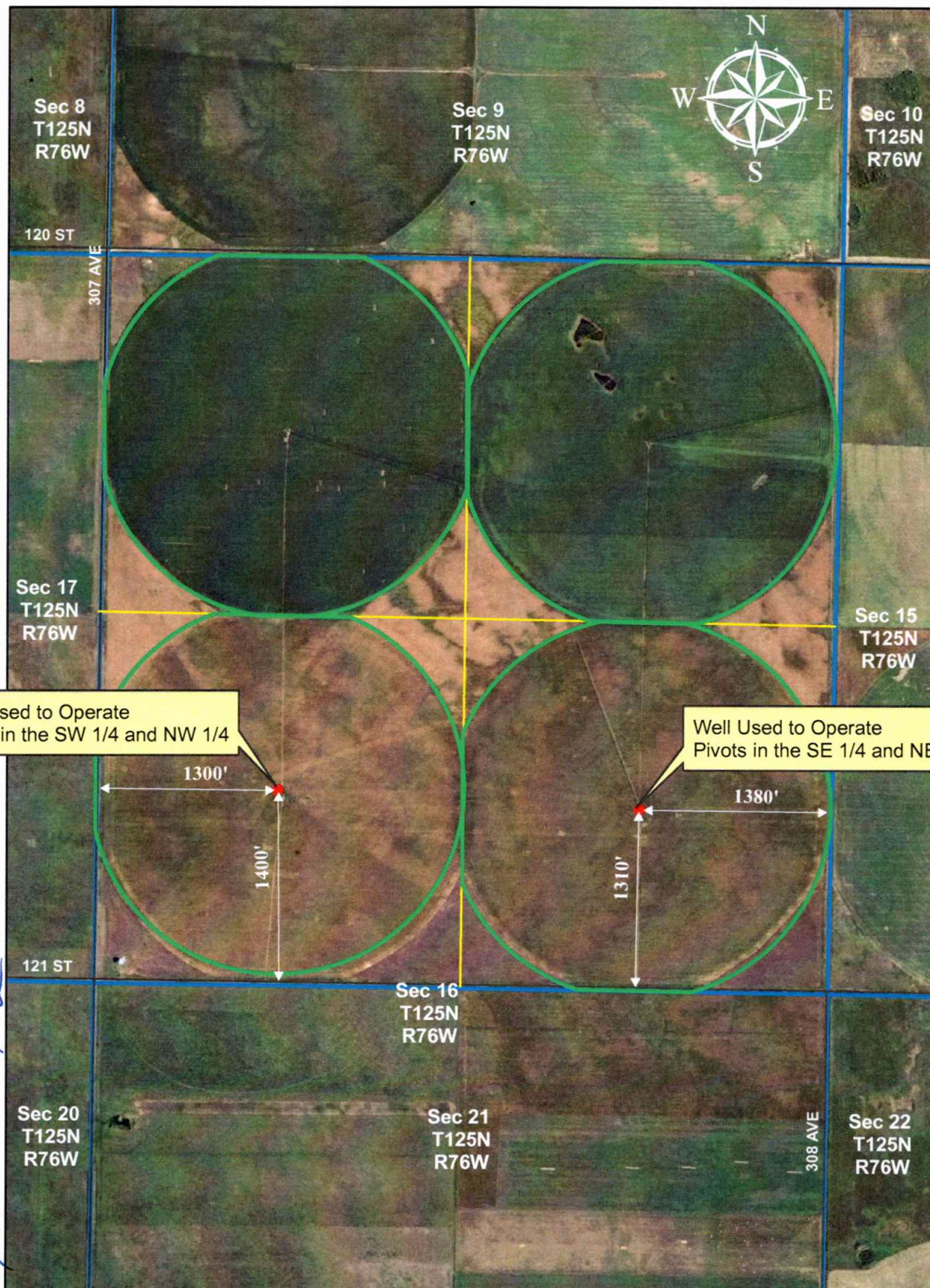


Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **January 22, 2008**

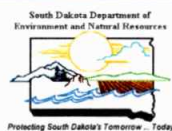
Miles Lacey
26511 485th Ave.
Valley Springs, SD 57068

Water Permit Nos. 3368-3 and 3882-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 22, 2008



0 370 740 1,480 2,220 2,960 Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2008

3881-3 and 3882-3

Miles Lacey
26511 485th Ave
Valley City SD 57068

Dear Mr. Lacey:

On November 13, 2006 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 3881-3 (W ½ Sec 16-T125N-R76W) and 3882-3 (E ½ Sec 16-T125N-R76W), was completed by Mike Defea, a staff engineer with our program. Your final water right document, the water licenses, can now be issued.

State law requires that we charge a \$50.00 fee for each investigation and issuance of the water license. Upon receipt of the \$100.00 fee from you, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/13, 20 08

RECEIVED OF Miles Lacey 26511 485TH Ave Valley Springs SD 57068

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3882-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

03521

By

Laurel Erbe
Chief Engineer

3882-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 05 2022

Konny Lacey
Lacey Land LLC
48456 266th St
Brandon SD 57005

RE: Water Permit Nos. 3367-3, 3368-3 and Water License Nos. 3881-3 and 3882-3

Dear Ms. Lacey:

Enclosed are Water License Nos. 3881-3 and 3882-3. These are the final water right documents completing the process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 3367-3 were incorporated into Water License No. 3881-3 and the applicable portions of Water Permit No. 3368-3 were incorporated into Water License No. 3882-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3882-3

(1) Robert T Leisen originally filed Application No. 3882-3, March 4, 1977, for a water permit to divert 2.00 cubic feet of water per second from ground water, one well (Grand Aquifer), Campbell County, South Dakota for irrigation purposes. Permit No. 3882-3, with a priority date of March 4, 1977, was approved May 25, 1977, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 25, 1982, and for the application to beneficial use of water on or before May 25, 1984.

Water Permit No. 3368-3, with a priority date of November 19, 1976, authorized irrigation of the N ½ Section 16, T125N, R76W. The well that was to have been developed in the center of the N ½ of Section was not completed. Water Permit No. 3882-3 authorized a well in the SE ¼ of Section 16 to irrigate the same quarter. The well developed under No. 3882-3 in the SE ¼ Section 16 also irrigates the NE ¼ Section 16 authorized under No. 3368-3.

On June 8, 2022, Nos. 3368-3 and 3882-3 were transferred to Lacey Land LLC.

The applicable portions of Water Permit No. 3368-3 are incorporated into Water License No. 3882-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is:

- approximately 1,310'N and 1,380'W of the SE corner of Section 16, T125N, R76W (SW ¼ SE ¼)
Latitude 45.64087, Longitude -100.03292

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16, T125N, R76W			
NW ¼ NE ¼	33.5 acres	NW ¼ SE ¼	33.5 acres
NE ¼ NE ¼	33.5 acres	NE ¼ SE ¼	33.5 acres
SW ¼ NE ¼	33.5 acres	SW ¼ SE ¼	33.5 acres
SE ¼ NE ¼	33.5 acres	SE ¼ SE ¼	33.5 acres
268 acres			

Priority dates: SE ¼ Section 16: March 4, 1977, established under Water Permit No. 3882-3

NE ¼ Section 16: February 18, 1976, established under Water Permit No. 3368-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lacey Land LLC, 48456 266th St., Brandon SD 57005 the holder and/or owner of Incorporated Water Right No. 3882-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water, one well (Grand Aquifer) with priority dates of March 4, 1977 (SE ¼) and February 18, 1976 (NE ¼) from the location specified in (2) of this license for irrigation purposes.

continued

Water License No. 3882-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 3882-3 and subject to the following qualifications:

- The well approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Eric Gronlund

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

JUL 05 2022

date

