

WATER PERMIT NO. 9034-3

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

Address: **48456 266th Street, Brandon SD 57005** Phone: **605-757-6639**

Amount of Water Claimed: **No Add'l** Total Acres: **135**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **Approx. 8 miles north of Selby**

PRIORITY Date Received: **02-12-26**

Application/License Fee: **\$1,050.00**

Corrected Application Received: **03-27-26**

Period of Annual Use: **April 1 – September 30**

Remarks: **Using existing well authorized by WR 8159-3, with no increase to diversion rate**

Diversion Point: **Approx. center of the NE 1/4 Sec**
21-T125N-R76W

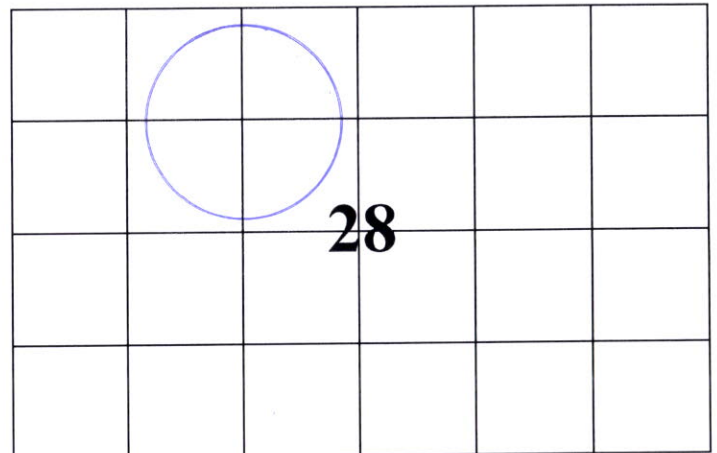
Land to be Irrigated: **NW 1/4 Sec 28-T125N-**
R76W

Depth of Well: **294**

Well Driller: **Manikowski Well Drilling**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **03-30-26**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 9034-3**

Date of first receipt of application February 12, 2026.

Date of return to applicant for corrections, amendments or changes February 18, 2026.

Date of receipt of corrected application March 27, 2026.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 9034-3 to the Richard D & Konny R Lacey Living Trust, 48456 266th Street, 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. 9034-3 authorizes irrigation of an additional 135 acres. Water Right No. 8159-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Grand Aquifer (294 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 78 acres located in the NE 1/4 Section 21; all in T125N-R76W. This Permit authorizes irrigation of an additional 135 acres located in the NW 1/4 Section 28-T125N-R76W, with no increase to the 1.78 cfs diversion rate. This Permit, and Water Right No. 8159-3 will authorize 1.78 cfs for irrigation of a combined total of 213 acres. This site is located in Cambell County, approximately eight miles north of Selby SD.
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 February 12, 2026.
4. The date of approval of Permit No. 9034-3 is July 27, 2026.
5. One-fifth of the construction is to be completed on or before January 27, 2029.
6. All construction is to be completed on or before July 27, 2031.
7. Water is to be put to beneficial use on or before July 27, 2035.
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 and Water Right No. 8159-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future additional or replacement wells must be constructed by a licensed well driller and construction of the well and installation of the pump must 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: Adam Mathiowetz

Adam Mathiowetz, PE

Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

08/27/2026

date



RECEIVED

FEB 13 2026

PAID

FEB 12 2026

Ck# 39728

Rec't# 2

Mail to:

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

ph. (605) 773-3352

No. 9034-3 Hydrologic Unit 10130106

OFFICE OF
WATER

Basin Missouri

Newspaper Pollock Prairie Pioneer
Aberdeen American News
(office use only)

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. & Konny R Lacey Living Trust

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 48456 266th St Brandon SD 57005
(Address) (City) (State) (Zip Code)

Phone (605) 757-6639 Mobile (605) 366-0759 Email laceyhay@alliancecomm.net

2. Amount of water claimed 2.22 *CFS or 1.78 **GPM ***AF Total Acreage 155 135
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam dugout or annual use if applicable)

3. Source of water supply Existing Well

4. Location of point of diversion middle of NE quarter of sec. 21 T125 R76 permit #8694-3 and water rights #3882-3
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Campbell

5. County or counties where water will be used Campbell

6. Annual period during which water is to be used April 1 - September 30

7. 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
NW 1/4 SEC.28 T125 R76	135		

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

NE AND NW QUARTERS OF SEC21 BORING 122ND ST. THEN GOING TO THE MIDDLE OF S28 THROUGH 10" PVC PIPE.
THE VOLUME OF WATER PUMPED WILL BE THE SAME. WILL RUN ONE PIVOT AT A TIME.
10" PVC PIPE.
THE VOLUME OF WATER PUMPED WILL BE THE SAME. WILL RUN ONE PIVOT AT A TIME.

I, RICHARD LACEY Richard Lacey, OWNER, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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 _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Manikowski Well Drilling

For either existing or proposed wells:

- c) Well Depth (required) 290 ^{294'} Depth to Top of Water Bearing Material 265 Depth to Water from Surface 55
- d) Distance to nearest domestic well on applicant's property 4200 Property owned by others N/A

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)

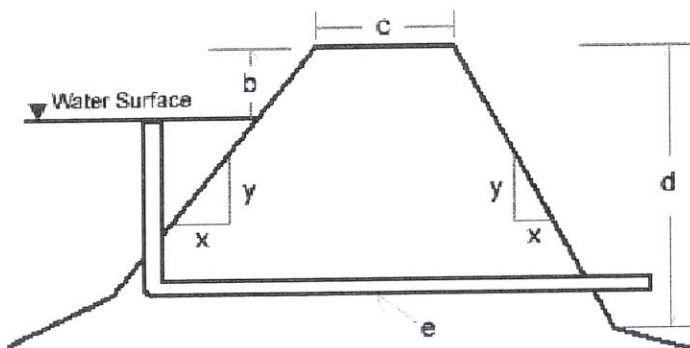
Upstream _____

Downstream _____

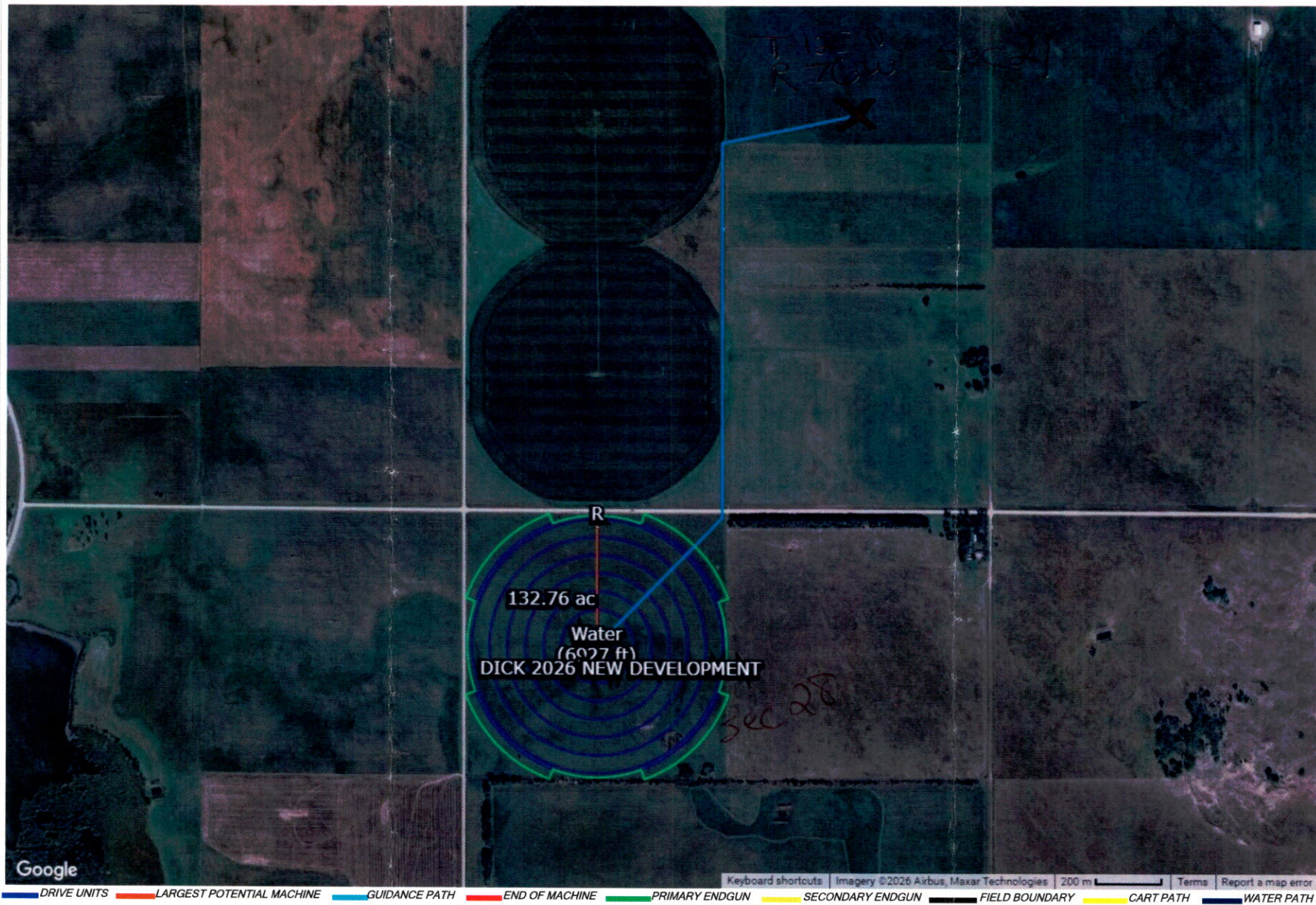
h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Map Summary Report



Map Summary Report - DICK 2026 NEW DEVELOPMENT



— DRIVE UNITS
 — LARGEST POTENTIAL MACHINE
 — GUIDANCE PATH
 — END OF MACHINE
 — PRIMARY ENDGUN
 — SECONDARY ENDGUN
 — FIELD BOUNDARY

INMAN & MCDOWELL, INC. - 421 392nd Ave, Aberdeen, SD, 57402, United States

Map Summary Report

Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
 Pivot_1_1222026115742666	DICK 2026 NEW DEVELOPMENT	Large Field Electrical Pivot 7000	123.03	7	1298.12	132.76

Total Project Irrigated Area (ac): 132.76

(DICK 2026 NEW DEVELOPMENT)	Spans and Overhang	Comer	Endgun*	Bender / DropSpan	Polygon
Irrigated Area using (ac)	121.92	0	10.84	0	0.00

* Estimated

Total Span Length (ft) 1260.00

Overhang Length (ft) 36.00

Flex/Transition/Other Lengths (ft) 2.12

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile	Wheel Track (ft)
1	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	180.08
2	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	360.08
3	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	540.08
4	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	720.08
5	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	900.08
6	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	1080.08
7	6 5/8	180.00	12 ga cable / 11 cond	34 RPM Baldor Helical	11.2 x 24 New w/Tube	None	Standard	1259.82

Primary Endgun

Endgun Angles (DICK 2026 NEW DEVELOPMENT)	Endgun 1	Endgun 2	Endgun 3	Endgun 4
Start Angle	20.00 deg	110.00 deg	200.00 deg	290.00 deg
End Angle	70.00 deg	160.00 deg	250.00 deg	340.00 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_1222026115742666	45.61919102383797	-100.04300057888307	-	-	0 deg	360 deg

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WATER

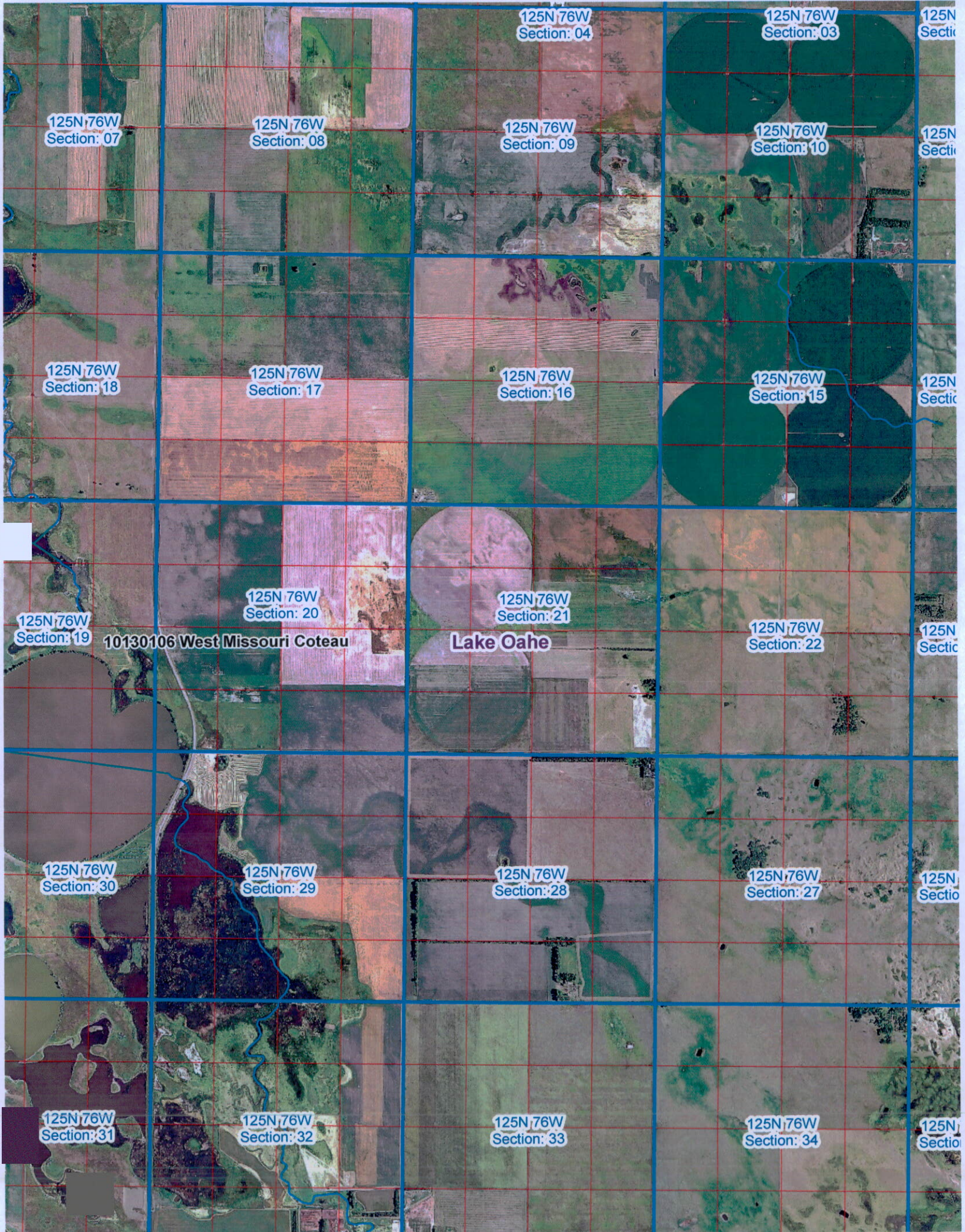


Project Name - DICK LACEY 2026
Version Name - DICK LACEY 2026_Version

Map Point Summary

Line(s)		Latitude	Longitude
	Water (6927 ft)	45.63369345217718	-100.03271564844374

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125N 76W
Section: 04

125N 76W
Section: 03

125N
Section

125N 76W
Section: 07

125N 76W
Section: 08

125N 76W
Section: 09

125N 76W
Section: 10

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Section

125N 76W
Section: 18

125N 76W
Section: 17

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Section: 16

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Section: 15

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Section

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Section: 19

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Section: 20

125N 76W
Section: 21

125N 76W
Section: 22

125N
Section

10130106 West Missouri Coteau

Lake Oahe

125N 76W
Section: 30

125N 76W
Section: 29

125N 76W
Section: 28

125N 76W
Section: 27

125N
Section

125N 76W
Section: 31

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Section: 32

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Section: 33

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Section: 34

125N
Section

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 12, 2026

RECEIVED OF Richard D. & Konny R Lacey Living Trust 48456 266th Street Brandon SD 57005

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

Fee for Application for Permit No. <u>9034-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
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>9034-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
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>1050.00</u>

By Adam Mathias
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 9034-3, Richard D. & Konny R Lacey Living Trust**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 9034-3, Richard D. & Konny R Lacey Living Trust, 48456 266th St, Brandon SD 57005.

The Acting Chief Engineer is recommending APPROVAL of Application No. 9034-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under this Permit and Water Right No. 8159-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future additional or replacement wells must be constructed by a licensed well driller and construction of the well and installation of the pump must 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.

Adam Mathiowetz, PE
Acting Chief Engineer
July 7, 2026

**Report to the Chief Engineer on
Water Permit Application No. 9034-3**

Richard D and Konny R Lacey Living Trust
2 July 2026

Water Permit Application No. 9034-3 proposes to irrigate an additional 135 acres to what is authorized by Water Right No. 8159-3. Water Right No. 8159-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Grand aquifer (294 feet deep) located in the approximate center of the NE ¼ Section 21 for irrigation of 78 acres located in the NE ¼ Section 21; all in T125N-R76W. This application proposes to irrigate an additional 135 acres located in the NW ¼ Section 28-T125N-R76W with no increase to the 1.78 cfs diversion rate authorized by Water Right No. 8159-3. This application, if approved, and Water Right No. 8159-3, will authorize 1.78 cfs for irrigation of a combined total of 213 acres. This site is located in Campbell County, approximately eight miles north of Selby, South Dakota.

Aquifer: Grand (G) – Northern portion

Hydrogeologic Characteristics

The Grand aquifer is composed of saturated outwash and alluvium which were deposited in a certain bedrock channel in north-central South Dakota [1]. The bedrock channel was incised by the Grand River before the Pleistocene Epoch glacial events, when the Grand River went further east than the present-day path of the Missouri River [2]. The well for this application is completed into the northern portion of the Grand aquifer, so the remainder of this report will focus on that portion of the aquifer. The northern portion of the Grand aquifer underlies approximately 361,000 acres of Campbell, McPherson, Edmunds, Walworth, and Faulk Counties [3]. The original delineation of the aquifer as managed by the Water Rights Program was published by Hedges, et al. [4] in the early 1980s. Kilts [3] reviewed the delineation of the Grand aquifer in 2019 and determined that the aquifer was not present in some areas it had previously been assumed to exist in Faulk County, so now the aquifer contains a northern and southern portion. The DANR Geological Survey Program has partially completed studies on Campbell and McPherson Counties but does not have geology and groundwater study planned for Walworth, Edmunds, and Faulk Counties right now, so it may be many years before a new delineation of the aquifer is available [5]. The Grand aquifer may be overlain by other aquifers depending on the location. County studies indicate the water quality of the Grand aquifer may not be suitable for irrigation [2] [6].

The applicant did not submit a well completion report with this application, but one is on file for Water Right No. 8159-3, which is the well to be used [7] [8]. The well was drilled on November 12, 2018. The driller reported encountering medium to coarse sand from 265 to 292 feet below grade and put the screen from 272 to 292 feet below grade. The static water level at the time the well was completed was 52 feet below grade, meaning there was approximately 213 feet of

hydraulic head above the top of the aquifer at the time the well was completed. Therefore, the aquifer is under confined conditions near the site of this application.

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued 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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Grand aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Availability of Water

Hydrologic budget

Recharge

Recharge to the Grand aquifer is mainly by infiltration from Oahe Reservoir, seepage from precipitation infiltration, and seepage from overlying aquifers when conditions allow flow into the aquifer [2]. Hedges, Allen, and Barari [9] indicate recharge to the unconfined portions of the Grand aquifer is 4.0 inches per year, but did not indicate the extent of the unconfined portions of the aquifer. However, Hedges, Allen, and Barari [9] provide an estimated range of 0.15 to 0.6 inches of water per year as a guideline to estimate recharge to confined aquifers. When that rate is applied across the approximately 361,000 acres of aquifer in the northern portion, the estimated recharge ranges between 4,500 and 18,000 ac-ft/yr, with the average of those two values being approximately 11,000 ac-ft/yr.

Discharge

Discharge from the Grand aquifer may occur through natural discharge to Oahe Reservoir when the hydraulic head in the aquifer is higher than the elevation of the reservoir and through appropriative and domestic withdrawals from wells [2] [6]. Given the presence of rural water

systems and stratigraphically higher (and therefore easier to access) aquifers, domestic withdrawals from the Grand aquifer are not a significant portion of the hydrologic budget.

Of the appropriate uses of the northern portion of the Grand aquifer, there are 51 water right permits [7]. The use types include irrigation (38), municipal (7), commercial (4), and industrial use (2). There are no future use permits reserving water from this aquifer.

One non-irrigation water right, Water Right No. 7841-3, reports its withdrawals to the Chief Engineer of the Water Rights Program annually (Table 1). The average annual withdrawal of the period of record is 9.7 ac-ft/yr. The withdrawals Water Right No. 7841-3 reported in 2014 and 2015 are approximately ten times higher than typical reports from other years, so they may have reported erroneous figures those years. However, for the sake of caution, an average annual withdrawal of 9.7 ac-ft/yr will be used. Seven non-irrigation water rights are water distribution systems which report their production to the DANR Drinking Water Program. One system (two water rights) reports production of approximately 11.2 ac-ft/yr. The other four systems (five water rights) report that they purchase water from another water distribution system and do not produce any of their own water. Those water rights are allowed to hold their water right on standby for emergency purposes, but are assumed to withdraw on average, no water. One non-irrigation water right has an annual withdrawal limit listed on its license but does not report withdrawals to the Chief Engineer. That water right is assumed to withdraw the full volume listed on its license. The Towns of Glenham (Water Right No. 3998-3) and Mound City (Water Right No. 4144-3) are listed as being supplied by W. E. B. Water Development Association, and therefore are assumed to withdraw a negligible amount of water [10]. The two other non-irrigation water rights are assumed to withdraw their full licensed pump rate 60% of the time. This is an estimate that has been previously accepted by the Water Management Board, and is likely to be an overestimate of actual withdrawals. Table 4 (page 11) provides details of the estimation methodology for the non-irrigation water rights in the northern portion of the Grand aquifer. The total estimated withdrawal for non-irrigation is approximately 230 ac-ft/yr.

Table 1: Withdrawals reported by Water Right No. 7841-3 [11]

Year	Ac-ft	Year	Ac-ft
2024	4.1	2018	4.1
2023	2.9	2017	3.8
2022	2.4	2016	4.6
2021	2.7	2015	54.7
2020	2.9	2014	26.9
2019	3.3	2013	4.0
Average 2013-2024			9.7
Average excluding 2014, 2015			3.5

Irrigation water right permits are generally required to report their annual withdrawals to the Chief Engineer. Of the 38 irrigation water right permits, 13 are new enough that they have not reported enough times to make an average that is likely to be representative of their average annual use [12]. Table 3 (page 10) shows the irrigation permits, their average reported irrigation over the entire period of record (1979-2025) and their average reported irrigation over the last ten years of record (2016-2025). Due to changes in irrigation practices, the reported irrigation from the last ten years of record is used. For the 13 irrigation permits which are too new to have an established average, a rate of ten inches per acre was assumed to be used. With these methods, the average annual withdrawal due to irrigation is estimated to be approximately 5,474 ac-ft/yr.

Summary of hydrologic budget

Recharge to the Grand aquifer is mainly by infiltration from Lake Oahe and seepage from higher aquifers. No study has been conducted on the Grand aquifer specifically, but the estimated recharge to the aquifer is likely to range between 4,500 and 18,000 ac-ft/yr. The average of those two values is approximately 11,000 ac-ft/yr. The total estimated average annual withdrawal from the northern portion of the Grand aquifer is 5,704 ac-ft/yr. Assuming the 135 additional acres requested are irrigated at an average annual rate of ten inches per acre, the estimated average annual withdrawal of this application would be approximately 113 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Observation well analysis

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to consider the record of observation wells, in addition to other information, in order to determine that withdrawals from the aquifer do not exceed recharge. The water rights program maintains 38 observation wells completed into the northern portion of the Grand aquifer [13]. The nearest observation wells to this application are Observation Wells CA-78K and CA-78KR, which are approximately 2.5 miles west of this application, and Observation Well CA-78I, which is approximately 2.5 miles northeast of this application. Figure 1 shows the hydrographs from those three wells. In general, water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation [14]. There are also seasonal declines in pressure due to withdrawals during the irrigation season. Observation Well CA-78I is approximately a quarter mile northeast of an irrigation permit, so it is heavily influenced by withdrawals from the nearby well. Observation Wells CA-78K and CA-78KR are approximately one mile southwest of the nearest appropriation, and so fluctuations at that site are likely to be more representative of general fluctuations in the aquifer. The fact that long term fluctuations in the aquifer are dominated by fluctuations in weather and precipitation, that indicates natural discharge is occurring in the aquifer. The Water Management Board considers natural discharge available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

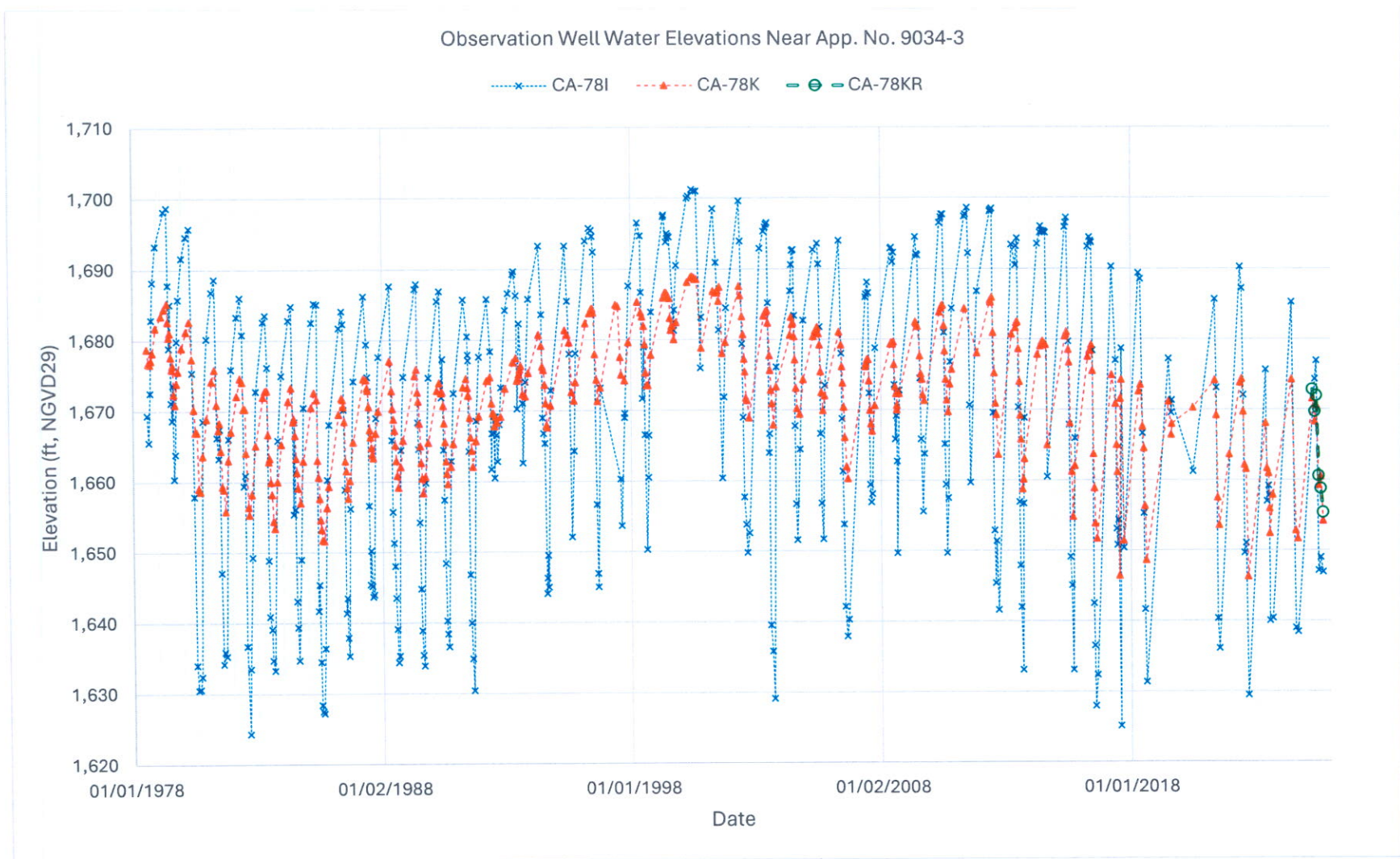


Figure 1: Observation well hydrograph for the Grand aquifer near this application [13]

Possibility of unlawful impairment of existing water rights

The applicant holds several water right permits in the area around this application [7]. The nearest water right permit to this application which is not held by the applicant is Water Permit No. 7924-3, located approximately a half mile west of the well for this application [7]. The nearest domestic well on file with the Water Rights Program that is likely to be completed into the same aquifer is approximately three quarters of a mile east-northeast of the well for this application, based on the location provided by the driller [8]. Figure 2 shows water right permits, observation wells, and outline of the Grand aquifer northern portion near this application. Table 2 lists details of the water right permits shown in Figure 2. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if a domestic well is impacted, a water right/permit causes an adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

There are no complaints on file with the Water Rights Program involving adverse impacts to adequate wells in Campbell County [15]. Some drawdown is likely to occur if this application is approved. In consideration of Water Permit Application No. 2313-2 for Coca-Cola Bottling Company, the Water Management Board determined that in order to place waters of the state to maximum beneficial use, hydraulic head in an aquifer could not be protected as a means of water delivery [16]. Well owners in confined aquifers may be required to lower their pumps to access needed water supplies. This is not considered an adverse impact. Therefore, based on the lack of complaints, distance from this application to nearby domestic wells, presence of the applicant's own wells near this application, and presence of more than 200 feet of hydraulic head in the aquifer, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

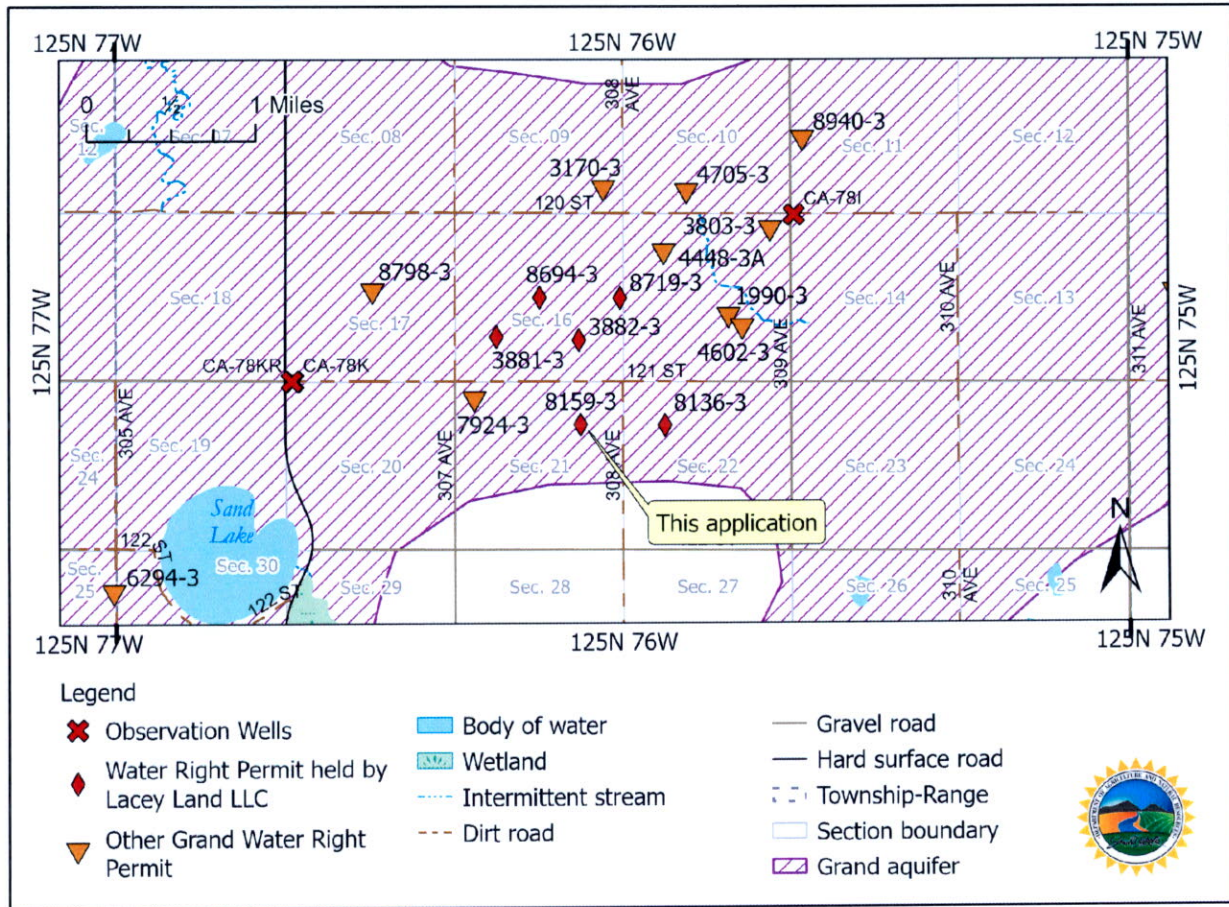


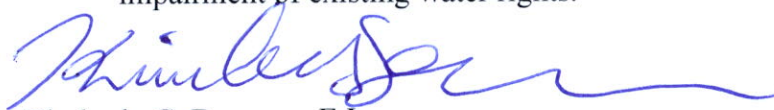
Figure 2: Water rights, observation wells, and aquifer boundary near this application [7] [13] [3]

Table 2: Water rights shown in figure above [7]

File No.	Name/Business	Priority	Status	CFS	Acres
1990-3	Jason Brockel	1973-08-22	License	1.93	132
3170-3	Scott & Rosanne Lohman	1976-10-21	License	2.23	264
3803-3	Brandon Ritter	1977-03-21	License	1.78	264
3881-3	Lacey Land LLC	1976-02-18	License	2.00	268
3882-3	Lacey Land LLC	1977-03-04	License	2.00	268
4448-3A	Brandon Ritter	1979-11-09	License	1.89	132
4602-3	Jason Brockel	1979-11-09	License	1.89	136
4705-3	Brandon Ritter	1981-04-02	License	1.78	264
6294-3	Lazy TV Ranch	2002-01-29	License	1.88	132
7924-3	Brandon Ritter	2013-11-15	Permit	2.00	270
8136-3	Lacey Land LLC	2015-03-05	License	1.78	272
8159-3	Lacey Land LLC	2015-05-18	License	1.78	78
8694-3	Lacey Land LLC	2022-12-28	Permit	0.89	32
8719-3	Lacey Land LLC	2023-01-30	Permit	2.00	268
8798-3	Don & Dennis Mitzel	2023-09-08	Permit	1.78	160
8940-3	Brandon Ritter	2025-03-10	Permit	1.78	280

Conclusions

1. Water Permit Application No. 9034-3 proposes to irrigate an additional 135 acres to what is authorized by Water Right No. 8159-3. Water Right No. 8159-3 appropriates 1.78 cfs from one well completed into the Grand aquifer located in the approximate center of the NE $\frac{1}{4}$ Section 21 for irrigation of 78 acres located in the NE $\frac{1}{4}$ Section 21; all in T125N-R76W. This application proposes to irrigate an additional 135 acres located in the NW $\frac{1}{4}$ Section 28-T125N-R76W with no increase to the 1.78 cfs diversion rate authorized by Water Right No. 8159-3. This application, if approved, and Water Right No. 8159-3, will authorize 1.78 cfs for irrigation of a combined total of 213 acres.
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights.



Kimberly C. Drennon, E.I.

Engineer III – DANR Water Rights Program

References

- [1] L. S. Hedges, "Geology and water resources of Campbell County, South Dakota - Part I: Geology," SD DANR Geological Survey Program, Vermillion, South Dakota, 1972.
- [2] N. C. Koch, "Geology and Water Resources of Campbell County South Dakota - Part II - Water Resources," SD DANR Geological Survey Program, Vermillion, South Dakota, 1970.
- [3] W. K. Kilts, "Report to the Chief Engineer on Water Permit Application No. 8405-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2019.
- [4] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River, South Dakota and Iowa Tasks 1-4," U.S. Army Corps of Engineers, Omaha, Nebraska, 1982.
- [5] Geological Survey Program, "Status of Geology and Ground Water Resources Studies," 2 June 2026. [Online]. Available: <https://www.sdgs.usd.edu/currentprojects/g-gwr.aspx>. [Accessed 2 June 2026].
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- [7] Water Rights Program, "Water Right Permit File Database," South Dakota Dept. of Ag. and Nat. Res., Joe Foss Bldg., Pierre, South Dakota, 2026 June 2.
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- [9] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River South Dakota and Iowa," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [10] SDARWS, "Rural Water Systems of South Dakota," South Dakota Association of Rural Water Systems, [Online]. Available: <https://www.sdarws.com/ruralwatersystems.html>. [Accessed 2 July 2026].
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- [15] Water Rights Program, "Complaints Database," South Dakota Dept. of Ag. and Nat. Res., Joe Foss Bldg., Pierre, South Dakota, 22 June 2026.
- [16] South Dakota Water Management Board, "Findings of Facts, Conclusions of Law, and Final Decision on the Matter of Water Permit Application No. 2313-2 Coca-Cola Bottling Company," South Dakota Dept. of Ag. and Nat. Res., Joe Foss Bldg., Pierre, South Dakota, 1995.
- [17] Drinking Water Program, "Public Drinking Water Systems Map," South Dakota Dept. of Ag. and Nat. Res., 2025. [Online]. Available: <https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx>. [Accessed 8 June 2026].

Appendix: Tables

Table 3: Irrigation water right permits in the northern portion of the Grand aquifer [7]

Permit No.	Name/Business	Status	Priority	CFS	Acres	1979-2025		2016-2025		Est. Avg. ac-ft/yr
						No. Reports	Avg. ac-ft/yr	No. Reports	Avg. ac-ft/yr	
1990-3	Jason Brockel	LC	1973-08-22	1.93	132.0	47	155	10	132	132
2012-3	Terry L Vander Vorst	LC	1973-09-10	1.89	135.2	47	49	10	73	73
3170-3	Scott & Rosanne Lohman	LC	1976-10-21	2.23	264.0	47	303	10	289	289
3684C-3	Angus Land Inc	LC	1977-02-28	1.67	132.0	14	47	10	46	46
3684D-3	Martin Land Inc	PE	1977-02-28	7.40	800.0	14	265	10	249	249
3803-3	Brandon Ritter	LC	1977-03-21	1.78	264.0	47	197	10	178	178
3881-3	Lacey Land LLC	LC	1976-02-18	2.00	268.0	47	62	10	89	89
3882-3	Lacey Land LLC	LC	1977-03-04	2.00	268.0	47	53	10	90	90
4448-3A	Brandon Ritter	LC	1979-11-09	1.89	132.0	47	147	10	140	140
4602-3	Jason Brockel	LC	1979-11-09	1.89	136.0	47	143	10	130	130
4705-3	Brandon Ritter	LC	1981-04-02	1.78	264.0	47	216	10	231	231
5566-3	Wayne H Reiersen	LC	1991-07-24	2.05	266.0	34	146	10	271	271
6294-3	Lazy Tv Ranch	LC	2002-01-29	1.88	132.0	24	62	10	48	48
6605-3	Ed Van Beek	LC	2005-03-10	1.78	256.0	21	186	10	111	111
6771-3	Randy Geffre	LC	1977-02-28	1.89	256.0	20	128	10	151	151
6779-3	Ed Van Beek	LC	2006-11-30	1.78	217.0	20	162	10	100	100
7262-3	Lazy TV Ranch	PE	2011-07-26	2.00	268.0	14	145	10	150	150
7432-3	HCM Schaffer Inc	PE	2012-09-14	3.56	320.0	13	142	10	135	135
7615-3	Wayne H Reiersen	LC	2013-01-07	1.78	320.0	13	301	10	325	325
7782-3	Huber Farm	PE	2013-02-19	1.94	270.0	13	216	10	261	261
7924-3	Brandon Ritter	PE	2013-11-15	2.00	270.0	12	211	10	205	205
8091-3*	Roy Grismer	PE	2015-01-20	2.67	240.0	11	0	10	0	0
8092-3*	Roy Grismer	PE	2015-01-20	2.67	240.0	11	0	10	0	0
8136-3	Lacey Land LLC	LC	2015-03-05	1.78	272.0	11	120	10	123	123
8159-3	Lacey Land LLC	LC	2015-05-18	1.78	78.0	11	68	10	74	74
8402-3	Roger Volzke	PE	2019-06-24	3.33	240.0	7	0	7	0	200
8405-3	JD Bieber Enterprises Inc	PE	2019-07-29	1.78	136.0	6	52	6	52	113
8429-3	Rory Thorstenson	PE	2020-06-15	1.78	60.0	5	0	5	0	50
8454-3	BKV Thorstenson Ranch LP	PE	2020-09-28	1.78	132.6	5	122	5	122	111
8539-3	JD Bieber Enterprises Inc	PE	2021-08-11	1.78	120.0	4	0	4	0	100
8540-3	JD Bieber Enterprises Inc	PE	2021-08-11	0.00	70.0	4	22	4	22	58
8694-3	Lacey Land LLC	PE	2022-12-28	0.89	32.0	3	16	3	16	27
8719-3	Lacey Land LLC	PE	2023-01-30	2.00	268.0	3	40	3	40	223
8798-3	Don & Dennis Mitzel	PE	2023-09-08	1.78	160.0	3	71	3	71	133
8829-3	Nick Berndt	PE	2024-01-08	0.66	130.0	2	40	2	40	108
8840-3	Robert Huber Farm	PE	2024-02-05	3.56	340.0	2	36	2	36	283
8939-3	Brandon Ritter	PE	2025-03-10	1.78	280.0	1	0	1	0	233
8940-3	Brandon Ritter	PE	2025-03-10	1.78	280.0	1	0	1	0	233
Total	--	--	--	78.92	8,448.8	--	3,922	--	3,999	5,474

*Scheduled for cancellation in the July, 2026 Water Management Board meeting

Report on Water Permit App. No. 9034-3

Table 4: Non-irrigation use estimates in the northern portion of the Grand aquifer [7] [11] [17] [10]

Water Right No.	County	Use Types	Name/Business	CFS	Volume	Priority	Purchases Water	Reports to:	Reported ac-ft/yr	Est. Method	Est. Avg. Annual Ac-ft/yr
6111-3	Faulk	COM, LCO	Blumengard Colony	0.450	N/A	1996-05-24	FALSE	Drinking Water	11.2	Report	11.2
6185-3	Faulk	COM, DOM, LCO		0.667	N/A	2000-03-13					
5417-3	Campbell	MUN	City of Herreid	1.170	N/A	1948-10-04	TRUE	Drinking Water	0.0	Report	0.0
1705-3	Edmunds	MUN	City of Hosmer	0.270	N/A	1969-11-18	TRUE	Drinking Water	0.0	Report	0.0
4914-3	Edmunds	MUN	City of Roscoe	0.500	N/A	1982-07-08	TRUE	Drinking Water	0.0	Report	0.0
7841-3	Campbell	IND	Herreid Concrete Inc	1.390	282	2013-05-16	FALSE	Water Rights	9.7	Report	9.7
7184-3	Campbell	IND	Jensen Rock & Sand Inc	0.670	20	2010-02-09	FALSE	Does not report	N/A	Volume	20.0
6629-3	Faulk	COM, DOM, LCO	Raechel Otter	0.400	N/A	2005-06-02	FALSE	Does not report	N/A	60% CFS	173.9
3998-3	Walworth	MUN	Town of Glenham	0.120	N/A	1955-01-01	N/A	Does not report	N/A	Standby	0.0
4144-3	Campbell	MUN	Town of Mound City	0.220	N/A	1977-09-06	N/A	Does not report	N/A	Standby	0.0
778-3	Campbell	MUN	Town of Pollock	0.560	N/A	1961-05-16	TRUE	Drinking Water	0.0	Report	0.0
5366-3	Campbell	MUN		0.780	N/A	1989-11-13					
6012-3	Campbell	COM	West Pollock Association	0.035	N/A	1997-07-16	N/A	Does not report	N/A	60% CFS	15.2
Total	--	--	--	7.232	302	--	--	--	20.9	--	230.0
COM – Commercial, DOM – Domestic, IND – Industrial, LCO – Livestock Confinement Operation, MUN – Municipal											

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, March 5, 2026 3:09 PM
To: laceyhay@alliancecom.net
Subject: RE: Water Permit Application
Attachments: 8159-3.pdf

Importance: High

Good afternoon,

I'm just following up on the email regarding the outstanding item on your application, see below. Once I have a response, I will begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Wednesday, February 18, 2026 11:16 AM
To: laceyhay@alliancecom.net
Subject: Water Permit Application

Good morning,

In looking over your application, I see an issue:

- No. 4, location of the diversion states the middle of the NE 1/4 Section 21. The existing permits referenced do not have any wells in Section 21-T125N-R76W. However, you do have a Water Right 8159-3 that is in the approximate center of the NE 1/4 Section 21-T125N-R76W. Please confirm that WR 8159-3 is the existing well you plan to use.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 24, 2026

Richard & Konny Lacey Living Trust
c/o Richard Lacey
48456 266th Street
Brandon SD 57005

Dear Mr. Lacey,

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. I have sent three emails regarding your application and have not received a reply. Therefore, I am sending this letter with the issue below:

- No. 4, location of the diversion states the middle of the NE 1/4 Section 21. The existing permits referenced do not have any wells in Section 21-T125N-R76W. However, you do have a Water Right 8159-3 that is in the approximate center of the NE 1/4 Section 21-T125N-R76W. Please confirm that WR 8159-3 is the existing well you plan to use.

Please reply at your earliest convenience. Once I receive a reply, I will begin processing your application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Water Rights Program - File Documentation

NAME: Richard D. & Konny R Lacey Living Trust

ADDRESS: 48456 266th Street, Brandon SD 57005

DATE: March 27, 2026

RE: Responding to a letter sent March 24, 2026

COMMENTS:

Richard Lacey called in response to the letter sent March 24th requesting information on his water permit application. He confirmed that the well he would be using on the current application was WR No. 8159-3. I asked if he was asking for additional water based on the 2.22 cfs one application and he said no, just the additional acres.

Rachel Rodriguez

Rachel Rodriguez

Water Rights Program

605 773-3352

rachel.rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

July 8, 2026

Richard Lacey
48456 266th Street
Brandon SD 57005

RE: Richard D & Konny R Lacey Living Trust Water Permit

Dear Mr. Lacey:

Water Permit Application No. 9034-3 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 Pollock Prairie Pioneer printed in Pollock (Ph # 605 889-2320) and the American News printed in Aberdeen (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Acting 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.

NOTICE OF APPLICATION NO. 9034-3 to Appropriate Water

Notice is given that the Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005, has filed an application for a water permit to irrigate an additional 135 acres. Water Right No. 8159-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Grand Aquifer (294 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 78 acres located in the NE 1/4 Section 21; all in T125N-R76W. This application proposes to irrigate an additional 135 acres located in the NW 1/4 Section 28-T125N-R76W, with no increase to the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 8159-3 will authorize 1.78 cfs for irrigation of a combined total of 213 acres. This site is located in Cambell County, approximately eight miles north of Selby SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9034-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 27, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 27, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, July 8, 2026 9:07 AM
To: Rodriguez, Rachel
Cc: laceyhay@alliancecomm.net
Subject: RE: [EXT] 12474649 9034-3 Richard & Konny Lacey Liv Trust - Public Notice
Attachments: 12474649.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the American News on July 16. The order cost is \$60.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Tuesday with any changes.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Wednesday, July 8, 2026 8:47 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 12474649 9034-3 Richard & Konny Lacey Liv Trust - Public Notice

Attached is a notice to be published on July 16, 2026.

Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005, 605-757-6639, laceyhay@alliancecomm.net 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 to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





Order Confirmation

Not an Invoice

Account Number:	1023886
Customer Name:	Lacey Land LLC
Customer Address:	Lacey Land LLC 48456 266Th ST Brandon SD 57005-7212
Contact Name:	None None
Contact Phone:	6053701085
Contact Email:	noemail@noemail.com
PO Number:	

Date:	07/08/2026
Order Number:	12474649
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	184.0000
Height in Inches:	20.2700

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	07/16/2026 - 07/16/2026	Public Notices
ABD aberdeennews.com	1	07/16/2026 - 07/16/2026	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$60.20
Tax Amount	\$0.00
Service Fee 3.99%	\$2.40
Cash/Check/ACH Discount	-\$2.40
Payment Amount by Cash/Check/ACH	\$60.20
Payment Amount by Credit Card	\$62.60

Order Confirmation Amount	\$60.20
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, July 7, 2026 1:01 PM
To: pioneer@valleytel.net
Cc: 'Prairie Pioneer'
Subject: 9034-3 Richard & Konny Lacey Liv Trust - Public Notice
Attachments: 9034-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on July 16, 2026, in the Pollock Prairie Pioneer.

Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005, 605-757-6639, laceyhay@alliancecomm.net 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 to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Affidavit of Publication

Notice of application No. 9034-3 to appropriate water

Notice is given that the Richard D & Konny R Lacey Living Trust, 48456 266th Street, Brandon SD 57005, has filed an application for a water permit to irrigate an additional 135 acres. Water Right No. 8159-3 authorizes 1.78 cubic feet of water per second (cfs) from one well completed into the Grand Aquifer (294 feet deep) located in the approximate center of the NE 1/4 Section 21 for irrigation of 78 acres located in the NE 1/4 Section 21; all in T125N-R76W. This application proposes to irrigate an additional 135 acres located in the NW 1/4 Section 28-T125N-R76W, with no increase to the 1.78 cfs diversion rate. This application, if approved, and Water Right No. 8159-3 will authorize 1.78 cfs for irrigation of a combined total of 213 acres. This site is located in Cambell County, approximately eight miles north of Selby SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 9034-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. The Acting Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing

shall file a written petition to oppose the application with BOTH the applicant and Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 27, 2026.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 27, 2026.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Published one time at the total approximate cost of \$52.58 and can be viewed free of charge at www.sdpublicnotices.com

-071626

STATE OF SOUTH DAKOTA,
COUNTY OF CAMPBELL, ss.

James Brown, being first duly sworn, on oath says, that he is the bookkeeper of the Prairie Pioneer, a weekly newspaper published in Pollock, County of Campbell, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

NOTICE OF APPLICATION NO. 9034-3 to Appropriate Water

Dick Lacey

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said

newspaper at least once each week for 1 successive week, on the day of each week on which said newspaper was regularly published to-wit:

1- Prairie Pioneer: 7/16/2026

That the full amount of the fees for the publication of the annexed notice is \$52.58

James Brown

Subscribed and sworn to before me this 7/13/2026

Lori Cox

Lori Cox, Notary Public
State of South Dakota

My commission expires January 2, 2031

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JUL 28 2026

Water Rights
Program



USA TODAY CO.



PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Rachel Rodriguez
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

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OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

07/16/2026

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.

Sworn to and subscribed before on 07/16/2026

A handwritten signature in cursive script, appearing to read "Linda Felt".

Legal Clerk

A handwritten signature in cursive script, appearing to read "Kongmeng Yang".
Notary, State of WI, County of Brown

A handwritten date "7-29" in cursive script.

My commission expires

Publication Cost: \$60.20

Tax Amount: \$0.00

Payment Cost: \$60.20

Order No: 12474649

of Copies:

Customer No: 1023886

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 9034-3 to
Appropriate Water**

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Published once at the total approximate cost of \$60.20 and may be viewed free of charge at www.sdpublicnotices.com.

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WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, July 8, 2026 10:51 AM
To: laceyhay@alliancecom.net
Subject: 9034-3 Richard & Konny Lacey Liv Trust - Public Notice
Attachments: 9034-3 Rec.pdf; 9034-3 Ltr.pdf; 9034-3 PubNotice.pdf; AmericanNews Info.pdf

Good morning,

Attached is a copy of the report, acting chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2026

Richard D & Konny R Lacey Living Trust
c/o Richard Lacey
48456 266th Street
Brandon SD 57005

Dear Mr. Lacey:

Enclosed is Water Permit No. 9034-3 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,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 9034-3

Name of Applicant: Richard D. & Konny R Lacey Living Trust, c/o Richard Lacey

Date of Posting: 7/13/2026

Date of Removal: 8/27/2026

Amanda Dewell, Permitting Administrator

8/27/2026

Date

Subscribed and sworn to before me, a notary public, this 27th day of Aug, 2026.

Notary Public - South Dakota

My commission expires:

(SEAL)

Rachel Rodriguez
My Commission Expires
May 16, 2029

