

WATER PERMIT NO. 8136-3

Name of Applicant: **Richard D & Konny R Lacey Living Trust**

Address: **48456 266th St, Brandon SD 57005** Phone: **605 366-0759**

Amount of Water Claimed: **2.22 cfs** Total Acres: **320 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Campbell**

Type of Waste Disposal System:

Location: **8 miles southeast of Mound City**

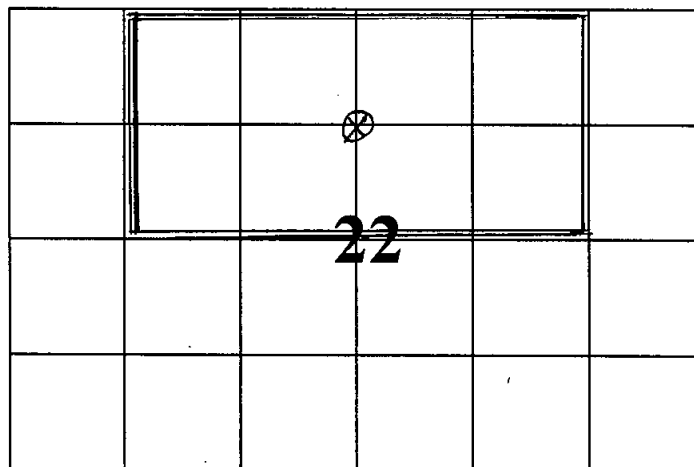
PRIORITY Date Received: **3-5-15** Application/License Fee: **\$ 1350**

Corrected Application Received: **3-11-15** Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **center of the N 1/2 Sec 22-T125N-R76W**

Land to be Irrigated: **N 1/2 Sec 22-T125N-R76W**



Depth of Well: **300 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-11-15**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8136-3</u> (office use only) Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Prairie Pioneer, Pollock</u> <u>American News, Aberdeen</u>

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Richard D & Kerry R Lacey Living Trust(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 48456 266th St. Brandon SD 57005

(Address)

(City)

(State)

(Zip Code)

Home Phone (605) 757-6639 (605) 346-0759 Email Laceyhay@alliancecom.net2. Amount of water claimed 2.22 *CFS or 900-1000 **GPM ***AF Total Acreage 320

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water well4. Location of point of diversion 1 well in the middle of the

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

N1/2 of sec. 22 T-125-N-R-76-W County Campbell5. County or counties where water will be used Campbell6. Annual period during which water is to be used April - September7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 of the NE 1/4 of Sec. 22	40	SE 1/4 of the NW 1/4 of Sec. 22	40
NE 1/4 of the NE 1/4 of Sec. 22	40	NE 1/4 of the NW 1/4 of Sec. 22	40
SW 1/4 of the NE 1/4 of Sec. 22	40	SW 1/4 of the NW 1/4 of Sec. 22	40
NW 1/4 of the NE 1/4 of Sec. 22	40	NW 1/4 of the NW 1/4 of Sec. 22	40

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

← T-125-N-R-76-W

I plan to dig 1 well in the middle of N1/2 of Sec. 22 and put two center pivots with corner systems on them, to fully irrigate the two quarters

I, Richard D. Lacey, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 8136-3**

Date of first receipt of application March 5, 2015.

Date of return to applicant for corrections, amendments or changes March 5, 2015.

Date of receipt of corrected application March 11, 2015.

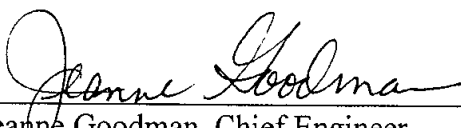
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8136-3 to Richard D & Konny R Lacey Living Trust, c/o Richard Lacey, 48456 266th St, Brandon SD 57005 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8136-3 appropriates 2.22 cubic feet of water per second from one well to be completed into the Grand Aquifer (300 feet deep) located in the approximate center of the N 1/2 Section 22 for irrigation of 320 acres located in the N 1/2 Section 22; all in T125N-R76W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is March 5, 2015.
4. The date of approval of Permit No. 8136-3 is June 1, 2015.
5. One-fifth of the construction is to be completed on or before December 1, 2017.
6. All construction is to be completed on or before June 1, 2020.
7. Water is to be put to beneficial use on or before June 1, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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.
2. The well authorized by Permit No. 8136-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUN 05 2015

date



Supplemental Information

(type or print)

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1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

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

c) Well Depth 300' Depth to Top of Water Bearing Material 275' Depth to Water from Surface 200'-250'

d) Distance to nearest existing domestic well: 1/4 mi

On applicant's property _____

On property owned by others PFC Pig House

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address: _____

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

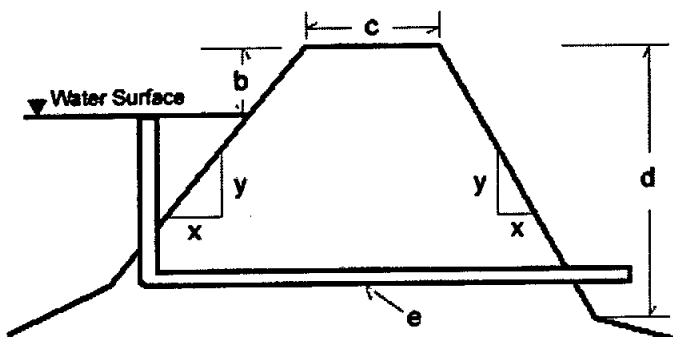
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



United States
Department of
AgricultureINITIAL
Campbell County, South Dakota

DATE



Common Land Unit

Cropland / Non-cropland

Conservation Reserve Program

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Boundary Section Line



2012 Ortho-Photography - not to scale

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2014 Program Year

Map Created February 12, 2014

Farm 2139

22 -125N -76W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/5, 20 15

RECEIVED OF Dick Lacey 48556 266th St Brandon SD 57005

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

Fee for Application for Permit No. <u>8136-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>8136-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1350 00

No. **07314**

By *Jeanne Spelman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 5, 2015

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MAR 11 2015

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Richard D & Konny R Lacey
48456 266th St
Brandon SD 57005

Dear Mr. & Mrs. Lacey:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Campbell County. In order to complete the application, the following is required.

- Enclosed is your application. Please complete Item No. 2, the amount of water claimed.
- Also, enclosed is Form 2A, Supplemental Information. On Item No. 1 regarding the Well Information, please complete c) Well Depth with proposed well depth. Your well driller should be able to give you an estimate depth for your proposed well location.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8136-3, Richard D & Konny R Lacey Living Trust**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8136-3, Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 8136-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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.
2. The well authorized by Permit No. 8136-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 11, 2015

NOTE: The Grand Aquifer may have a high salinity hazard and a medium sodium hazard. DENR encourages you to have a soil water compatibility analysis performed to insure the water is suitable for irrigation. The Water Resources Institute at SDSU or other qualified soil scientist can assist you in making a soil water compatibility determination and recommend if there are water management techniques to implement to optimize crop production and protect the soil structure.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8136-3
RICHARD D & KONNY R LACEY LIVING TRUST
MAY 11, 2015

Water Permit Application No. 8136-3 proposes to appropriate water at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) from a well to be completed into the Grand aquifer to irrigate 320 acres located in the N ½ Section 22; T125N-R76W. The well is expected to be approximately 300 feet deep and located in the approximate center of the N ½ Section 22; all in T125N-R76W in Campbell County.

AQUIFER: Grand (G)

Aquifer Characteristics:

Koch (1970) referred to the Grand aquifer as the Deep glacial aquifer in his report and for the purposes of this report Koch's Deep glacial aquifer shall be referred to as the Grand aquifer. The Grand aquifer consists of glacial outwash and alluvium from the ancient Grand River (Koch, 1970). The Grand aquifer is almost entirely under confined conditions, including at the proposed well site (Koch, 1970). The Grand aquifer underlies portions of six counties with an approximate area of 405,100 acres and contains an estimated 3,637,000 ac-ft of recoverable water in storage (Hedges et. al, 1982). In Campbell County alone, the aquifer underlies 97,900 acres and contains an estimated 1,469,000 ac-ft of recoverable water in storage (Hedges et. al, 1982).

The Grand aquifer is hydraulically connected to Lake Oahe (Koch, 1970), causing water levels in the aquifer to fluctuate with reservoir levels. The top of the aquifer ranges from approximately 150 to 300 feet below ground surface and has an average thickness of 100 feet (Koch, 1970). Area lithologic logs (SDGS, 2015) and DENR-Water Rights water well completion reports (Water Rights, 2015c) indicate that in the area of the proposed well site the Grand aquifer can be encountered approximately 225 and 275 feet below ground surface and ranges from approximately 20 to 70 feet thick. In most locations, the Grand aquifer has a high salinity hazard and a medium sodium hazard, so special management practices may be necessary for irrigation (Koch, 1970).

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for this applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Grand aquifer. The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the

best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court’s rulings ultimately stated that data must be present to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l Resources*) (Memorandum Decision, May 17, 2012).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The DENR-Water Rights Program monitors 37 observation wells completed into the Grand aquifer with 17 in Campbell County (Water Rights, 2015a). The nearest observation wells to the proposed well site are CA-78I, approximately 1.4 miles north, and CA-78K, approximately 2.5 miles west (Water Rights, 2015b). The hydrographs for the observation wells CA-78I and CA-78K are shown in Figures 1 and 2, respectively. Observation wells CA-78I and CA-78K are representative of the aquifer. The hydrographs for the observation wells completed into the Grand aquifer show increasing or stable water levels over the period of record.

The water level in the observation wells shows good response to climatic conditions. The hydrographs show that during wet years recharge exceeds discharge, and discharge exceeds recharge in dry years. The climatic effects on water levels greatly mask the temporal impacts of well withdrawals. Therefore, recharge to and natural discharge from the Grand aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

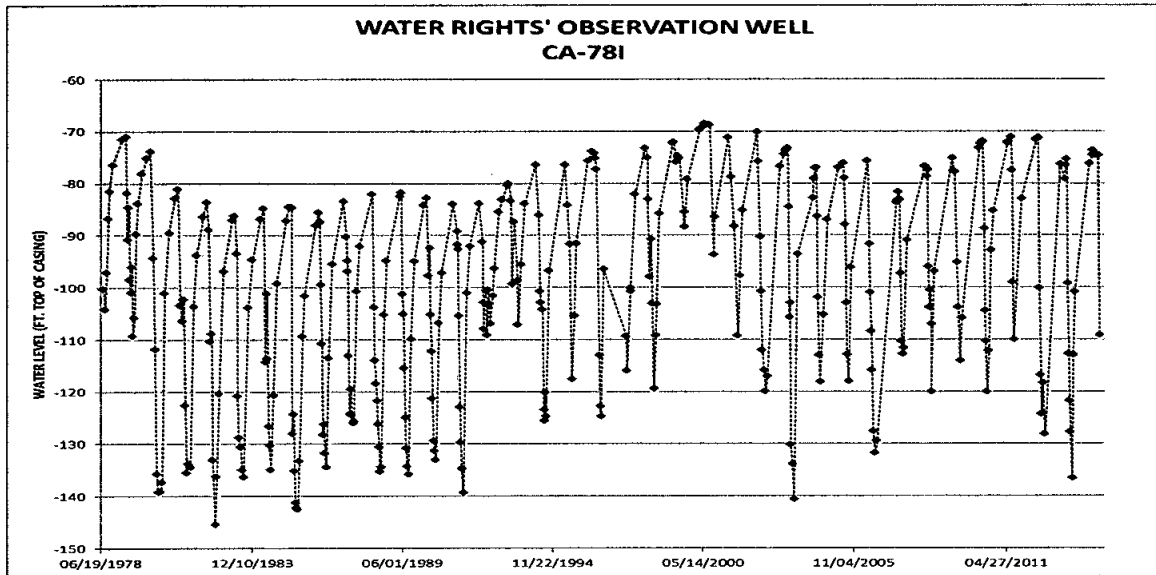


Figure 1- Hydrograph for observation well CA-78I (Water Rights, 2015a)

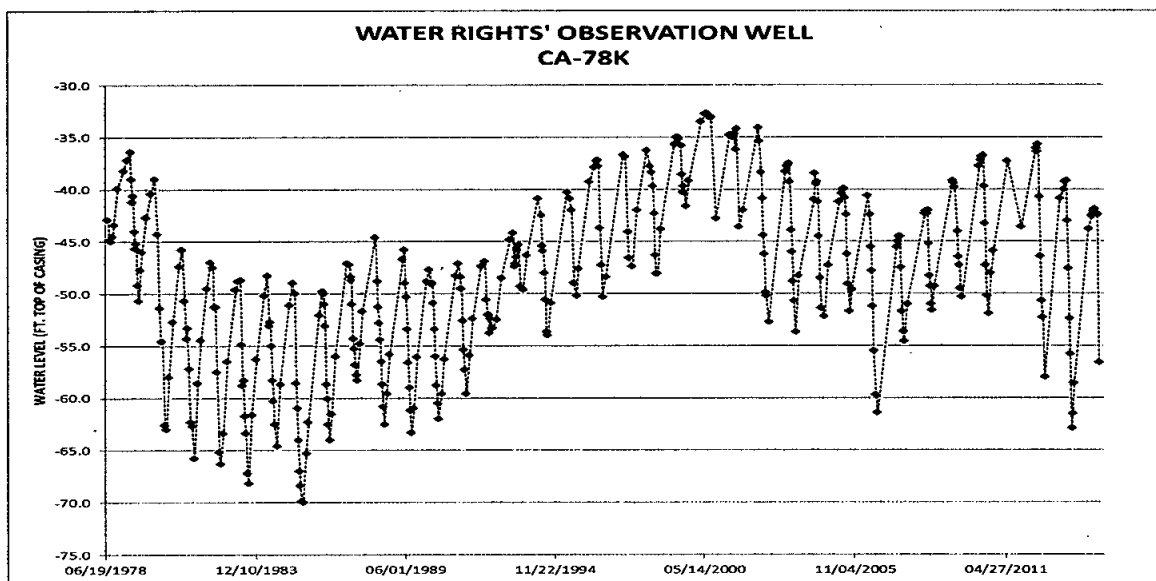


Figure 2- Hydrograph for observation well CA-78K (Water Rights, 2015a)

Recharge and Discharge:

Recharge:

Koch (1970) stated that recharge to the Grand aquifer is from infiltration of precipitation through overlying sediments and from subsurface inflow from adjacent areas. The Grand aquifer may also receive recharge from Lake Oahe during high reservoir levels. The recharge rate to the Grand aquifer in Campbell County has not been quantified. Koch (1970) attempted to estimate recharge by calculating subsurface outflow to adjacent counties. Koch (1970) estimated the outflow from the Grand aquifer in Campbell County to be 5,040 ac-ft/yr. That is to say that recharge exceeded withdrawal from the aquifer by at least 5,040 ac-ft/yr. Hedges and others (1985) concluded that for management and development programs the recharge rate to confined

aquifers is estimated to range from 0.15 to 0.60 in/yr. Using that range, estimated recharge to the Grand aquifer is 5,064 to 20,255 ac-ft/yr with 1,224 to 4,895 ac-ft/yr in Campbell County alone.

Discharge:

Discharge from the Grand aquifer occurs due to outflow to adjacent subsurface areas, flow to the Lake Oahe reservoir during periods of low reservoir level, and well withdrawals (Koch, 1970). There are 50 water rights/permits authorized to withdraw water from the Grand aquifer with 34 of them in Campbell County (Water Rights, 2015b). There are a number of domestic wells on file with the SD DENR-Water Rights Program (Water Rights, 2015c). However, many of those are now served by rural water systems, and withdrawal by domestic users is insignificant when compared to appropriative users.

The expected amount of water withdrawn by non-irrigation appropriations is estimated by assuming pumping at the permitted diversion rate for 60 percent of the time by appropriations limited only by diversion rate, and by pumping the maximum permitted volume for water rights/permits limited by an annual volume. Expected annual water use by non-irrigation appropriations is shown in Table 1. Note the estimate does not include any of the municipal water rights/permits, except for the City of Roscoe, because the municipalities authorized to withdraw water from the Grand aquifer receive most of their water from WEB rural water. The average annual volume of water pumped by irrigation appropriations is shown in Table 2.

Permit No.	Name	County	Status	Type	CFS	Ac-ft
*778-3	Town of Pollock	CA	LC	MUN	0.56	
*1705-3	City of Hosmer	ED	LC	MUN	0.27	
*2769-3	Town of Onaka	FA	LC	MUN	0.13	
*3947A-3	City of Faulkton	FA	LC	MUN	0.27	
*3947B-3	City of Faulkton	FA	LC	MUN	0.73	
*3998-3	Town of Glenham	WL	LC	MUN	0.12	
*4144-3	Town of Mound City	CA	LC	MUN	0.22	
4914-3	City of Roscoe	ED	LC	MUN	0.5	217.1
*5366-3	Town of Pollock	CA	LC	MUN	0.78	
*5417-3	City of Herreid	CA	LC	MUN	1.17	
6012-3	Jensen's W Pollock Resort	CA	LC	COM	0.035	15.2
6111-3	Blumengard Colony	FA	LC	COM/LCO	0.45	195.4
6185-3	Blumengard Colony	FA	LC	COM/DOM/LCO	0.667	289.6
6629-3	Bret & Raechel Fliehs	FA	LC	COM/DOM/LCO	0.4	173.7
7184-3	Jensen Rock & Sand Inc	CA	PE	IND	0.67	20.0
7841-3	Herreid Concrete Inc	CA	PE	IND	1.56	282.0
Total						1193.0
*= Primary water source is WEB Rural Water (Friedeman, 2015)						
CA= Campbell, ED= Edmunds, FA= Faulk, WL= Walworth, LC= Water Right, PE= Water Permit, MUN= Municipal, COM= Commercial, DOM= Domestic, LCO= Livestock Confinement Operation, IND= Industrial						

Table 1- Non-irrigation water rights/permits authorized to withdraw water from the Grand aquifer (Water Rights, 2015b)

Entire Aquifer				Campbell County		
Year	No. of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)	No. of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2013	30	17107.4	3983.22	26	15382.4	3983.22
2012	23	13755.4	3206.33	20	12294.4	3206.33
2011	21	13219.4	2428.52	18	11758.4	2428.52
2010	19	12163.4	2903.84	18	11758.4	2903.84
2009	19	12163.4	2334.89	18	11758.4	2334.89
2008	19	12163.4	2660.37	18	11758.4	2660.37
2007	19	12163.4	2352.04	18	11758.4	2352.04
2006	20	12358.4	3892.62	19	11953.4	3892.62
2005	18	11701.6	1842.92	17	11248.6	1842.92
2004	17	11061.6	1621.84	16	10608.6	1621.84
2003	17	11061.6	1784.86	16	1608.6	1784.86
2002	17	11061.6	2645.99	16	10608.6	2645.99
2001	16	10797.6	1220.14	15	10344.6	1220.14
2000	16	10797.6	1317.81	15	10344.6	1317.81
1999	15	11394.6	1162.69	14	10656.6	1162.69
1998	15	11394.6	1245.11	13	7056.6	1245.11
1997	15	11394.6	1422	14	10656.6	1392
1996	15	11394.6	1172.04	14	10656.6	1172.04
1995	16	12890.6	1092.56	15	12096.6	1075.99
1994	17	13370.6	1695.41	16	12576.6	1426.98
1993	18	13760.6	727	17	13355.6	727
1992	19	15632.6	1205	17	13355.6	1085
1991	20	16645.6	1853	18	14368.6	1713
1990	20	16645.6	2335	18	14368.6	2335
1989	20	16645.6	2042.1	18	14368.6	2042.1
1988	20	16645.6	2845.9	18	14368.6	2845.9
1987	22	18121.6	2272	20	15844.6	2264
1986	22	18121.6	2333	20	15844.6	2217
1985	23	18441.6	3082	21	16164.6	2946
1984	25	19401.6	3407	23	17124.6	3185
1983	22	17681.6	3067.58	20	15404.6	2979.2
1982	22	16223.6	2956.4	20	15218.6	2708.56
1981	28	20782	2204	25	17545	2068
1980	21	17902	2334	18	14665	2228
1979	22	18382	1339	19	15145	1254
Max	30	20782	3983.22	26	17545	3983.22
Min	15	10797.6	727	13	1608.6	727
Average	19.7	14412.8	2171.1	17.9	12686.5	2121.9

Table 2- Historic irrigation water use from the Grand aquifer (Water Rights, 1980-2014)

Estimated average annual withdrawal from the Grand aquifer is 3,364.1 ac-ft/yr with 2,439.1 ac-ft/yr from Campbell County alone. Those withdrawal numbers are well within the range of recharge suggested by Hedges and others (1982) and below the outflow volume calculated by Koch (1970).

EXISTING WATER RIGHTS:

There are 11 water rights/permits authorizing diversions from the Grand aquifer within approximately two miles of the proposed well site (Water Rights, 2015b). Figure 3 shows a map of the project area with observation wells and water rights/permits authorized to withdraw water from the Grand aquifer within approximately two miles of the proposed well site. Table 3 is a list of the water rights/permits shown in Figure 3. All of those water rights/permits are authorized for

irrigation purposes. There are also a number of domestic wells on file with the SD DENR-Water Rights Program within approximately two miles of the proposed well site (Water Rights, 2015c).

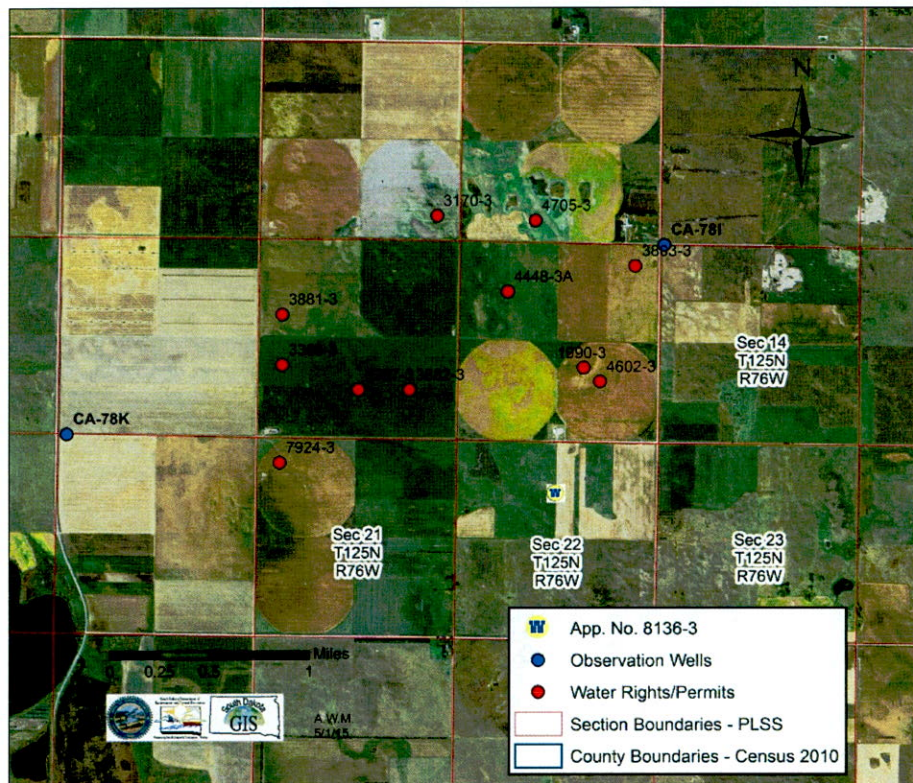


Figure 3- Map of the project area including observation wells and water rights/permits (Water Rights, 2015a and 2015b)

Permit No.	Name	Status	CFS	Acres
1990-3	Kenneth Brockel	LC	1.93	132
3170-3	Douglas L Salverson	LC	2.23	264
3367-3	Dick or Konny Lacey	PE	3	320
3368-3	Dick or Konny Lacey	PE	3	320
3803-3	Iverson Farms LTD	LC	1.78	264
3881-3	Dick or Konny Lacey	PE	2	160
3882-3	Dick or Konny Lacey	PE	2	160
4448-3A	Iverson Farms LTD	LC	1.89	132
4602-3	Kenneth Brockel	LC	1.89	136
4705-3	Iverson Farms LTD	LC	1.78	264
7924-3	Brandon Ritter	PE	2	270

Table 3- Water rights/permits authorizing diversion from the Grand aquifer within approximately two miles of the proposed well site (Water Rights, 2015b)

The observation well hydrographs for CA-78I and CA-78K both show the seasonal drawdown caused by pumping but also recovery after cessation of pumping. Observation well CA-78I shows a maximum seasonal drawdown of approximately 70 feet and CA-78K has a maximum seasonal drawdown of 25 feet. However, at CA-78I there is still approximately 100 feet of

artesian head pressure below the lowest reading and approximately 180 feet of artesian head pressure left at CA-78K.

SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. The South Dakota Supreme Court has ruled SDCL 46-6-6.1 does not require regulation of irrigation “to absolutely protect artesian pressure for domestic use, reasonable domestic use must be assured before irrigation is allowed” (*Fraser et. al v. Water Rights Commission of the Department of Natural Resource Development*, 1980, 294 N.W.2d 784). To balance interests between high capacity well use and domestic use, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

Depending on the specific characteristics of the Grand aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. The Water Management Board has considered this issue in the matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically states if lowering a pump when there is artesian head pressure available below the current pump setting is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota’s water resources to be put to beneficial use to the fullest extent possible. Therefore when considering the statutes (SDCL 46-6-6.1 and SDCL 46-1-4), rule (ARSD 74:02:04:20(7)), and the Water Management Boards’ prior rulings, well interference from this proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

SPECIAL CONCERNS:

The water in the Grand aquifer has a high salinity hazard and a medium sodium hazard. Special management practice may be necessary to use water from the Grand aquifer for irrigation.

CONCLUSIONS:

1. This application proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.22 cfs for the irrigation of 320 acres in Campbell County.
2. There is a reasonable probability that unappropriated water is available from the Grand aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impact existing appropriative or domestic users.
4. The Grand aquifer has a salinity and sodium hazard. Special management practice may be required for irrigation using water from the aquifer.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, First Judicial Circuit. 2012. May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.
- Circuit Court of South Dakota, First Judicial Circuit. 2012. April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.
- Circuit Court of South Dakota, Sixth Judicial Circuit. 2005. April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.
- Friedeman, B. Personal Communication. SD DENR-Drinking Water Program: Environmental Scientist II. May 1, 2015.
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Koch, N.C. 1970. Geology and Water Resources of Campbell County, South Dakota Part II: Water Resources. South Dakota Geological Survey Bulletin B-20(2). SD DENR-Geological Survey. Vermillion, South Dakota.
- SDGS. 2015. Lithologic Logs Database Search. <<http://sddenr.net/lithdb/>>. Accessed: May 1, 2015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Water Rights. 1980-2014. "1979-2013 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Water Rights. 2015a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2015c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 1995. Water Right No. 2313-2 Coca-Cola Bottling Company of the Black Hills file. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

MAY 26 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, May Basten

certify that the attached printed Notice was
taken

from the American News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

5-21-15

Cost of Printing \$43.75

May Basten
(Signature)

Adv. Billing Specialist
(Title)

May 21, 2015
(Date Signed)

(No. 1980156)
(May 21, 2015 - 17)

NOTICE OF APPLICATION NO. 8136-3
to Appropriate Water

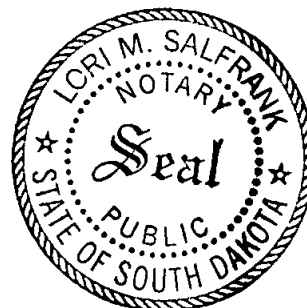
Notice is given that Richard D & Konny R Lacey Living Trust, 48456 266th St, Brandon SD 57005 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Grand Aquifer (300 feet deep) located in the approximate center of the N 1/2 Section 22 for irrigation of 320 acres located in the N 1/2 Section 22; all in T125N-R76W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8136-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 1, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric

Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources Published once at the total approximate cost of \$43.75



RECEIVED

MAY 26 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Campbell) SS
I, Leah Burke

certify that the attached printed Notice was
taken

from the Rainie Pioneer

printed and published in Pollock

County of Campbell and

state of South Dakota. The notice was
published

in the newspaper on the following date:

May 21, 2015

Cost of Printing \$21.75

HL De
(Signature)

publisher
(Title)

5/21/15
(Date Signed)

NOTICE OF
APPLICATION NO. 8136-3
to Appropriate Water

Notice is given that Richard D & Konny R Lacey Living Trust, 48456 266th St, Brandon SD 57005 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Grand Aquifer (300 feet deep) located in the approximate center of the N 1/2 Section 22 for irrigation of 320 acres located in the N 1/2 Section 22; all in T125N-R76W.

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Published once at the total
approximate cost of \$21.75
21



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 11, 2015

Prairie Pioneer
PO Box 218
Pollock SD 57648

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8136-3 to Appropriate Water. Please publish the notice once on May 21, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Richard D & Konny R Lacey Living Trust, 48456 266th St, Brandon SD 57005 (Ph # 605-336-0759).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 11, 2015

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8136-3 to Appropriate Water. Please publish the notice once on May 21, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

May 11, 2015

Richard D & Konny R Lacey Living Trust
48456 266th St
Brandon SD 57005

Dear Sir:

Water Permit Application No. 8136-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Prairie Pioneer printed at Pollock SD (Ph # 605-889-2330) and the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on May 21, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8136-3 to Appropriate Water

Notice is given that Richard D & Konny R Lacey Living Trust, 48456 266th St, Brandon SD 57005 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Grand Aquifer (300 feet deep) located in the approximate center of the N 1/2 Section 22 for irrigation of 320 acres located in the N 1/2 Section 22; all in T125N-R76W.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 05 2015

Richard D & Konny R Lacey Living Trust
Richard Lacey
48456 266th St
Brandon SD 57005

Dear Sir:

Enclosed is Water Permit No. 8136-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

8/36-3
RECEIVED

NOV 16 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-30-15TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Richard D. & Konny R Lacey Living Trust
(name)
48456 266th St.
(address)
Brandon, SD 57005 (605) 757-6639
(city, state, zip) (phone)

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

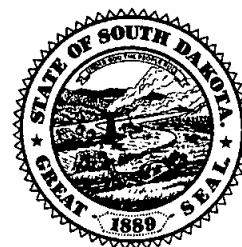
Water Permit No. 8136-3 states that the water use system is to be constructed by
June 1, 2020, and water is to be put to beneficial use by June 1, 2024.
(date) (date)

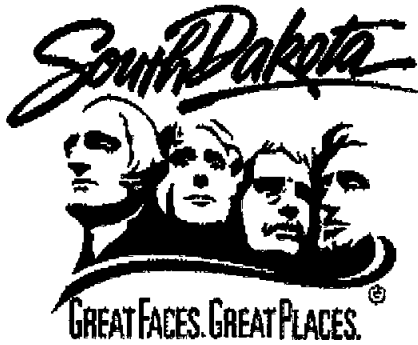
The water use system was completed on July 23, 2015.
(date)

Applying the water to beneficial use was completed on July 24, 2015.
(date)

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

Richard D. Lacey
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 17, 2015

8136-3

Richard Lacey
Richard D & Konny R Lacey Living Trust
48456 266th St
Brandon SD 57005

Dear Mr. Lacey:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

8136-3

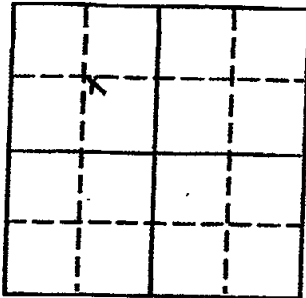
11-02

Location: SE 1/4 NW 1/4 Sec 22 Twp 125N Rg 76W

County

Campbell

North



Please mark well location with an "X"

Well completion Date

11-2-15

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
21500 ft from Septic System (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50.2</u> LB/FT	<u>12</u> IN	<u>12</u> FT	<u>298</u> FT	<u>17.5</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland Cement</u>	<u>60</u>	<u>9.7</u> Lb/gal	<u>0</u> FT	<u>280</u> FT
		Lb/gal	FT	FT

Describe grouting procedure Tremie line Bottom 280'
To Surface

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 25 Feet

Material Stainless Steel

Slot Size .50 Set From 298 Feet to 313 Feet

Other information .60 313 323

Gravel Packed Redflint .60 sft

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? Chlorine

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Dick Hacey

Business Name:

Address1:

48456 266th St

Address2:

City, State, Zip:

Brandon, SD 57005

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Oxidized Sand</u>	<u>0</u>	<u>44</u>
<u>Blue clay with fine sand layers</u>	<u>44</u>	<u>160</u>
<u>Blue clay</u>	<u>160</u>	<u>270</u>
<u>Blue clay with fine sand layers</u>	<u>270</u>	<u>304</u>
<u>Medium Sand</u>	<u>304</u>	<u>323</u>

STATIC WATER LEVEL

81 FEET

If flowing, closed in pressure

PSI

GPM flow

through

inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

Submersible pump

☐ Bailed

☐ Other

Pumping Level Below Land Surface

12.5 Ft. After

3 Hrs. pumped

650 GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

NOV 30 2015

WATER RIGHTS PROGRAM

GRAND AQUIFER 10

This well was drilled under license #

285

And this report is true and accurate.

Drilling firm:

Mani Kowsky Well Drilling, Inc.

Signature of License Representative

Byr M...

Signature of Well Owner or Equitable Property Holder:

Date:

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

Water Permit No. 8136-3

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 7, 2016**, made a thorough examination of the water use system constructed by **Richard D & Konny R Lacey Living Trust of 48456 266th St., Brandon, SD 57005** holder of Permit No. **8136-3**, bearing the priority of **March 5, 2015** authorizing the diversion of **2.22** cu. ft. per second of water from the **Grand Aquifer** for **Irrigation** purposes, in **Campbell** County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Manikowski Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **323** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **12** inches
- 2) Length **298** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **25** feet
- 3) Static water level **81** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **800S-1000-4**
- 3) Size **100 hp**
- 4) Capacity **800** GPM

B. Works used to transport water to place of use:

- 1) Type Buried pipe

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make (2) Valley
- 2) Number of towers West pivot 7 tower, East pivot 8 tower
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 800 GPM each

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

D. 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 1,315 feet south and 1,330 feet east of the NW corner of Section 22-T125N-R76W
(N 45.63353, W -100.02235) (approximate center of the NW ¼)

Report of Examination of Works

Permit No. 8136-3

The works are capable of diverting and conveying to the place of use 1.78 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 22-T125N-R76W

NW ¼ NW ¼ - 34 acres

NE ¼ NW ¼ - 34 acres

SW ¼ NW ¼ - 34 acres

SE ¼ NW ¼ - 34 acres

NW ¼ NE ¼ - 34 acres

NE ¼ NE ¼ - 34 acres

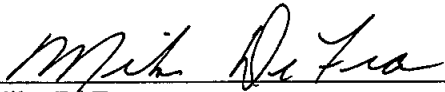
SW ¼ NE ¼ - 34 acres

SE ¼ NE ¼ - 34 acres

comprising a total of 272 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map **Y**

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



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **April 4, 2017**

Richard D & Konny R Lacey Living Trust
Water Permit No. 8136-3



0 0.125 0.25 0.5
Miles

Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
April 4, 2017



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today

STATE OF SOUTH DAKOTA WATER LICENSE NO. 8136-3

(1) Richard D & Konny R Lacey Living Trust, 48456 266th St., Brandon SD 57005 made Application No. 8136-3, March 5, 2015 for a water permit to divert 2.22 cubic feet of water per second from ground water (one well, Grand Aquifer), Campbell County, South Dakota for irrigation purposes. Permit No. 8136-3, with a priority date of March 5, 2015 was approved June 1, 2015 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 1, 2020 and for the application to beneficial use of said water on or before June 1, 2024.

The Permit holders submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 16, 2015. The "*Notice*" stated the water use system was completed on July 23, 2015, and the water placed to beneficial use on July 24, 2015.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,315 feet south and 1,330 feet east of the NW corner of Section 22, T125N, R76W (approximate center of the NW ¼).

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

Section 22, T125N, R76W

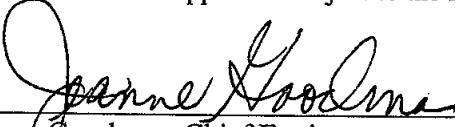
NW ¼ NW ¼	34 acres	NW ¼ NE ¼	34 acres
NE ¼ NW ¼	34 acres	NE ¼ NE ¼	34 acres
SW ¼ NW ¼	34 acres	SW ¼ NE ¼	34 acres
SE ¼ NW ¼	34 acres	SE ¼ NE ¼	34 acres

Total 272 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard D & Konny R Lacey Living Trust, 48456 266th St., Brandon SD 57005 the holders and/or owners of Water Right No. 8136-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well - Grand Aquifer) with a priority date of March 5, 2015 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8136-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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.
- The well authorized by Permit No. 8136-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. *The well was drilled in November, 2015 by Manikowski Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2017
date



8136-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 20 2017

8136-3

8159-3

Richard D & Konny R Lacey Living Trust
48456 266th St
Brandon SD 57005

Dear Mr. & Mrs. Lacey:

Enclosed are Water License Nos. 8136-3 and 8159-3. They are the final water right documents completing your 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 the owner of an existing well, such as the wells authorized by Water Right Nos. 8136-3 and 8159-3, 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 Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

8/36-3



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>8136-3</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

PAID

JUN 8 2022

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3333

Ck# 1049

Rec't#

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

JUN 08 2022

OFFICE OF
WATER

Water Right/Permit No. 8136-3

Date:

I/We request that Water Right/Permit No. 8136-3 formerly owned by:
Richard D. and Konny R. Lacey Living Trust 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:

272 acres - N 1/2 Section 22, T125N, R76W

☒ I understand that the validity of Water Right/Permit No. 8136-3 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.



8136-3

**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