

WATER PERMIT NO. 8159-3

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: **120 acres**

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

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

Type of Waste Disposal System:

Location: **14 miles south of Herried**

PRIORITY Date Received: **5-18-15** Application/License Fee: **\$ 950**

Corrected Application Received: Period of Annual Use: **April 1 – Sept 30**

Remarks: **Requesting a diversion rate greater than statutory limit**

Diversion Point: **approximate center of NE 1/4 Sec**
21-T125N-R76W

Land to be Irrigated: **NE 1/4 Sec 21-T125N-R76W**

Depth of Well: **290 feet**

Well Driller: **Manikowski Well Drilling**

Remarks:

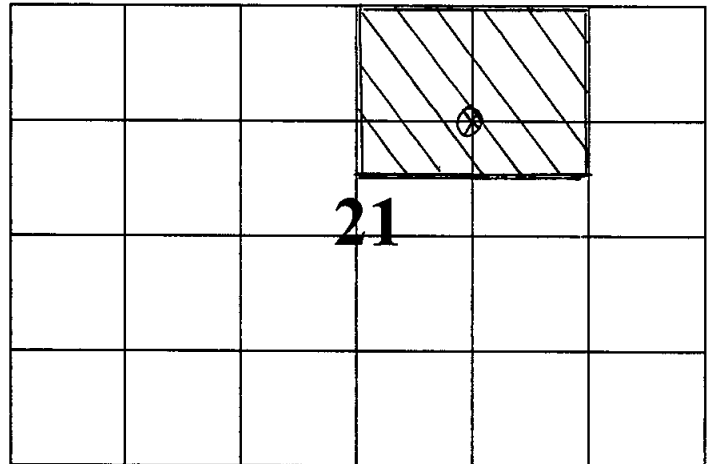
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-18-15**

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>8159-3</u> (office use only) Hydrologic Unit <u>10130102</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Prairie Pioneer, Pollock</u> <u>American News, Aberdeen</u>

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MAY 18 2015

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Richard D. & Kenny 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 Cell (605) 366-0759 Email Laceyhay@alliancecom.net2. Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well4. Location of point of diversion 1 well in the middle of the NE 1/4
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
of Sec. 21 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 1 - September 307. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 of NE 1/4 Sec. 21 T-125N-R-76W</u>	<u>40</u>	<u>SW 1/4 NE 1/4 Sec 21-T125N-R76W</u>	<u>20</u>
<u>NE 1/4 of NE 1/4 Sec 21 T-125N-R-76W</u>	<u>40</u>	<u>SE 1/4 NE 1/4</u>	<u>20</u>
<u>Middle 1/4 of NE 1/4 Sec 21 T-125N-R-76W</u>	<u>40</u>		

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

I plan to dig a well in the middle of NE 1/4 of Sec. 21 and put a 1/4 mile long pivot with a corner system on it and irrigate the north 120 acres.
Requesting diversion rate greater than statutory limit.

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. 8159-3**

Date of first receipt of application May 18, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8159-3 to Richard D & Konny R Lacey Living Trust, 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. 8159-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Grand Aquifer (290 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 120 acres located in the NE 1/4 Section 21; 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 May 18, 2015.
4. The date of approval of Permit No. 8159-3 is July 27, 2015.
5. One-fifth of the construction is to be completed on or before January 27, 2018.
6. All construction is to be completed on or before July 27, 2020.
7. Water is to be put to beneficial use on or before July 27, 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. 8159-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8159-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 04 2015

date



Supplemental Information

(type or print)

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 Manikowski Well Drilling
(if yes, please provide copies of logs) → Have been sent by Byron Manikowski
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by
- c) Well Depth Depth to Top of Water Bearing Material Depth to Water from Surface ←
- d) Distance to nearest existing domestic well:

On applicant's property On property owned by others PIC Pig Building

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

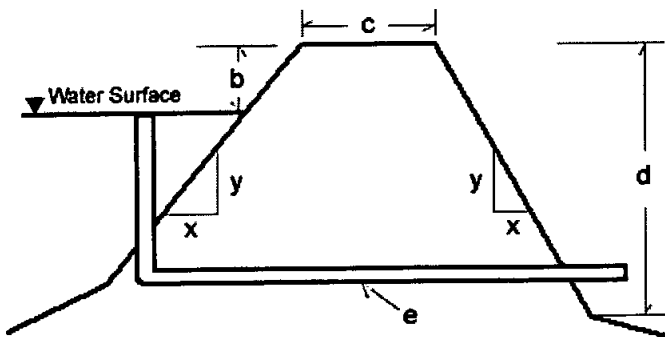
- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

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



11-02

5-13-15

**WATER RIGHTS
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Dick Lacey NW 1/4 sec 21 125 76
Center

- 1-30. Ox sand
 - 30-55. Fine gray sand
 - 55- 80. Silty fine sand
 - 80-140. Silty clay
 - 140-180. Sticky clay
 - 180-200. Fine to med sand
 - 200-215. Fine to med sand little coarser
 - 215-225 clay
 - 225-237. Med to coarse nice drilling
 - 237-261. Clay
 - 261-263. Med sand
 - 263-265. Clay
 - 265-290. Med to coarse sand drilled nice hit rock at 290 didn't get through
- TD 290

NCFE - Java Elevator

P.O. Box 157

Java, SD 57452-0157 / 605-649-6291

Richard (Dick) Lacey

48456 266th St

Brandon, SD 57005

605-757-6639 / 605-366-0759

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MAY 18 2015

**WATER RIGHTS
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Farm ID: Campbell

Description: Campbell

Field ID: 81252 / DL05

Description: East of Grad Pivots

County/Township: Campbell/125

Range/Section: 76/21

Custom Application 70005880

Loaded Edited Custom Applied

Crop Chemistry:

Ordered Date: 04/08/2015

Time: 9:38 AM

Loaded Date: 04/14/2015

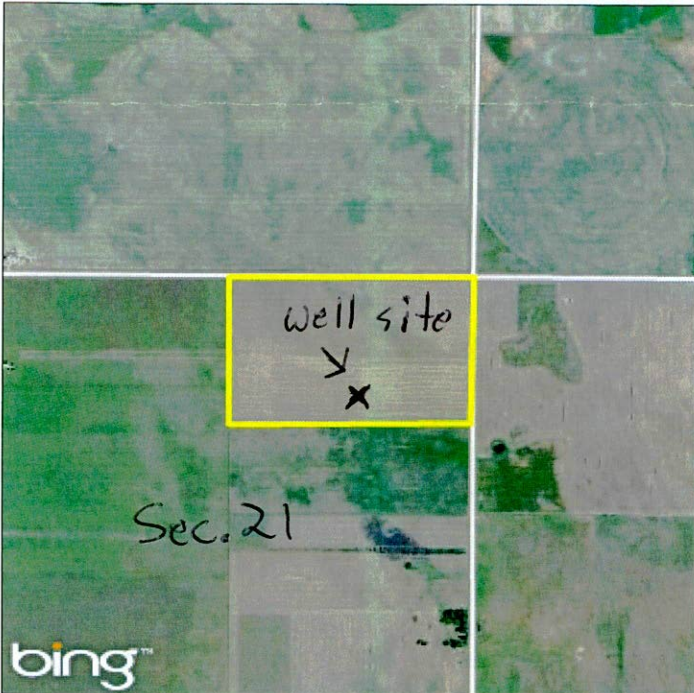
Crop: Grass

Acre: 96

Placement: Spread

Ship Via:

Product	Active Ingredient	EPA Registration #	Rate/Acre	Total
			Total Blend Weight: 14506.000	
46-0-0			150.104 Lbs	14410 Lbs
Custom Spreading (Centralized) <300 #			1.000 Acre	96 Acre



of Batches: 2 Plan: A Zone:

REI: hrs. Salesman: 07BoVo

Applicator: Garrett Dykstra

Unit: Garrett Dykstra Custom Sp

Comments:

Target Pest(s): _____

Date Applied: _____

Start Time: _____ Temp: _____ Wind Speed/Direction: _____/_____

End Time: _____ Temp: _____ Wind Speed/Direction: _____/_____

Humidity: _____ Application Speed/Direction: _____/_____

Nozzle: _____ Spacing: _____ PSI: _____

Wind Meter? _____ If Yes, Brand: _____

Grower Notification: _____ If Yes, Date: _____ Time: _____

Product Supplied By: _____

Previous Chem/Job: _____

Previous Grower: _____

Product Remaining? _____ If Yes, Explain: _____

Field Condition: Cloddy / Trashy / Mellow / _____

Soil Condition: Wet / Dry / Normal / _____

Soil Texture: Fine / Medium / Coarse / _____

Do crop rotation restrictions exist for pesticides applied? ____Yes ____No

Lat / Lon: _____

Lbs	N	P	K	S	Cl	Ca	Mg	Zn	Fe	Mn	Cu	B
Blend.	69	0	0									
Analysis	46	0	0	0	0.00	0	0	0.00	0.00	0.00	0.00	0.00

Lbs/Acre: 151

Lbs/Cu Ft: 36.61

Cu Ft/Acre: 4.127

Lbs/Batch: 7253

Acre/Batch: 48.000

Directions:

Actual Applied: _____

Applicator Signature / License # / Exp Date: _____/_____/_____

Received by: _____ Date: _____

Sec 17
T125N
R76W

Sec 16
T125N
R76W

Sec 15
T125N
R76W

Sec 20
T125N
R76W

Sec 21
T125N
R76W

Sec 22
T125N
R76W

Sec 29
T125N
R76W

Sec 28
T125N
R76W

Sec 27
T125N
R76W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/18, 20 15

RECEIVED OF Dick 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. <u>8159-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8159-3</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	950 00

No. 07404

By

Jean Paulman
Chief Engineer



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. 8159-3, 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. 8159-3, Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 8159-3 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. 8159-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8159-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 7, 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.

The application requested a diversion rate of 2.22 cubic feet of water per second (1000 gpm) for irrigation of 120 acres. The requested diversion rate is greater than the statutory limit for irrigation of 120 acres. The diversion rate limit based on state law for this many acres is 1.71 cfs (770 gpm). There is a provision that allows for a greater diversion rate if the method of irrigation, time constraints on diversion of water or the type of soil so requires. Your application does not provide an explanation for needing a diversion rate of 2.22 cfs. The application does state your intent to put in a ¼ mile long pivot with cornering system. Most standard center pivots operate at 800 to 850 gpm. Therefore, the recommendation provides for a diversion rate of 1.89 cfs (850 gpm) based on this being a center pivot making a windshield wipe rotation.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8159-3
RICHARD D & KONNY R LACEY LIVING TRUST
JUNE 26, 2015

Water Permit Application No. 8159-3 proposes to appropriate water from the Grand aquifer using one well approximately 290 feet deep, located in the approximate center of the NE¼ Sec. 21, T125N-R76W. Water is to be diverted at a maximum diversion rate of 2.22 cubic feet of water per second (cfs) for the irrigation of 120 acres located in the NE¼ Sec. 21, T125N-R76W. This application is proposing a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER: Grand aquifer

Aquifer Characteristics:

The Grand aquifer consists mainly of glacial outwash and alluvium from the ancient Grand River deposited in the channel of the preglacial river (Koch, 1970). The aquifer is fairly extensive, underlying parts of Campbell, Edmunds, Faulk, Hand, McPherson and Walworth Counties (see Figure 1).

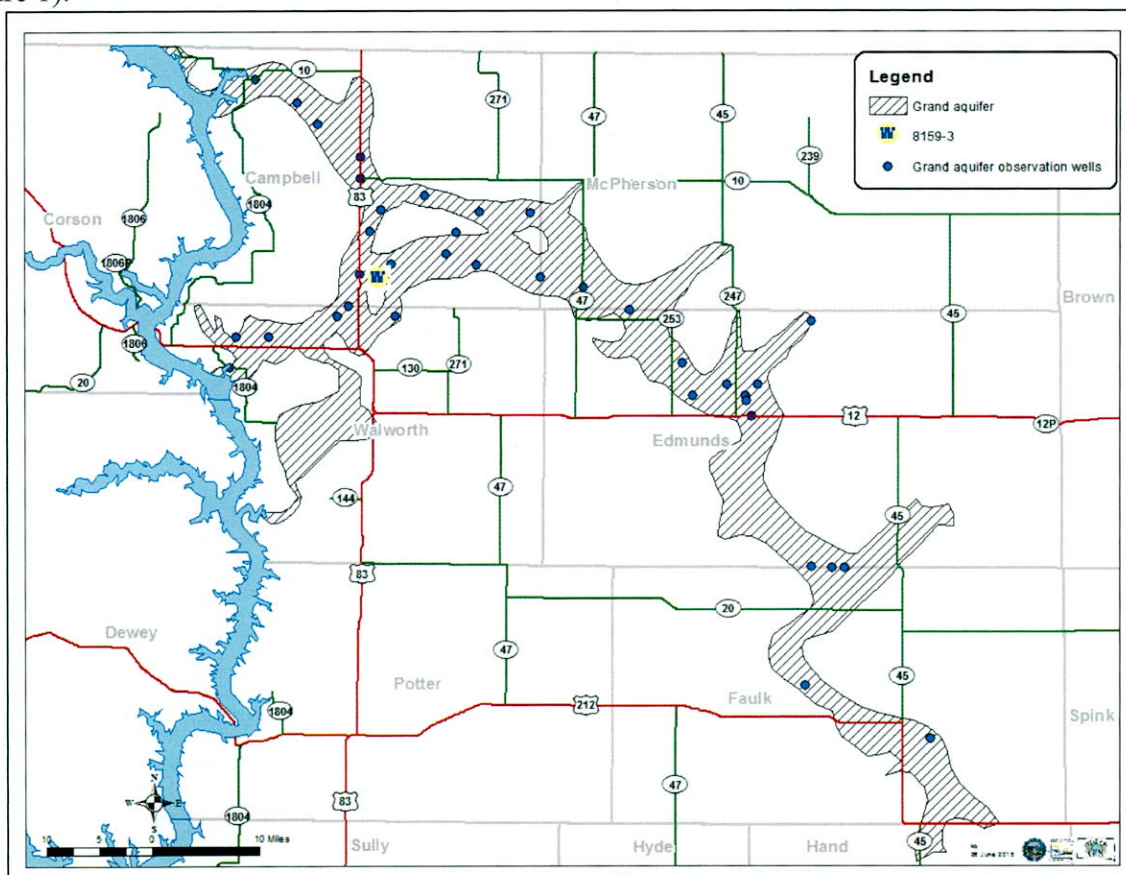


Figure 1. Approximate areal extent of the Grand aquifer (modified from Hedges and others, 1982), location of the diversion point proposed by Application No. 8159-3 and DENR-Water Rights' observation wells completed into the Grand aquifer

Approximately 24% of the areal extent of the aquifer (97,900 acres) and 40% of recoverable water in transient storage (1,469,000 acre-feet) is in Campbell County (Hedges and others, 1982). In Campbell County, the depth to the top of the aquifer ranges from 150 feet below land surface to 300 feet below land surface, and the average thickness of the aquifer is estimated to be 100 feet (Koch, 1970). A test hole drilled at the well site proposed by this application identified fine to coarse sand interbedded with clay from 180 feet below grade to 290 feet below grade. The transmissivity of the Grand aquifer may vary considerably in Campbell County and is estimated to be between 50,000 and 100,000 gallons per day per foot in this area (Koch, 1970). Groundwater in the Grand aquifer is under confined (artesian conditions) with a gradient indicating movement from east to west. The Grand aquifer is hydrologically connected to the Oahe reservoir, and water levels of the aquifer fluctuate with reservoir levels (Koch, 1970 and Goodman, 2007). The water in the Grand aquifer is predominantly a sodium bicarbonate and sodium sulfate type. In most locations the water has a medium sodium hazard and a high salinity hazard so special management practices may be necessary to control salinity (Koch, 1970).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the 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 water availability and existing rights issues.

WATER AVAILABILITY:

The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

“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 water distribution 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 water distribution system.

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 in addition to other data 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 1.7 miles northeast, and CA-78K, approximately 1.7 miles west (Water Rights, 2015b). The hydrographs for the observation wells CA-78I and CA-78K are shown in Figures 2 and 3, respectively. The hydrographs document the effects of nearby pumping on the artesian pressure of the aquifer but, similar to the other observation wells

completed into the aquifer show generally increasing or stable water levels over the period of record.

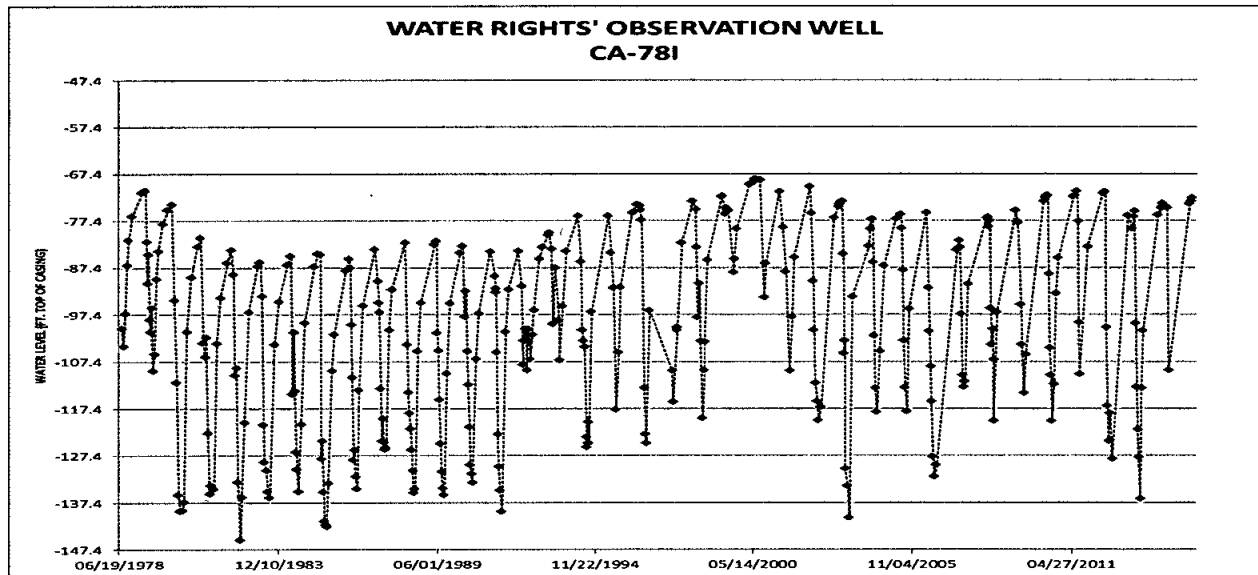


Figure 2. Hydrograph for DENR-Water Rights' observation well CA-78I, located approximately 1.7 miles northeast of the well site proposed by Application No. 8159-3.

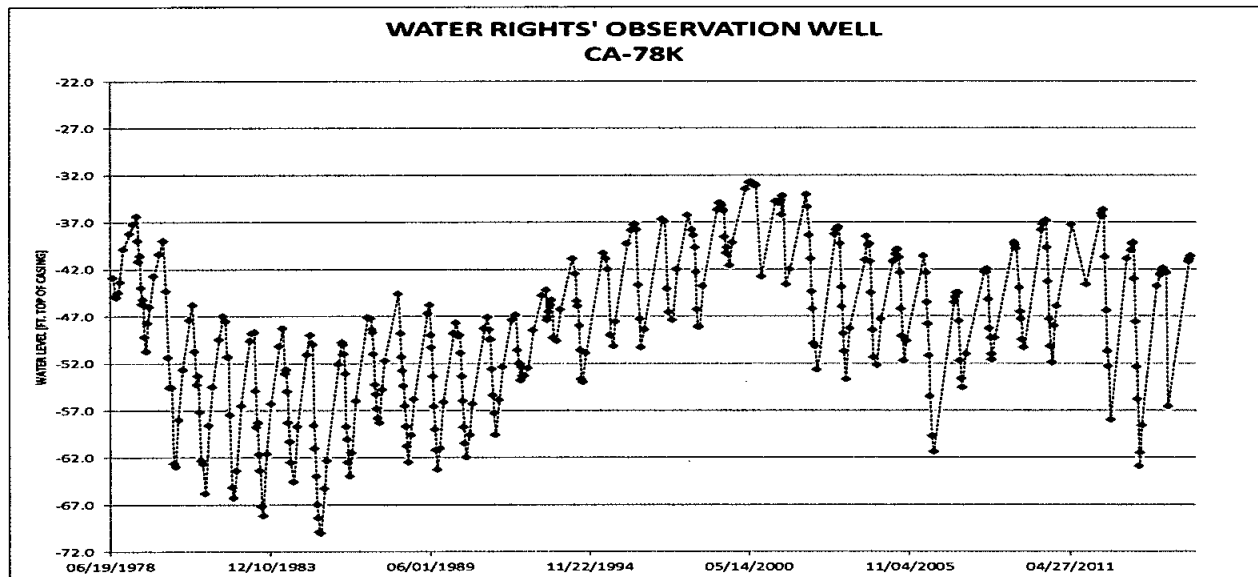


Figure 3. Hydrograph for DENR-Water Rights' observation well CA-78K, located approximately 1.7 miles west of the well site proposed by Application No. 8159-3.

The water level in the observation wells show 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.

Recharge:

The Grand aquifer in Campbell County is recharged through infiltration of precipitation where permeable layers overlie the aquifer and from subsurface inflow from adjacent areas (Koch, 1970). The Grand aquifer may also receive recharge from Lake Oahe during high reservoir levels. Average annual recharge to the Grand aquifer has not been quantified. Koch (1970) did however estimate recharge to the aquifer in Campbell County in 1966 by calculating subsurface outflow from the county using estimates of the aquifer transmissivity, hydraulic gradient and cross-sectional area. Since water-level data showed more water in storage in the Grand aquifer in Campbell County 1967 than in 1965 (Koch, 1970), recharge over the time period had to have exceeded the groundwater outflow from the County, by an estimated 4.5 million gallons per day (approximately 5,040 ac-ft/yr). This is not suggesting that the average annual recharge to the Grand aquifer in Campbell County is 5,040 ac-ft/yr, but Koch's analysis (1970) does provide insight to the order of magnitude of recharge to the county. 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. Based on the recharge rate estimated by Hedges and others (1985), the 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 in Campbell County occurs through natural discharge and pumping. Natural discharge is primarily in the form of subsurface outflow westward toward the Missouri River near Pollock and south into Walworth County (Koch, 1970). Pumping from the Grand aquifer comes from domestic use wells and wells that require water rights/permits. There are 51 water rights/permits authorized to withdraw water from the Grand aquifer with 35 of them in Campbell County (Water Rights, 2015b). Appropriations grouped by use are shown in Table 1. There are a number of domestic wells on file with the SD DENR-Water Rights Program (Water Rights, 2015c). However, withdrawal by domestic users is insignificant when compared to appropriative users.

There are a total of 38 appropriations from the Grand aquifer (see Table 1).

Table 1. Water Permits/Rights appropriating water from the Grand aquifer by use.

Type	Number
Municipal	10
Commercial	4
Industrial	2
Irrigation	35

The municipalities of Pollock, Faulkton, Hosmer, Herreid, Roscoe, Onaka, Glenham, and Mound City are all currently served by rural water systems so municipal use from the Grand aquifer can be considered minimal. Commercial and industrial use (primarily confined animal feeding operations and dairies) are expected to use less than 300 ac-ft/year. Irrigation use from the Grand aquifer is shown in Table 2.

Table 2. Historic irrigation use from the Grand aquifer (modified from Mathiowetz, 2015)
(Water Rights, 1980-2015).

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)
2014	33	18927.4	2994.32	27	15922.4	2984.27
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	33	20782	3983.22	26	17545	3983.22
Min	15	10797.6	727	13	1608.6	727
Average	20.2	14604.09	2202.44	17.9	12607.99	2156.91

The average annual combined pumping from the Grand aquifer is estimated to average less than 3,400 ac-ft/yr. Well withdrawals from the aquifer from Campbell County are estimated to average less than 2,500 ac-ft/yr. It is probable that this average annual withdrawal rate is less than the average annual recharge for the Grand aquifer.

EXISTING WATER RIGHTS:

As stated earlier, there are a total of 51 water rights/permits appropriating water from the Grand aquifer. The diversion points for water rights/permits in the vicinity of the well site proposed by Application No. 8159-3 are shown in Figure 4 and Table 3.

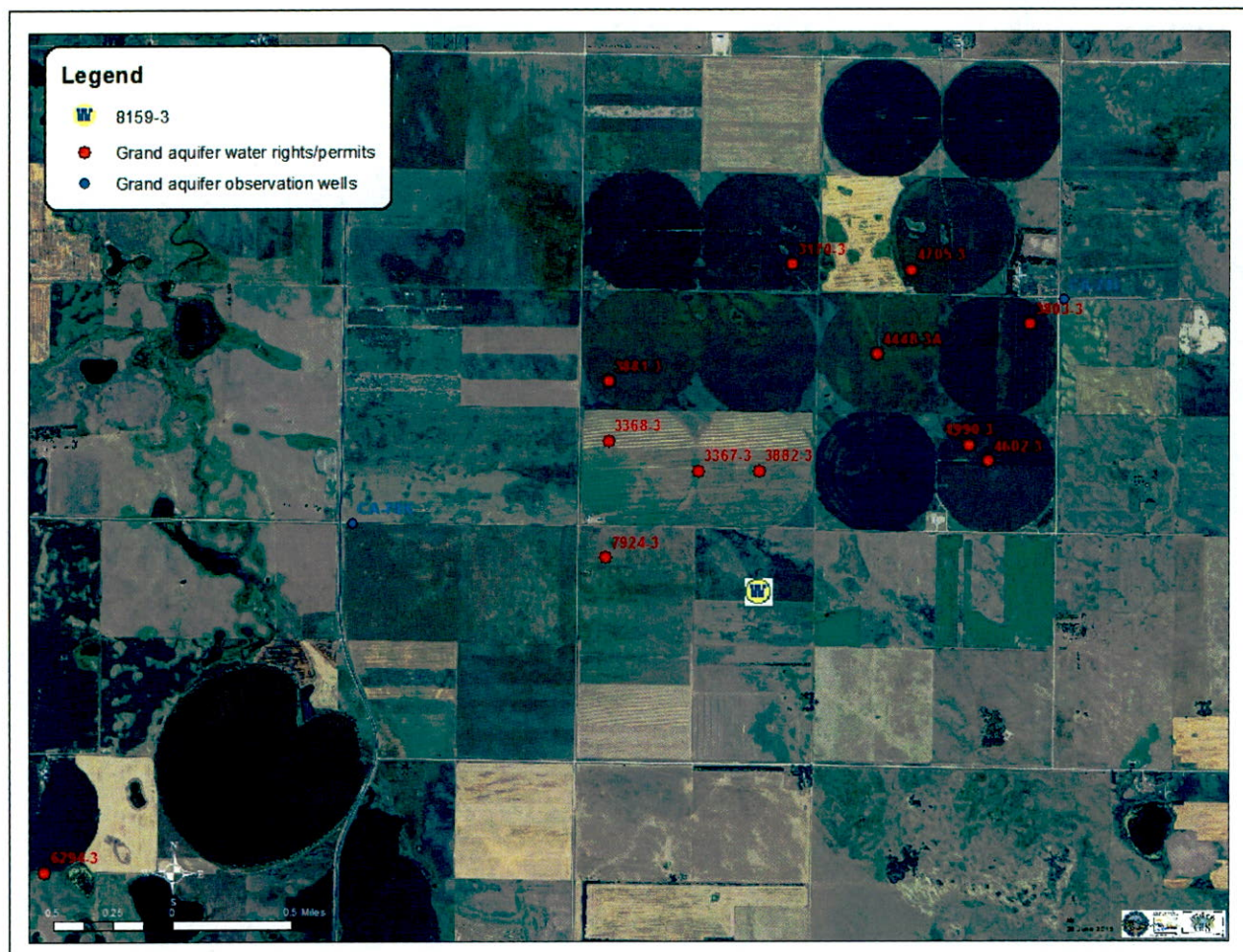


Figure 4. Water rights/permits in the vicinity of the well site proposed by Application No. 8159-3

Table 3. Water rights/permits in the vicinity of the well site proposed by Application No. 8159-3

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
1990-3	KENNETH BROCKEL	08/22/1973	LC	1.93	132
4602-3	KENNETH BROCKEL	11/09/1979	LC	1.89	136
3803-3	IVERSON FARMS LTD	03/21/1977	LC	1.78	264
4448-3A	IVERSON FARMS LTD	11/09/1979	LC	1.89	132
4705-3	IVERSON FARMS LTD	04/02/1981	LC	1.78	264
3170-3	DOUGLAS L SALVERSON	10/21/1976	LC	2.23	264
3367-3	DICK OR KONNY LACEY	11/18/1976	PE	3	320
3368-3	DICK OR KONNY LACEY	11/19/1976	PE	3	320
3881-3	DICK OR KONNY LACEY	03/04/1977	PE	2	160
3882-3	DICK OR KONNY LACEY	03/04/1977	PE	2	160
7924-3	BRANDON RITTER	11/15/2013	PE	2	270

Since the Grand aquifer is under confined conditions, drawdown in a well may be substantial. The effects of pumping are documented in the hydrographs for observation wells CA-78I and CA-78K, shown in Figures 2 and 3. The Observation Well CA-78I is in the proximity of a number of irrigation wells, including the well that supplies Water Right No. 3803-3, which is located within approximately 1,280 feet. Although well interference may be nearly 70 feet in CA-78I observation well, considering that there is still between 111-188 feet of artesian head pressure at the well, the interference should not be considered adverse.

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”

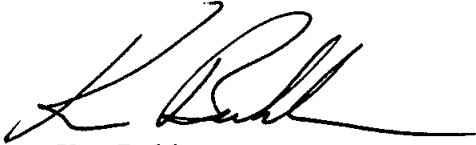
Depending on the specific characteristics of the Grand aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. The Water Management Board has considered this issue in the matter of Water Permit Application 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 state 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.

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion rate if the method of irrigation so requires. Water Permit Application No. 8159-3 proposes to divert up to 2.22 cfs from the Grand aquifer for the irrigation of 120 acres, or the equivalent of 1.29 cfs per 70 acres. The applicant has not provided an explanation for the increased rate.

CONCLUSIONS:

1. Application No. 8159-3 proposes to appropriate water from the Grand aquifer at a maximum diversion rate of 2.22 cfs for the irrigation of 220 acres in Campbell County.
2. There is reasonable probability that unappropriated water is available for the applicant's proposed use.
3. Although well interference may occur if this application is approved, existing rights (appropriative and domestic) should not be adversely impacted.
4. Special management practices may be necessary to for irrigation due to the water quality of the Grand aquifer.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- 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. Barbary, 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.
- Mathiowetz, A., 2015, Report to the Chief Engineer on Water Permit Application No. 8136-3, Richard D & Konny R Lacey Living Trust, May 11, 2015: SD DENR-Water Rights Program
- Water Rights. 1980-2015. "1979-2014 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, 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.
- 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.

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JUL 20 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brown) SS

I, Mary Basten

certify that the attached printed Notice was taken

from the Aberdeen 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:

7-16-15

Cost of Printing \$45.67

Mary Basten
(Signature)

Adv. Billing Special
(Title)

7-17-15
(Date Signed)

(No. 1984845)
(July 16, 2015 - 1T)

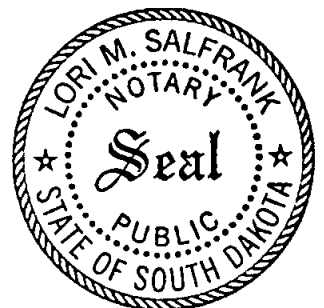
NOTICE OF APPLICATION NO. 8159-3
to Appropriate Water

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 (cfs) from one well to be completed into the Grand Aquifer (290 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 120 acres located in the NE 1/4 Section 21; all in T125N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8159-3 for 1.89 cfs 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 July 27, 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. 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 \$45.67



RECEIVED

JUL 20 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 Prairie Pioneer

printed and published in Pollard

County of Campbell and

state of South Dakota. The notice was published

in the newspaper on the following date:

7/16/15

Cost of Printing \$ 22.25

[Signature]

(Signature)

[Signature]

(Title)

7/16/15

(Date Signed)

NOTICE OF APPLICATION
NO. 8159-3

to Appropriate Water

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Published once at the total approximate cost of \$22.25

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 08, 2015 7:53 AM
To: 'nzantow@aberdeennews.com'
Subject: FW: 8159-3, Richard & Konny Lacey Living Trust
Attachments: FORM8.FRM.doc; 8159-3public.short.docx

Attached is a notice to be published on July 16, 2015

Richard & Konny Lacey Living Trust , 48456 266th St, Brandon SD 57005 (h 695 757-6639 c 605 366-0759) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 08, 2015 7:51 AM
To: Prairie Pioneer (pioneer@valleytel.net)
Subject: 8159-3, Richard & Konny Lacey Living Trust
Attachments: FORM8.FRM.doc; 8159-3public.short.docx

Attached is a notice to be published on July 16, 2015

Richard & Konny Lacey Living Trust , 48456 266th St, Brandon SD 57005 (h 695 757-6639 c 605 366-0759) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

NOTICE OF APPLICATION NO. 8159-3 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 (cfs) from one well to be completed into the Grand Aquifer (290 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 120 acres located in the NE 1/4 Section 21; all in T125N-R76W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8159-3 for 1.89 cfs 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.

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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

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

July 8, 2015

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

Dear Sir:

Water Permit Application No. 8159-3 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 # 605-889-2320) 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 04 2015

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

Dear Sir:

Enclosed is Water Permit No. 8159-3 authorizing construction of the 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

8159-3

11-02

Location Center 1/4 NW 1/4 Sec 21 Twp 125 Rg 16

County Campbell

Please mark well location with an "X"

Well completion Date 11-12-15

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 22500 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
SDR 21 LB/FT	12 IN	11 FT	272 FT	17 1/2 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Water-Set Grout	50	9.7 Lb/sack	0 R	245 R
		Lb/sack	FT	FT

Describe grouting procedure Iron line Pump from 245' to Top

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 20 Feet

Material stainless steel

Slot Size .060 Set From 272 Feet to 292 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorine

☐ No, Why Not? _____

Lab sample sent to for water quality analysis ☐ No, Why Not? _____

Well Owner: Dick Lacey

Business Name: _____

Address1: 48456 266th St

Address2: _____

City, State, Zip: Brandon, SD 59005

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Oxidized Sand	1	30
Fine Gray Sand	30	55
Blue Clay	55	180
Medium Sand with Fines	180	205
Blue Clay with Sand	205	225
Medium to Coarse Sand	225	292
shale	292	294

STATIC WATER LEVEL 52 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

Feet After	Flow Rate	Flow Rate
<u>112</u>	<u>3</u>	<u>850</u> GPM
_____	_____	_____ GPM
_____	_____	_____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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NOV 3 11 2015

WATER RIGHTS PROGRAM

GRAND AQUIFER KB

This well was drilled under license # 285

And this report is true and accurate.

Dating firm: Manikowski Well Drilling, Inc.

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

RECEIVED

NOV 10 2016

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-7-16TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Richard D. & Kenny R. Lacey Living Trust
(name)
48456 266th St.
(address)
Brandon, SD 57005 (605) 757-6639
(city, state, zip) (phone)
Cell - (605) 366-0759

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.

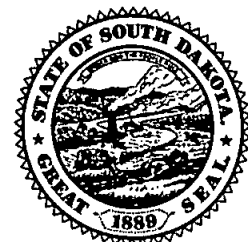
Water Permit No. 8159-3 states that the water use system is to be constructed by
July 27, 2020 and water is to be put to beneficial use by July 27, 2024
(date) (date)

The water use system was completed on 4-10-16
(date)

Applying the water to beneficial use was completed on 5-5-16
(date)

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

Richard D. Lacey
(signature)



Water Permit No. 8159-3

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. 8159-3, bearing the priority of May 18, 2015 authorizing the diversion of 1.89 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) 294 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 272 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 52 feet

Pump:

- 1) Make Grundfos
- 2) Model 800S-1000-4A
- 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 Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure Low
- 5) Capacity 800 GPM

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 1,320 feet south and 1,325 feet west of the NE corner of Section 21-T125N-R76W
(N 45.63359, W -100.03273) (approximate center of the NE ¼)

Report of Examination of Works

Permit No. 8159-3

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 21-T125N-R76W

NW ¼ NE ¼ - 34 acres

NE ¼ NE ¼ - 34 acres

SW ¼ NE ¼ - 5 acres

SE ¼ NE ¼ - 5 acres

comprising a total of 78 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

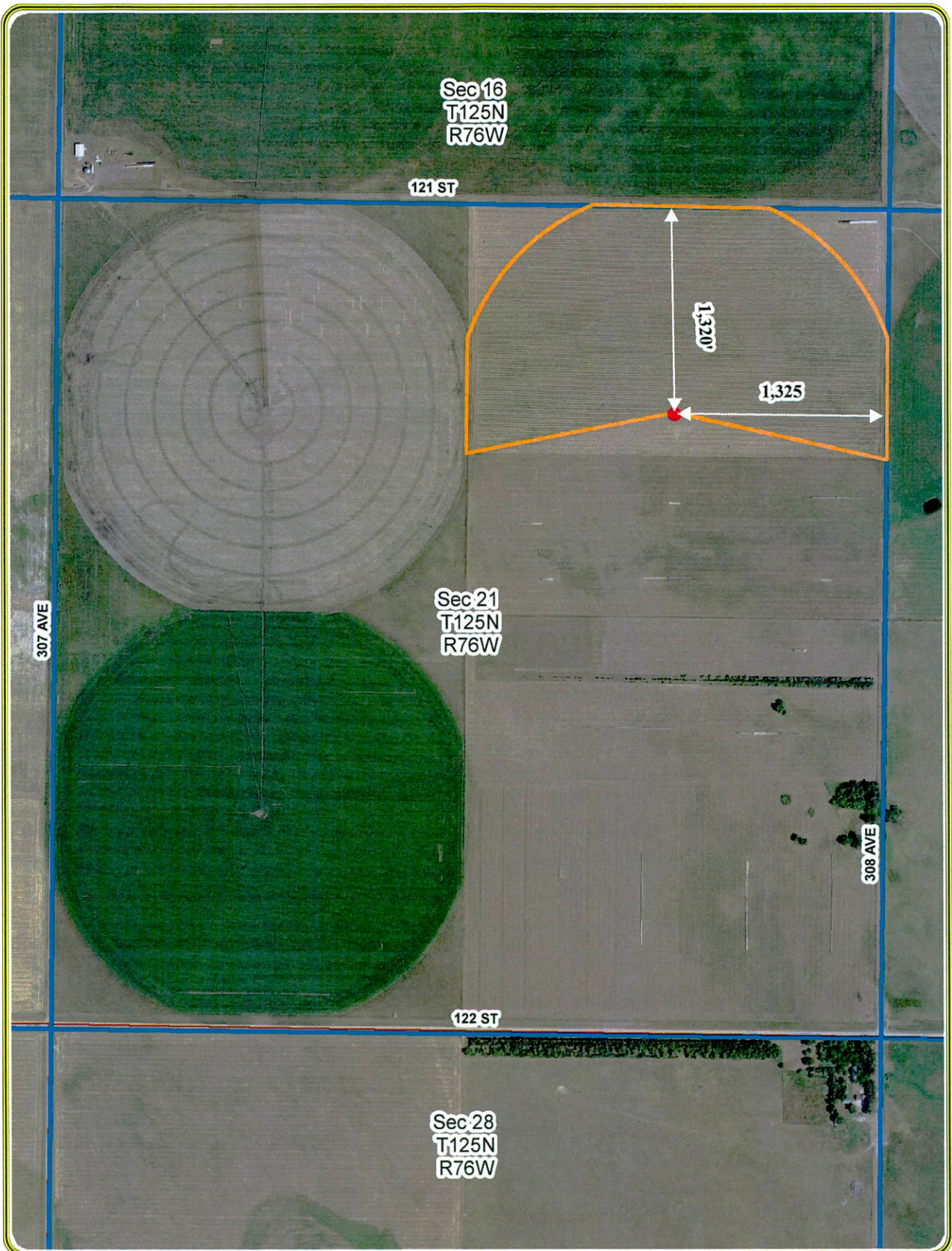
Natural Resources Engineer II

DENR, Water Rights Program

Date report completed: April 4, 2017

Richard D & Konny R Lacey Living Trust

Water Permit No. 8159-3



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. 8159-3**

(1) Richard D & Konny R Lacey Living Trust, 48456 266th St., Brandon SD 57005 made Application No. 8159-3, May 18, 2015 for a water permit to divert 1.89 cubic feet of water per second from ground water (one well, Grand Aquifer), Campbell County, South Dakota for irrigation purposes. Permit No. 8159-3, with a priority date of May 18, 2015 was approved July 27, 2015 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 27, 2020 and for the application to beneficial use of said water on or before July 27, 2024.

The Permit holders submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 10, 2016. The "*Notice*" stated the water use system was completed on April 10, 2016 and the water placed to beneficial use on May 5, 2016.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction 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 1,320 feet S & 1,325 feet W of the NE corner of Section 21, T125N, R76W (approximate center of the NE 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:

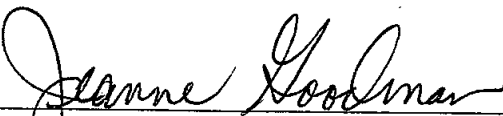
Section 21, T125N, R76W	NW ¼ NE ¼	34 acres
	NE ¼ NE ¼	34 acres
	SW ¼ NE ¼	5 acres
	SE ¼ NE ¼	<u>5 acres</u>
Total		78 acres

(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. 8159-3 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 May 18, 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. 8159-3 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. 8159-3 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.***

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8159-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 78 acres with an annual volume not to exceed 2 acre feet of water per acre per year. *The diversion rate and acres irrigated have been reduced to correspond with the project as developed.*
- 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



8159-3



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

8159-3



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

8159-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date June 8, 2022RECEIVED 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>8159-3</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
dm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

RECEIVED

JUN 08 2022

OFFICE OF
WATER

PAID

JUN 8 2022

Ck# 1049

Rec't#

Water Right/Permit No. 8159-3

Date:

I/We request that Water Right/Permit No. 8159-3 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:

78 acres - NE 1/4 Section 21, T125N, R76W

☒ I understand that the validity of Water Right/Permit No. 8159-3 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.



8159-3

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