

WATER PERMIT NO. 2605-2

Name of Applicant: **Paul Fanning**

Address: **23805 290th St, Tuthill SD 57574**

Phone: **605 685-6878**

Amount of Water Claimed: **1.67 cfs**

Total Acres: **124**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation**

County: **Bennett**

Type of Waste Disposal System:

Location: **8 miles southeast of Tuthill**

PRIORITY

Date Received: **12-15-06**

Application/License Fee: **\$300**

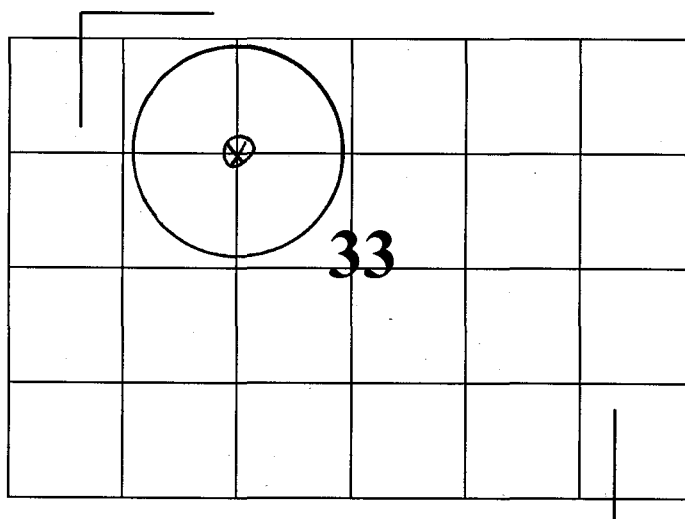
Corrected Application Received:

Period of Annual Use: **May 1 – Sept 31**

Remarks: **1178-2 authorizes irrigation of the same lands**

Diversion Point: **Center NW ¼ Sec 33-T37N-R34E**

Land to be Irrigated: **NW ¼ Sec 33-T37N-R34E**



Depth of Well: **160 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Wade Anderson, NRCS**

Reviewed and the Number Assigned on: **12-18-06**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2605-2</u> (office use only)	Hydrologic Unit <u>10140203</u>	RECEIVED DEC 15 2006 WATER RIGHTS PROGRAM
	Basin <u>White River</u>		
	Newspaper <u>Bennett Co Booster II</u>	<u>Martin</u>	

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 of Applicant Paul Fanning Phone 605 685 6878
(check one) Owner Tenant/lessee
- Mailing Address 23805 290th St Tuthill State S.D. 57574
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.67*CFS or 250**GPM ***AF Total Acreage 124
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well (ground water)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
130 acres in middle of NW 1/4 S.33, T.37, R.34,
County
5. County or counties where water will be used Bennett
6. Annual period during which water is to be used May 1 through Sept 31
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
SW 1/4 NW 1/4	32 1/2	all in NW 1/4 S33 T37 R34	
SE 1/4 NW 1/4	32 1/2		
NE 1/4 NW 1/4	32 1/2		
NW 1/4 NW 1/4	32 1/2		

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

Center pivot irrigation

STATE OF SOUTH DAKOTA) SS
County of Bennett

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Paul Fanning

Subscribed and sworn to before me this 13TH day of DECEMBER 20 06

Cynthia M. Coon
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2605-2 FOR IRRIGATION

Date of first receipt of application December 15, 2006.

The Water Management Board approved Water Permit No. 2605-2 on March 7, 2007 for Paul Fanning, 23805 290th St, Tuthill SD 57574 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. 2605-2 appropriates 1.67 cubic feet of water per second from one existing well completed into the Ogallala Aquifer (160 feet deep) located in the center of the NW ¼ Section 33 to irrigate 124 acres located in the NW ¼ Section 33; all in T37N-R34W.
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: May 1 – September 30.
3. The date from which applicant may claim right is December 15, 2006.
4. One-fifth of the construction is to be completed on or before September 7, 2009.
5. All construction is to be completed on or before March 7, 2012.
6. Water is to be put to beneficial use on or before March 7, 2016.
7. 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 16 2007

date



Supplemental Information

(type or print in ink)

11.79-2
original author

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30 in Depth 164 ft
- b) Casing Type steel Diameter 16 in Thickness $\frac{1}{4}$
- c) Screen Type steel Diameter 16 in Thickness 160 ft.
- d) Gravel Pack 14 in. Length of Gravel Pack 164 ft.
- e) Depth to Top of Water Bearing Material 60 ft
- f) Depth to Water (ground surface to water level) 60 ft
- g) Distance to nearest existing domestic well:

On applicants property $\frac{3}{8}$ mile

On property owned by others $\frac{1}{2}$ mile

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 _____

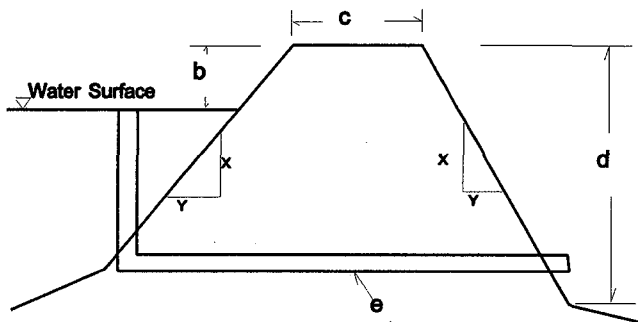
Upstream _____

Downstream _____

- h) Surface Area of Impoundment _____

- i) Storage _____ Acre Feet

- j) Drainage Area Above Dam _____ Acres



Location Map

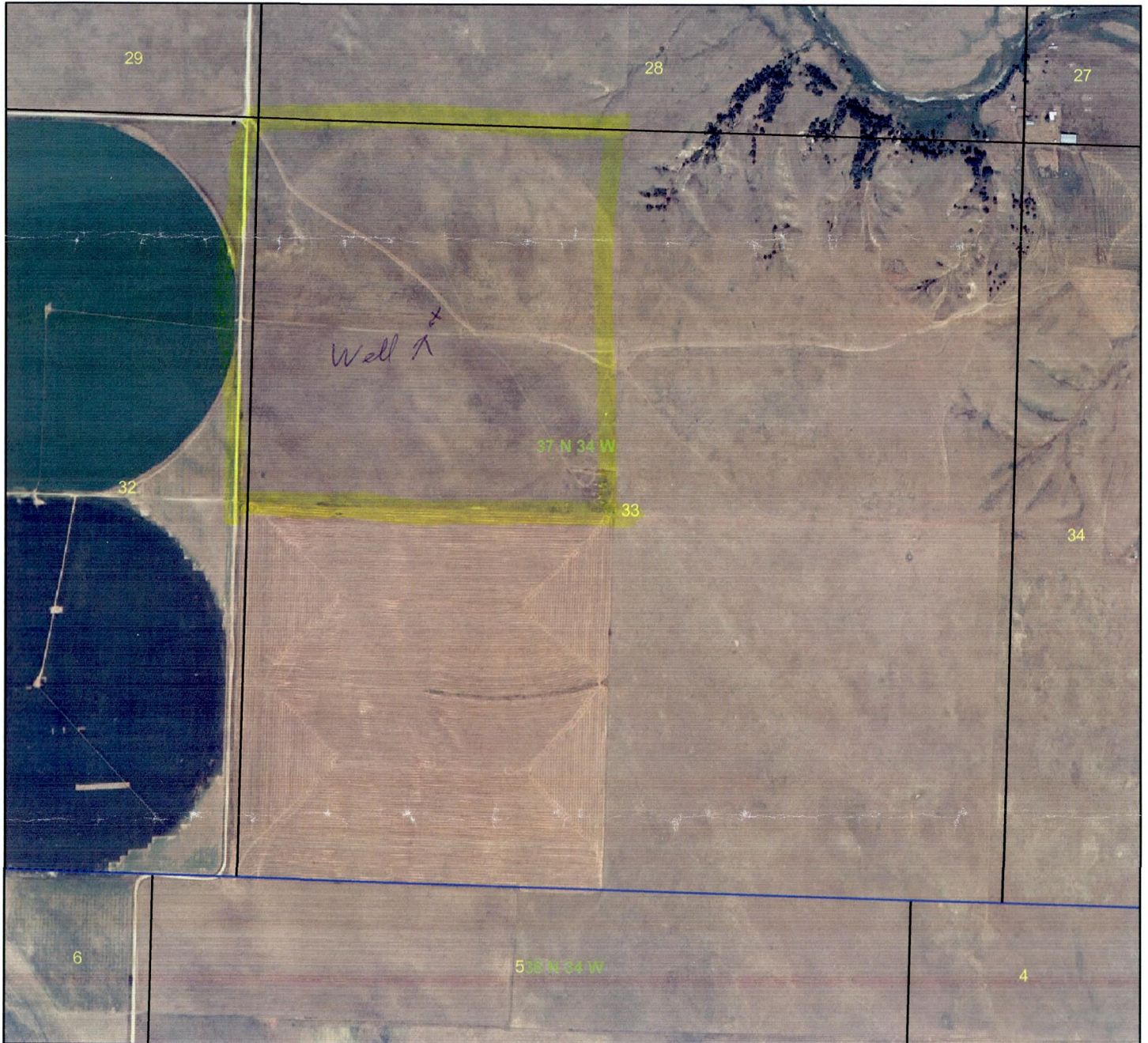
Date: 12/13/2006

Customer(s): PAUL FANNING

NW 1/4 33-37-34

Legal Description: NW 1/4 33-37-34

State and County: SD, BENNETT



Legend



□ Township/Range

□ sections

Image: k43101b3.tif

530 0 530 1,060 1,590 2,120 Feet



NRCS-Martin Field Office Map - Wade Anderson

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 15, 2006

RECEIVED OF Corny Beef Inc., Paul or Mary Ann Fanning, 23805 290th St, Tuthill SD

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	250	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. _____	50	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	300.00

No.

2687

By

Garland Erbele

Chief Engineer

Garland Erbele



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2605-2, Paul Fanning**

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. 2605-2, Paul Fanning, 23805 290th Street, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2605-2 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 23, 2007

REPORT ON APPLICATION NO. 2605-2

For Paul Fanning

January 10, 2007

Mr. Paul Fanning has filed an application for a water permit to appropriate 1.67 cubic feet of water per second (cfs) from one existing well completed into the Ogallala Formation (approximately 164 feet deep) located in the center of the NW ¼ Section 33 to irrigate 124 acres located in the NW ¼ Section 33; all in T37N-R34W in Bennett County. This application will only be considered if the Board makes a ruling that Water Right No. 1178-2 is not valid.

AQUIFER – OGALLALA FORMATION (OGLL)

The Ogallala Formation consists primarily of medium-grained, weakly consolidated sands with scattered clay beds. The thickness of the Ogallala is quite variable depending upon depth to bedrock. The formation thickens in Nebraska and further south and is a very important aquifer as far south as Texas. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The Ogallala and the underlying Arikaree Formations are interconnected to some extent and thus the formations are hydraulically connected. The Ogallala underlies approximately 280,960 acres and contains approximately 2.8 million acre feet of recoverable water in storage in Bennett County (Allen, 1984). Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be approximately 1.3 to 1.8 inches per year (Kolm, 1983). Existing information on file for this well indicates the well to be 164 feet deep with a static water level of 40 feet below land surface. The well file information also indicates that the well is completed in accordance with SD Well Construction Standards.

The Water Rights Program monitors an observation well (BT-83F) located approximately ½ mile northwest of this location. A hydrograph for this observation well is included in this report and labeled as Figure 1. The hydrograph illustrates water levels in the aquifer fluctuate slightly in response to existing irrigation pumping, although the water level fluctuations created by pumping do not cause significant drawdown in the area. The water levels respond more so to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2007).

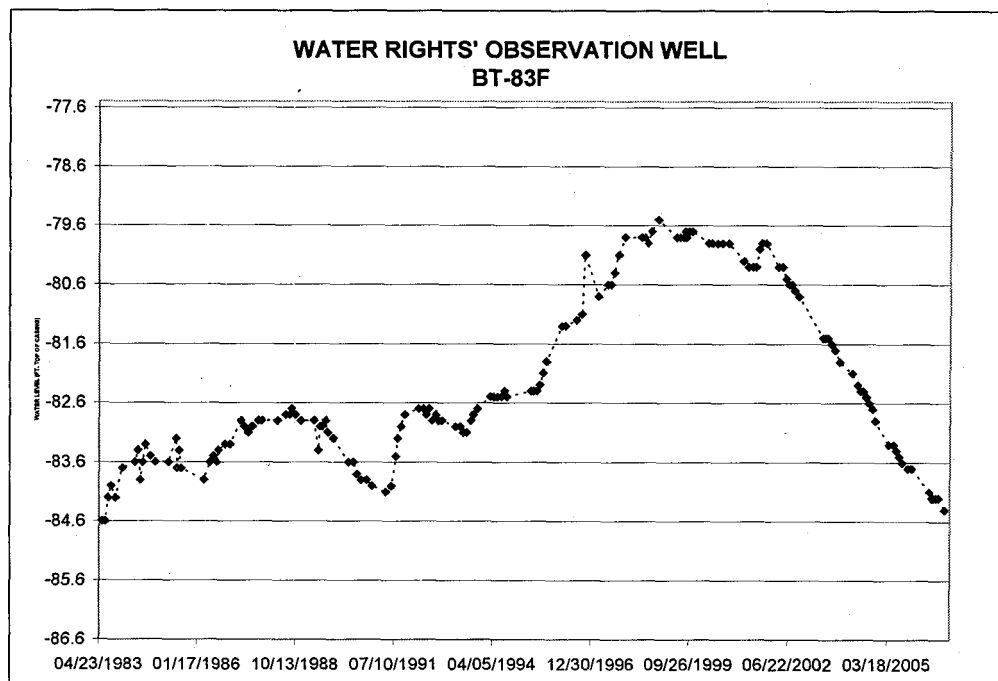


Figure 1. Hydrograph of observation well BT-83F.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

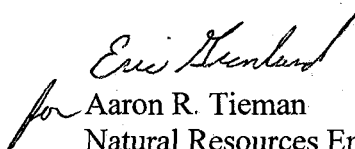
There are six existing water rights/permits appropriating ground water located within a two mile radius of this application. These six water rights/permits authorize a total of seven irrigation wells which are appropriating water from the Ogallala aquifer. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit appropriating water from the Ogallala aquifer is located approximately $\frac{3}{4}$ mile to the east. This well is for Water Right No. 1195-2 (1.44 cfs for irrigation). Interference is not expected to be a problem.

Table 1. Table identifying permits located within a two mile radius of the application.

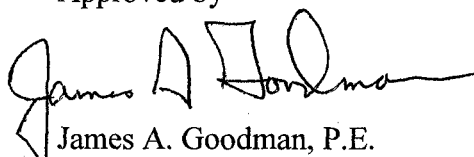
PERMIT NO	LAST NAME	AQUIFER	USE	CFS
1125-2	WALKER	OGLL	IRR	2.67
1178-2	FANNING	OGLL	IRR	1.66
1195-2	IRELAND BROTHERS	OGLL	IRR	1.44
2076-2	IRELAND BROTHERS	OGLL	IRR	1.78
2077-2	IRELAND BROTHERS	OGLL	IRR	1.78
2321-2	IRELAND BROTHERS	OGLL	IRR	3.22

CONCLUSIONS

1. The Ogallala Formation is a viable ground water source and unappropriated water is available.
2. The aquifer is under unconfined or water table conditions at this site. Drawdown created by existing pumping should not be significant. Interference is not expected to be a concern.
3. This is an existing well authorized by Water Right No. 1178-2. Information found in the Water Rights file about this well indicates proper well configuration and is completed in accordance with SD Well Construction Standards.
4. This application will only be considered if the Board makes a ruling that Water Right No. 1178-2 is not valid.


for Aaron R. Tieman
Natural Resources Engineer

Approved by


James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

- Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corp of Engineers Contract DAWC 45-82-C015, SD DENR Division of Geological Survey, Vermillion SD.
- Kolm, K.E., Case, H.L., III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota, U.S. Geological Survey Water-Resources Investigations Report 83-4175, 39 p.
- Water Right, 2007, Unpublished Observation Well Data for the Ogallala aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2007

Bennett Co Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice for a declaratory ruling request and Application No. 2605-2 to Appropriate Water to be published twice. Please publish the first notice on January 31, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Paul Fanning, 23805 290th St., Tuthill SD (Ph # 605-685-6878).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2605-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 24, 2007 enclosing Notice to Appropriate Water by Application No. 2605-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

January 24, 2007

Paul Fanning
23805 290th St
Tuthill SD 57574

Dear Mr. Fanning:

Water Permit Application No. 2605-2 for irrigation use and your declaratory ruling request have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Bennett co Booster II printed at Martin, SD (Ph # 605-685-6866). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Bennett) SS

I, Mandy Scherer

certify that the attached printed Notice was taken

from the Bennett County
Booster

printed and published in Martini

County of Bennett and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 31, 2007

February 7, 2007

Cost of Printing \$105.84

(Billed to Applicant)

Mandy Scherer
 (Signature)

Bus. Mgr.
 (Title)

2-7-07
 (Date Signed)

RECEIVED

FEB 08 2007

WATER RIGHTS
 PROGRAM

Notice of Hearing

on Petition for a Declaratory Ruling regarding the Status of Water Right No. 1178-2 and in the alternative NOTICE OF APPLICATION NO. 2605-2 to Appropriate Water

Notice is given that Paul Fanning, 23805 290th St., Tuthill, SD 57574, has petitioned the Water Management Board for a declaratory ruling seeking a determination on the status of Water Right No. 1178-2. The water right appropriates 1.66 cubic feet of water per second from one well completed into the Ogallala Aquifer which is located in the NW1/4NW1/4 Section 33 to irrigate 264 acres in the W1/2 Section 33, T37N, R34W. Water right regulations provide that a water right may be subject to cancellation due to forfeiture for nonuse when water is not placed to beneficial use for a period of three years unless legal excuse for the nonuse exists. Irrigation records show two periods of nonuse of water which exceed three years. Mr. Fanning filed a declaratory ruling requesting a determination on the validity of the water right prior to installing a new irrigation system. His request states the system has not been used in several years due to mechanical failure.

The Chief Engineer recommends that the Water Management Board find that Water Right No. 1178-2 is subject to forfeiture for nonuse pursuant to SDCL 46-5-37.

In the alternative, Mr. Fanning has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one existing well completed into the Ogallala Aquifer (160 feet deep) located in the center of the NW1/4 Section 33 to irrigate 124 acres located in the NW1/4 Section 33; all in T37N-R34W. This application will only be considered if the Board makes a ruling that Water Right No. 1178-2 is subject to forfeiture for nonuse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2605-2 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.

Any person interested in opposing or supporting this declaratory ruling or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 February 23, 2007. The petition may be informal, but must include a statement describing the petitioner's interest in the declaratory ruling and/or application, the petitioner's reasons for opposing or supporting the declaratory ruling and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this declaratory ruling and application at 11:00 a.m. on March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, S.D. If the Board rules that Water Right No. 1178-2 is valid, Water Permit Application No. 2605-2 will not be considered. The agenda time is an estimate and may be delayed due to prior agenda items. Notice will be provided to parties filing a petition if there is a change in the hearing time.

The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to rule on the declaratory ruling in determining the status of Water Right No. 1178-2. In the matter of the application, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 7, 2007, hearing date will be automatically delayed for at least 20 days upon written request of the Chief Engineer from the applicant or any interested person opposing the declaratory ruling or application. The request for an automatic delay must be filed by February 23, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 23, 2007, at the above Water Rights Program address to request copies of information pertaining to this declaratory ruling or application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-28.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer by February 23, 2007.

This declaratory ruling and application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16, 46-2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3-1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:46 thru 74:02:01:49. Steven M. Pirner, Secretary Department of Environment and Natural Resources.

Instruction to Newspaper - Publish first Notice on January 31, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Petition for a Declaratory Ruling regarding the Status of Water Right No. 1178-2 and in the alternative NOTICE OF APPLICATION NO. 2605-2 to Appropriate Water

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In the alternative, Mr. Fanning has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one existing well completed into the Ogallala Aquifer (160 feet deep) located in the center of the NW ¼ Section 33 to irrigate 124 acres located in the NW ¼ Section 33; all in T37N-R34W. This application will only be considered if the Board makes a ruling that Water Right No. 1178-2 is subject to forfeiture for nonuse.

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The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to rule on the declaratory ruling in determining the status of Water Right No. 1178-2. In the matter of the application, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 7, 2007 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the declaratory ruling or application. The request for an automatic delay must be filed by February 23, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 23, 2007, at the above Water Rights Program address to request copies of information pertaining to this declaratory ruling or application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer by February 23, 2007.

This declaratory ruling and application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:46 thru 74:02:01:49. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



MAR 16 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

PAUL FANNING
23805 290TH ST
TUTHILL SD 57574

Dear Mr. Fanning:

Enclosed is Water Permit No. 2605-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Permit No. 2605-2
White River - Water District

Other permit/license(s) associated with project: **Permit No. 2605-2 replaced cancelled WR No. 1178-2**
Contact Person & Address: **Paul Fanning, 23805 290th Street, Tuthill SD 57574**

Report Of Examination Of Works

On, **September 21, 2010**, I made a thorough examination of the water use system constructed by **Paul Fanning** of **23805 290th Street, Tuthill SD 57574** holder of Permit No. **2605-2**, bearing the priority of **December/5, 2006** authorizing the diversion of **1.67** cu. ft. per second from the **Ogallala Aquifer** for **irrigation** purposes, in **Bennett** County.

The system is in the following condition **good**. The point of diversion is located **approximately 1,400 feet south and 1,500 feet east of the NW corner Section 33, T37N, R34W** with a longitude of **-101.34992** and a latitude of **43.13860**. The works are capable of diverting and conveying to the place of use **1.56** cu. ft. per second of water and/ being used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

all in Section 33, T37N, R34W

NW ¼ NW ¼	31	NE ¼ NW ¼	31
SW ¼ NW ¼	31	SE ¼ NW ¼	31

comprising a total of **124** acres of land and the license should be issued for **1.56** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **Yes**
- 2) All structures, wells and lands on map **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Yes**
- 4) Exceptions to compliance are: **None**

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: **not know**
- 2) No. of Wells **1**
- 3) Depth **164** feet
- 4) Well log is available **no**

Casing:

- 1) Diameter **16** inches
- 2) Length **approx. 64** feet
- 3) Type **steel**

Screen:

- 1) Type steel
- 2) Length 100 feet
- 3) Static water level approximately 60 feet

This well was likely drilled back in 1974 when Water Permit No. 1178-2 was obtained. No well completion report is on file.

Pump\ Motor:

- 1) Pump Make Wester Land Roller
- 2) Pump Serial C73411
- 3) Capacity 700 GPM *
- 4) Motor Make GE
- 5) Motor Model No. KE324DTT6008
- 6) Horsepower rating 40 hp

* Capacity is based on reporting on the annual irrigation questionnaire

The previous system at this site presumably authorized by Water Right No. 1178-2 (now cancelled) was a diesel engine. At the time of on-site visit the old motor and other remnants were still present.

Distribution System: - Well located approximately 250 feet southeast of pivot center

System Type:

Center pivot:

- 1) Make T-L
- 2) Overall length 1324 feet (with endgun)
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 700 GPM

Chemigation: Chemigation tank was present but not hooked up.

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

COMMENTS: Mr. Fannin did not accompany me on licensing investigation. I met briefly with him at the farmstead and he granted permission to view the system. Notice of Completion of Works is on file.



Eric Gronlund PE
Natural Resources Engineer
DENR, Water Rights Program

12/14/10
Date

RECEIVED

DEC - 2 2010

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date

11-12-10FROM: Paul Fanning

(name)

23805 290th Street

(address)

Tuthill

(city)

SD

(state)

57574

(zip)

605-685-6878

(phone)

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

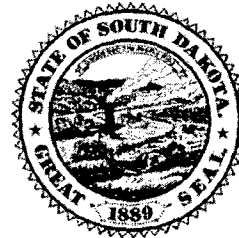
Water Permit No. 2605-2 ^{*south well*} states that the water use system is to be constructed byMarch 7 - 2012
(date)and water is to be put to beneficial use by March 7 2016
(date)The water use system was completed on April 2007

(date)

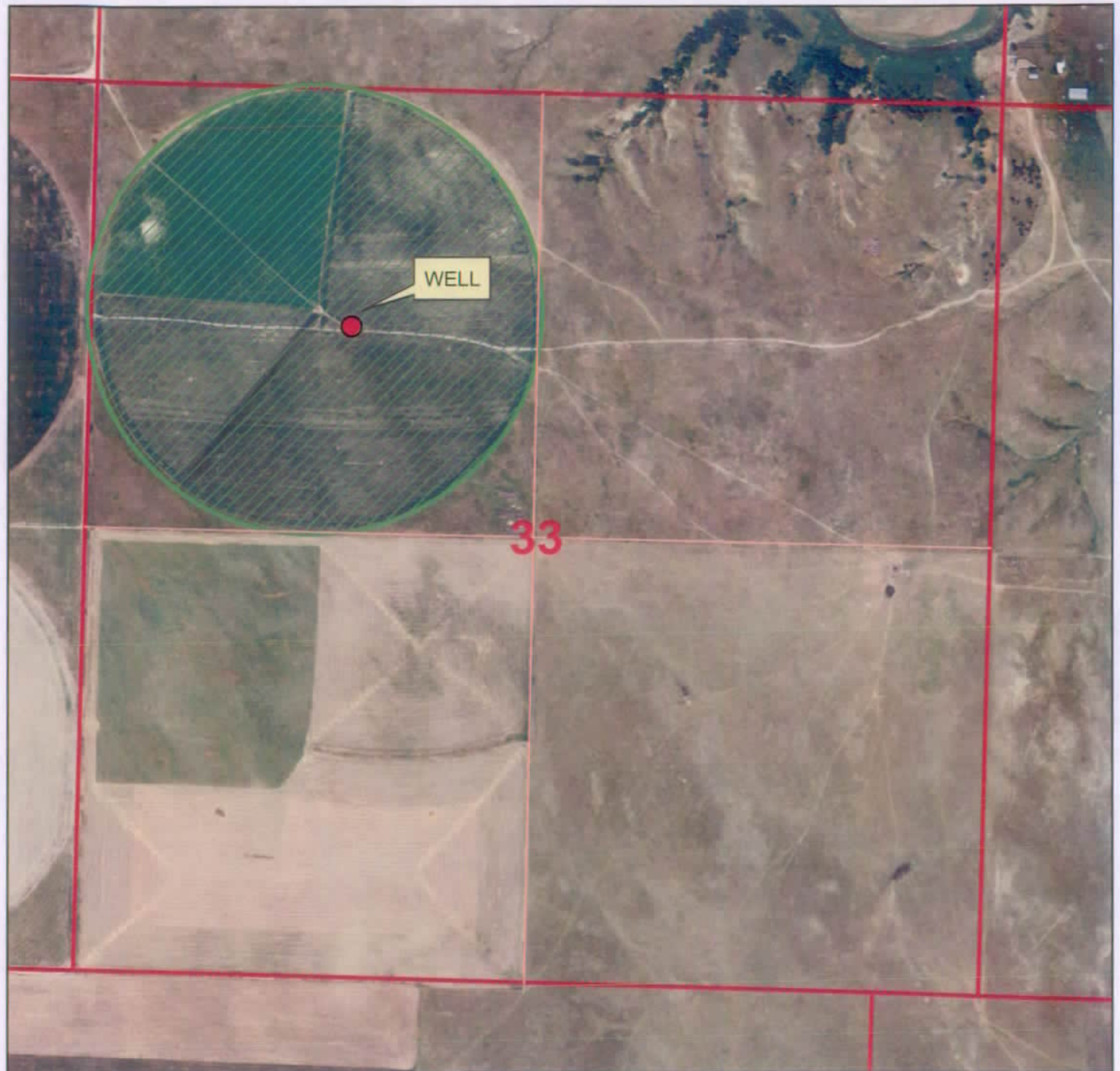
Applying the water to beneficial use was completed on

April 2007
(date)

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



WATER PERMIT No. 2605-2, PAUL FANNING



0 330 660 1,320 1,980 2,640
Feet

Well located in the SE 1/4 NW 1/4 Section 33, T37N, R34W
- approximately 1400 feet south and 1500 east of NW corner Section 33
Longitude -101.34992 Latitude 43.13860



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
Date of On-site Visit - September 21, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 11 2011

2502-2 & 2605-2

Paul or Mary Fanning
23805 290th St
Tuthill SD 57574

Dear Mr. & Mrs. Fanning:

Enclosed are Water License Nos. 2502-2 & 2605-2. These are the final water right documents completing your process of obtaining a Water Right. Also, included with your license are maps prepared by the staff engineer who conducted the investigation.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2605-2

(1) Paul Fanning, 23805 290th St, Tuthill SD 57574 made Application No. 2605-2, December 15, 2006 for a water permit to divert 1.67 cubic feet of water per second from groundwater (one well), Bennett County, South Dakota for irrigation purposes. Permit No. 2605-2, with a priority date of December 15, 2006 was approved March 7, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 2012 and for the application to beneficial use of water on or before March 7, 2019.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 2, 2010. The *Notice* stated the diversion system was completed in April, 2007 and the water placed to beneficial use in April, 2007.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2605-2 is issued a license, bearing a priority date of December 15, 2006 to appropriate 1.56 cubic feet of water per second from groundwater (one well) to irrigate 124 acres.

The diversion point is located: approximately 1,400 feet south and 1,500 feet east of the northwest corner of Section 33-T37N-R34W (SE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 33-T37N-R34W	NW ¼ NW ¼	31 acres
	NE ¼ NW ¼	31 acres
	SW ¼ NW ¼	31 acres
	SE ¼ NW ¼	<u>31 acres</u>
	Total	124 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2605-2 including the following now applicable qualifications:

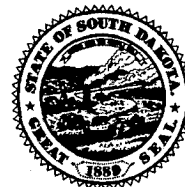
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 11 2011

date



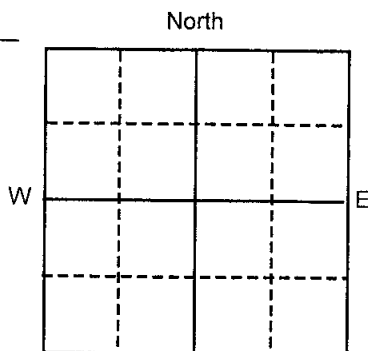
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 33 Twp 37 Rg 34

County BENNETT

Please mark well location with an "X"



Well Completion Date

03/15/17

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	59.0 FT	28.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
CEMENT	50	15.5 Lb/gal	20.0 Ft	0.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 120.0 Feet

Material PVC

Slot Size .051 Set From 59.0 Feet to 179.0 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? HTH

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Paul Fanning

Business Name:

Address: 23805 290th Street

City, State, Zip: Tuthill SD 57574

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand / fine - med	2	22
sand w/ clay, sandstone, sand w/ clay	22	66
sand / fine - med, clay	66	86
sand / fine - med / cclay	86	112
sand / fine - med	112	162
gravel	162	170
red rock	170	180

STATIC WATER LEVEL 62.0 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:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

130.0 Ft. After 2.0 Hrs. pumped 650.0 GPM

127.0 Ft. After 2.0 Hrs. pumped 600.0 GPM

If pump installed, pump rate: 650.0 GPM

REMARKS

This well was drilled under license # 189 and this report is true and accurate.

Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative:

RECEIVED

OCT 26 2017

Signature of Well Owner or Equitable Property Holder:

WATER RIGHTS PROGRAM

Date:

Konst, Shannon

From: Konst, Shannon
Sent: Thursday, November 13, 2025 9:11 AM
To: 'maryafanning@gmail.com'
Cc: Dewell, Amanda
Subject: Irrigation Questionnaires

1179-2
1219-2
1951-2
2605-2
2659-2
2502-2

Hello, we received mail back from the postal service stating, "Not Deliverable Address". Do you have a new address that we could resend your Irrigation Questionnaires for Permit Nos. 1179-2, 1219-2, 1951-2, 2605-2, 2659-2, 2502-2. We are also unable to contact you by phone. Could you please include a new phone number as well. Feel free to call with any questions that you might have.

Thank you



Shannon Konst
Program Assistant I
Water Rights Program

Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
shannon.konst@state.sd.us