

WATER PERMIT NO. 2659-2

Name of Applicant: Paul Fanning

Address: 23805 290th St, Tuthill SD 57574 Phone: 605 685-6878

Amount of Water Claimed: 2.22 cfs Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 8 miles northwest of Tuthill

PRIORITY Date Received: 12-17-10 Application/License Fee: \$1050.00

Corrected Application Received: Period of Annual Use: May 1 – September 31

Remarks:

Diversion Point: SW ¼ NE ¼ Sec 9-T37N-R34W

Land to be Irrigated: SW ¼ Sec 9-T37N-R34W

Depth of Well: 250 feet

Well Driller:

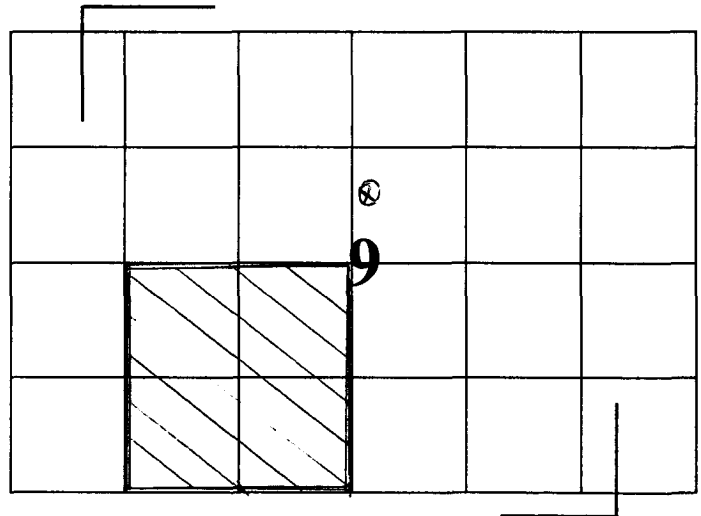
Remarks:

Type of Map: aerial

Prepared by: Collett Palmer, BT Co USDA

Reviewed and the Number Assigned on: 12-20-10 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>2659-2</u> (office use only)	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Basin II PO Box 610</u>	
	<u>605-685-6866</u> <u>Martin</u>	

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DEC 17 2010
WATER RIGHTS
PROGRAM
57551

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 SD 57574
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.22*CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NE 1/4 of sec 9 37-34 County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used May 1 - Sept. 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
<u>SW 1/4 sec 9-37-34</u>	<u>40</u>		
<u>SW 1/4 of SW 1/4 sec 9-37-34</u>	<u>10</u>		
<u>NE 1/4 " SW 1/4 "</u>	<u>40</u>		
<u>NW 1/4 " SW 1/4 "</u>	<u>40</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Well to be on NE 1/4 of sec 9-37-34 and water pumped over to SW 1/4 of sec 9-37-34 and used on a center pivot irr.

STATE OF SOUTH DAKOTA)
County of Bennett SS

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 16 day of December 20 10

Susan K. Seaman
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2659-2

Date of first receipt of application December 17, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2659-2 to 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. 2659-2 appropriates 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 250 feet deep) located in SW ¼ NE ¼ Section 9 for irrigation of 160 acres located in the SW ¼ Section 9; 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 17, 2010.
4. The date of approval of Permit No. 2659-2 is February 14, 2011.
5. One-fifth of the construction is to be completed on or before August 14, 2013.
6. All construction is to be completed on or before February 14, 2016.
7. Water is to be put to beneficial use on or before February 14, 2020.
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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2659-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

FEB 28 2011
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in Depth 250 ft .625
- b) Casing Type pvc-SDR26 Diameter 16 in Thickness .625
- c) Screen Type slotted Diameter 16 in Thickness .625
- d) Gravel Pack washed armor coat Length of Gravel Pack 230 ft
- e) Depth to Top of Water Bearing Material 50 ft
- f) Depth to Water (ground surface to water level) 20 ft
- g) Distance to nearest existing domestic well:
On applicants property 1/4 mil On property owned by others 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 _____

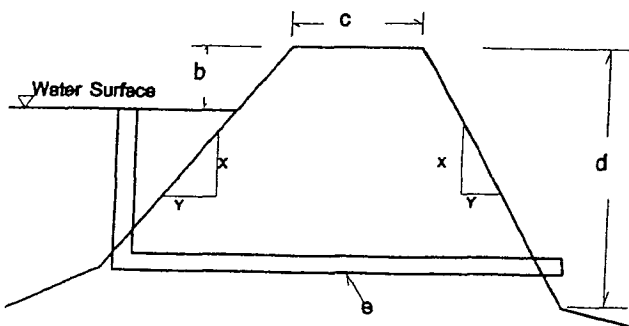
3. Dugout Information

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

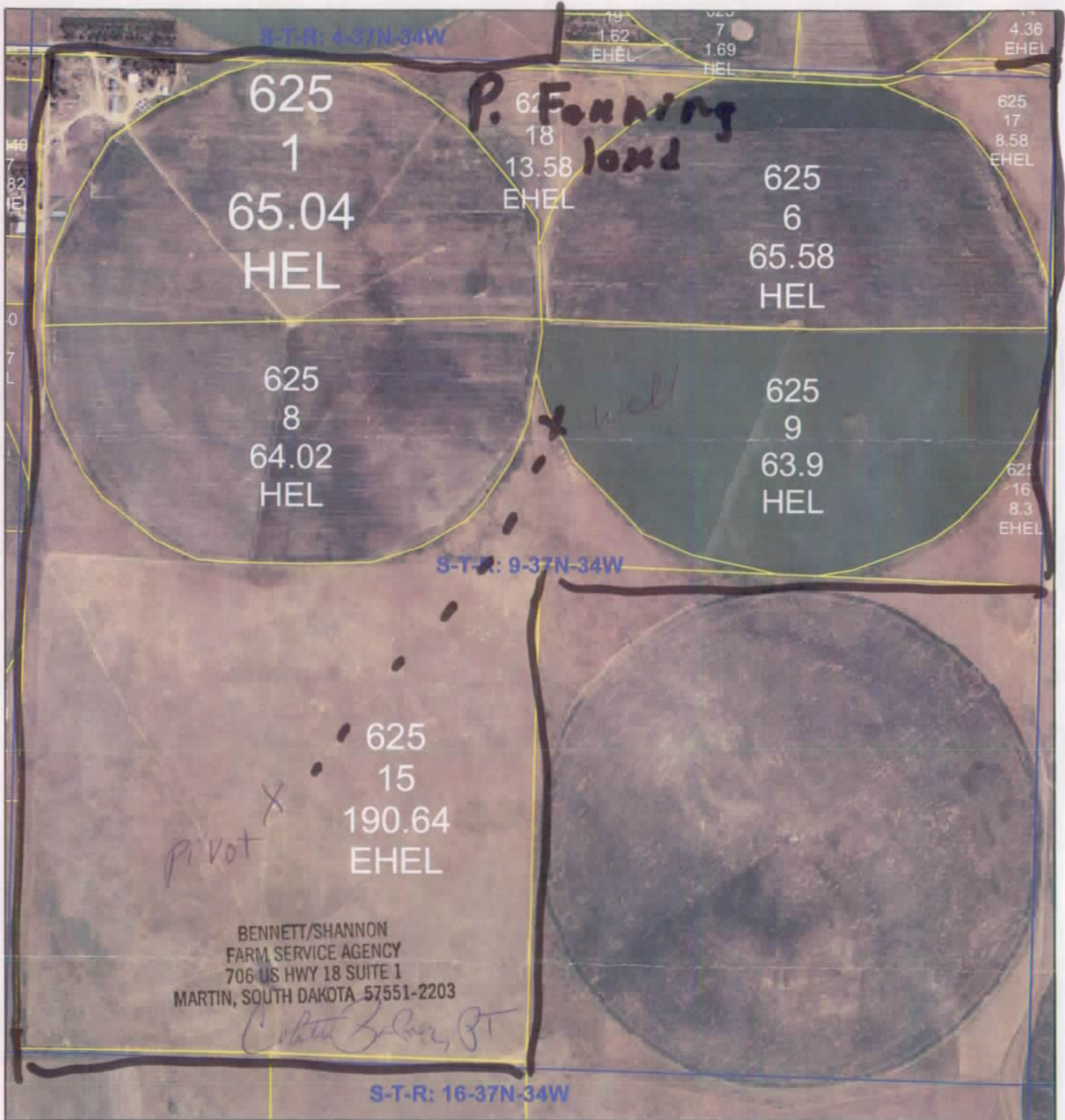
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

March 05, 2010

PLSS: 9_37N_34W
Farm: 2243

Bennett County, SD
1:8,411



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2008 Ortho-Photography - Not to Scale

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DEC 17 2010

**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 20 10

RECEIVED OF Paul Farring 23805 290th St Tuthill SD 57574

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

Fee for Application for Permit No. <u>2659-2</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2659-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. 04731

By Garland Edwards
Chief Engineer



**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. 2659-2, 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. 2659-2, Paul Fanning, 23805 290th Street, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2659-2 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 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2659-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 19, 2011

**Report on Water Permit Application No. 2659-2
for Paul Fanning
December 20, 2010**

Application No. 2659-2 proposes to appropriate 1000 gallons per minute (2.22 cfs) from one well approximately 250 feet deep to be completed into the Ogallala aquifer located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 to irrigate 160 acres in the SW $\frac{1}{4}$ Section 9 all in T37N-R34W in Bennett County. The annual period during which water will be used is May 1 through September 30.

AQUIFER: Ogallala (OGLL)

This report will address the availability of unappropriated water from the Ogallala aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Ogallala Formation underlies 280,960 acres and contains 2.8 million acre-feet of recoverable water in Bennett County (Allen, 1984). The aquifer is under water table conditions and consists of fine to coarse sands with scattered clay beds and overlies the Arikaree Formation, to which it is hydraulically connected. The Ogallala is recharged mainly by direct infiltration of precipitation and has been estimated to be 1.3 to 1.8 inches per year (Kolm, 1983). The Ogallala formation, along with the Arikaree and the Sand Hills formation are hydraulically connected and are part of a larger aquifer system known as the High Plains Aquifer, (Kolm, 1983) which underlies eight states from southern South Dakota to Texas. The High Plains aquifer underlies 4,750 square miles in South Dakota and contains an estimated 700 million acre-feet of water within the state (Gutentag and others, 1984).

No test well report was filed with the application; however there should be sufficient information from nearby permits and observation wells along with other reports to evaluate this application location. Based on the map submitted with the application, the well is located on the edge of an irrigated field that is authorized under Water Permit No. 1179-2, located in the NE quarter of Section 9, which is held by the applicant. A new well is expected to be approximately 250 feet deep with the depth to water expected at 17-22 feet below the land surface.

Observation Well Data:

The Water Rights Program monitors four observation wells completed into the Ogallala aquifer located within two miles of the application location. Observation well BT-76A is located nearly 1.5 miles north, observation well BT-76B is located about one half mile east, BT-78J and BT-79A are located about 1.7 miles south of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these observation wells are included with this report.

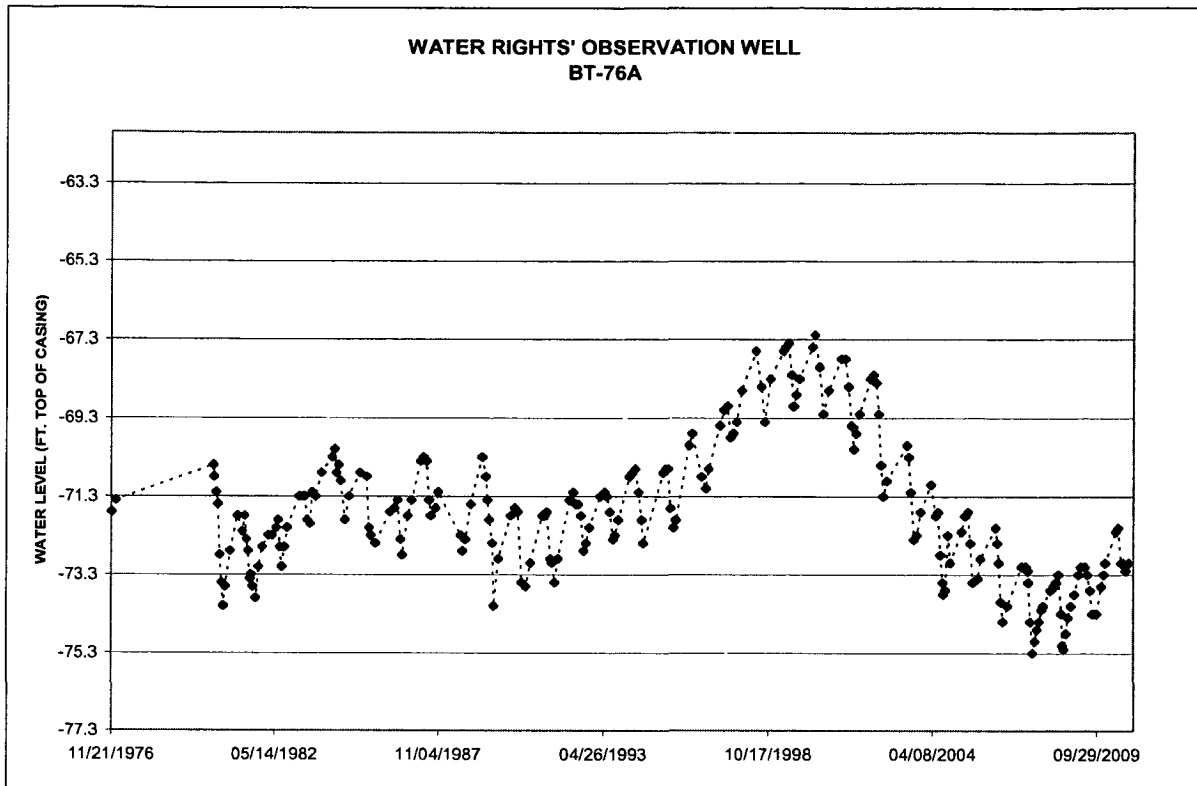


Figure 1. Hydrograph for Water Rights Observation Well BT-76A, completed into the Ogallala Aquifer within one and a half miles of 2659-2 (Water Rights, 2011).

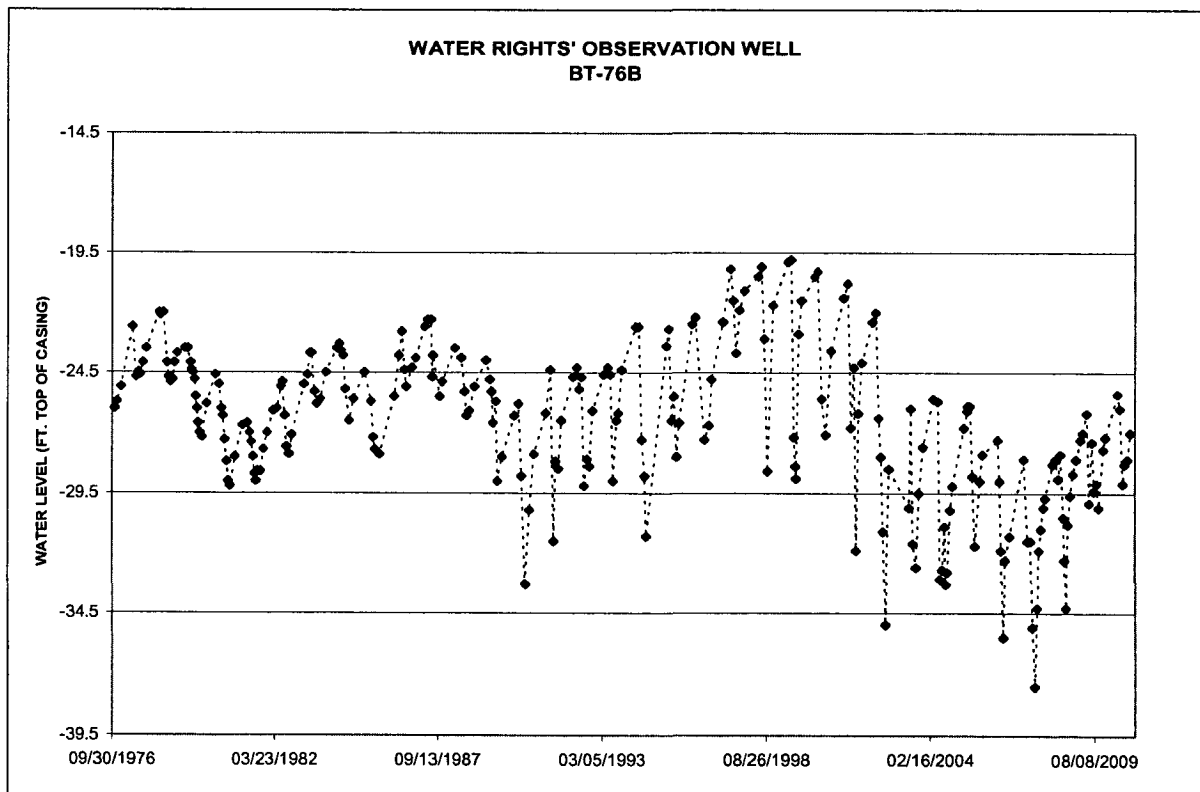


Figure 2. Hydrograph for Water Rights Observation Well BT-76B, completed into the Ogallala Aquifer within one half mile of 2659-2 (Water Rights, 2011).

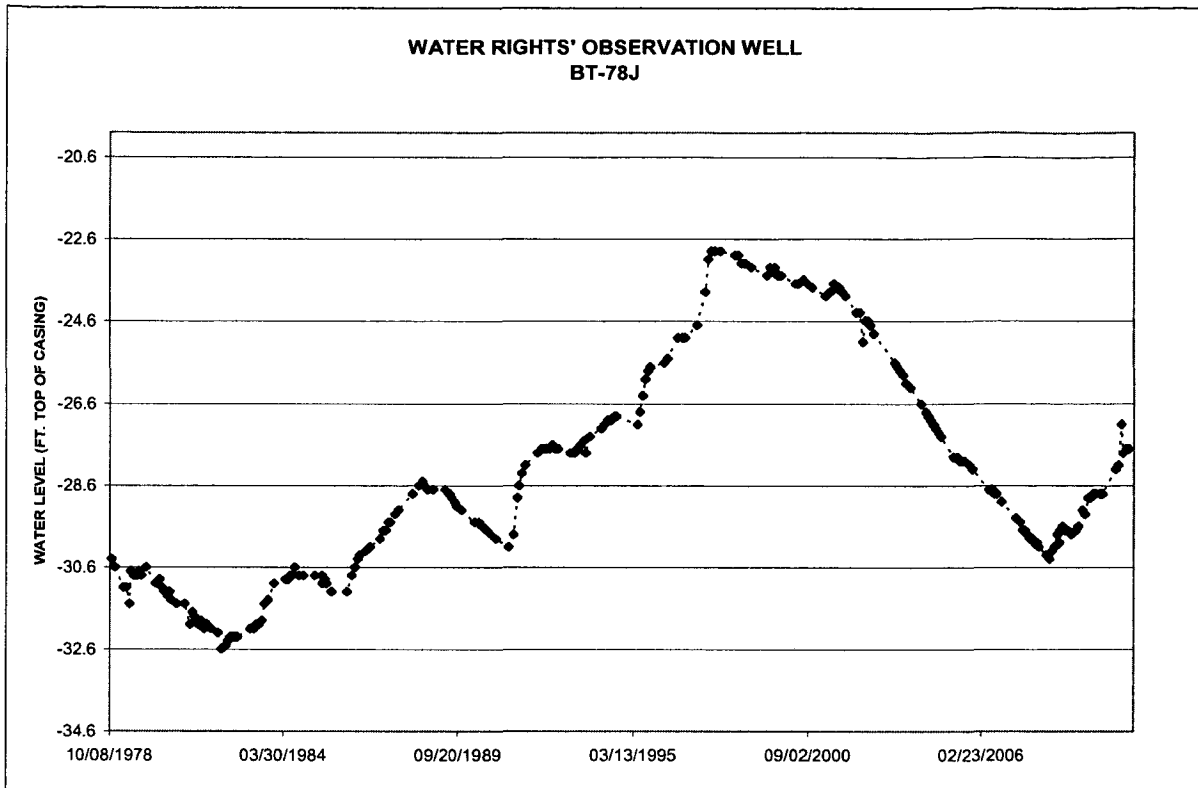


Figure 2. Hydrograph for Water Rights Observation Well BT-78J, completed into the Ogallala Aquifer within two miles of 2659-2 (Water Rights, 2011).

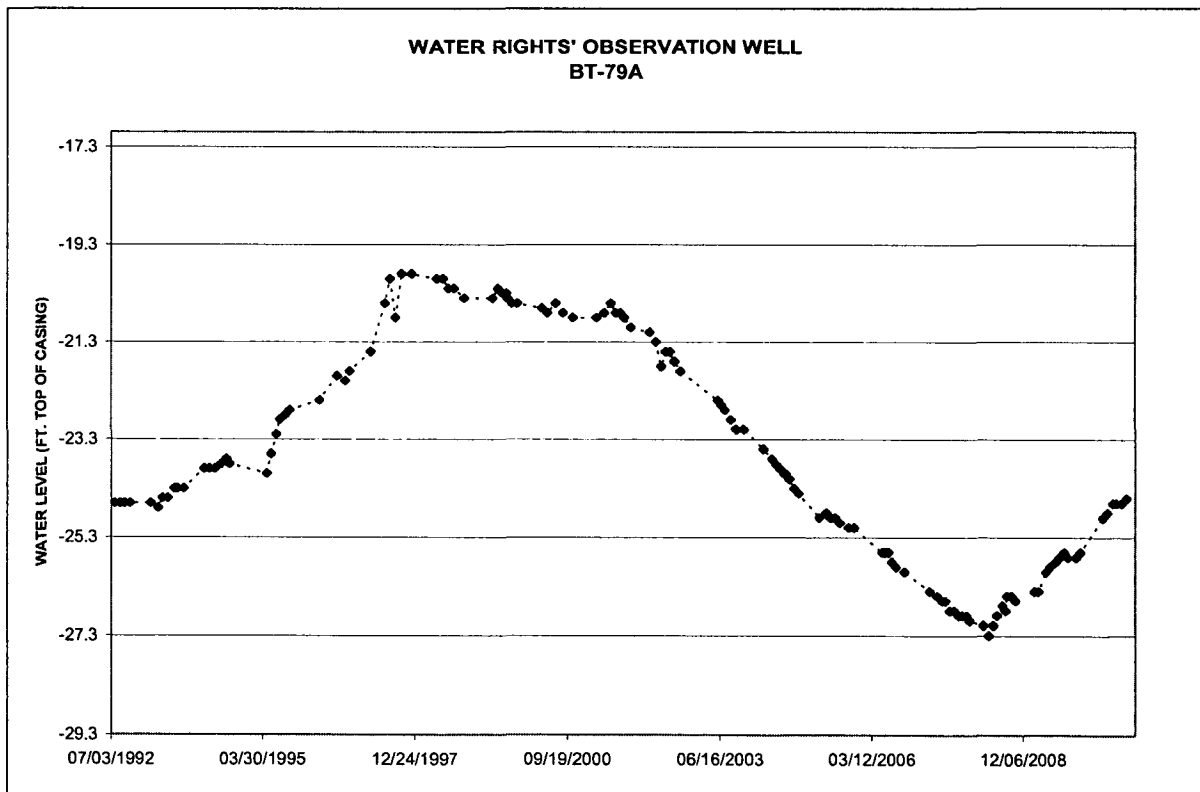


Figure 2. Hydrograph for Water Rights Observation Well BT-79A, completed into the Ogallala Aquifer within two miles of 2659-2 (Water Rights, 2011).

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge. The hydrographs for observation wells BT-76A and BT-76B show a pronounced response to area pumping.

Review of Existing Water Permits/Rights/Water Use:

There are ten existing groundwater permits within one mile of the application location. The nearest existing permits, water permit no. 1219-2, 1179-2, and 2111-2, effectively authorize irrigation permits for the other three quarter-sections in this section. Two of those permits are held by the applicant, Paul Fanning. The other seven permits within a mile of this location are basically clustered around Section 9 with the exception of the section to the south; there are no irrigation permits in that section. Interference should not be a problem.

Records of irrigation use from the Ogallala aquifer in South Dakota date back to 1982. Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year.

Table 1 IRRIGATION USE (ac-ft/yr) OGLL			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
1982	93	62475.95	9217.41
1983	101	66508.65	10175.49
1984	109	68087.95	13273.40
1985	108	56382.05	18536.50
1986	105	59270.95	12952.60
1987	104	59472.95	12347.90
1988	103	57456.10	16154.40
1989	104	56839.40	27261.50
1990	107	57288.40	16511.60
1991	108	56438.80	16049.54
1992	107	54197.50	11985.80
1993	105	53357.50	11099.90
1994	108	54664.20	16699.41
1995	107	54719.20	14276.90
1996	110	55713.20	21222.84
1997	111	55610.20	18707.00
1998	109	54106.80	13777.34
1999	110	54366.80	13733.72
2000	111	54686.80	16141.74
2001	110	54653.60	18121.82
2002	105	52218.80	24176.59
2003	105	51408.80	22085.21
2004	107	51877.80	23939.90
2005	108	52537.80	20131.74
2006	111	52953.40	25733.32
2007	114	52681.70	24051.20
2008	116	53095.70	24498.85
2009	116	53095.70	22130.45
AVERAGE	108	55934.53	17678.36
MAXIMUM	116	68087.95	27261.5
MINIMUM	93	51408.8	9217.41

The average number of appropriations is 108, with the average annual appropriation being nearly 56,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

In 2009, there were 116 permits to withdraw water from the Ogallala aquifer in South Dakota (Water Rights, 2011). The amount appropriated was 53,095.70 acre-feet and the reported water use was 22,130.45 acre-feet.

Conclusions:

1. Water is available from the Ogallala aquifer.
2. The aquifer appears to be under water table conditions at this location; however confined conditions may exist locally.
3. If the well covered by this permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3A.B.C. and 4A.B.:Groundwater Resource Inventory: Final Report, US Army Corps of Engineers, SD DENR-Geological Survey, Vermillion, SD 57069.

Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R. and Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63p.

Kolm, K.E., and Case, H.L. III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota, Water-Resources Investigations Report 83-4175, 39p.

Water Rights, 2010, Unpublished Observation Well Data, Water Permit Files, and Irrigation Records, SD DENR, DES, Water Rights Program, Pierre, SD, 57501

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FEB 14 2011

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Tim Huether, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

January 26, 2011

February 2, 2011

That the full amount of the fee charged for the publication of the attached public notice, **\$47.97**, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

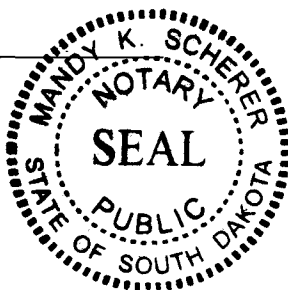
Tom Huether

Subscribed and sworn to before me this 2nd day of February, 2011.

Notary Public

Mandy K. Scherer

My Commission Expires
December 9, 2015



Legal Advertising

Notice of Vacancy

According to State Law in such case made and provided, notice is hereby given that the following vacancy will occur by the termination of the term of the following elective official, Member of the Board of Trustees for a three-year term. Petitions may be filed with the Finance Officer of the Town of Batesland not more than 40 days nor less than 20 days preceding the day of election.

Town of Batesland, Rena Conroy/Clerk
Published twice at the total approximate cost of \$12.30
Published: January 19 and 26, 2011

Notice of Vacancy, School Board Bennett County School District 3-1

The following school board position(s) will become vacant due to the expiration of the present term(s) of office of the following school board member(s).

Bennett County School Board (2) positions for a 3 year term
Incumbents: Todd Alexander and Mike Bakley
Circulation of nominating petitions may begin on January 28, 2011, and petitions may be filed in the office of the Business Manager located at 402 2nd Avenue for the Bennett County School District 3-1, between the hours of 8:00 a.m. and 4:00 p.m. Mountain Time, not later than February 25, 2011, at 5:00 p.m.
Karen Coyle, Co-Business Manager
Jolen Robinson, Co-Business Manager
Published twice at the total approximate cost of \$19.68
Published: January 19 and 26, 2011

Notice of Vacancy Municipality of Martin, SD

The following Municipal Officers will become vacant due to the expiration of the present term of office of the elective officers.

Martin City Mayor - at large position for one (1) year term.
(Incumbent Toni Ruff)
Martin City Council - Ward 1 one (2) year term.
(Incumbent Cecilia Moffitt)
Martin City Council - Ward 2 one (2) year term.
(Incumbent Dave Bakley)
Martin City Council - Ward 3 one (2) year term.
(Incumbent Sherry Peck)

Circulation of nomination petitions may begin on January 28, 2011, and petitions may be filed in the city office with the City Planning Officer located at 101 Main Street for the City Municipal Election, between the hours of 8:00 a.m. and 4:00 p.m. Mountain Daylight Time, not later than February 25, 2011, at 5:00 p.m.
Jean Kirk, Finance Officer
Published twice at the total approximate cost of \$27.06
Published: January 19 and 26, 2011

Notice to Creditors

State of South Dakota, County of Bennett

In Circuit Court, Sixth Judicial Circuit
Pro. No. 10-12
In the Matter of the Estate of
Glenn E. Shephardson
Deceased.

Notice to Creditors of Informal Probate and Appointment of Personal Representative

Notice is given that on December 9, 2010, Phyllis A. Shephardson, of Martin, South Dakota, was appointed as personal representative of the Estate of Glenn E. Shephardson, Deceased. Creditors of decedent must file their claims within (4) months after the date of the first publication of this notice or their claims may be barred. Claims may be filed with the personal representative or may be filed with the clerk of courts, with a copy of the claim mailed to the personal representative.

Dated this 5th day of January, 2011.
/s/ Phyllis A. Shephardson, Personal Representative
P.O. Box 400
Martin, SD 57551

Bennett County Clerk of Courts
Bennett County Courthouse
PO Box 281
Martin, SD 57551-0281

Quentin L. Riggins, Attorney for the Estate
Gundersen, Palmer, Nelson & Ashmore, LLP
Assurant Building
PO Box 8045
Rapid City, SD 57709-8045
605-342-1078
Published: January 12, 19 and 26, 2011

Notice of Application No. 2659-2 to Appropriate Water

Notice is given that Paul Penning, 23805 290th Street, Tuthill, SD 57574, has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 250 feet deep) located in SW 1/4 NE 1/4 Section 9 for irrigation of 160 acres located in the SW 1/4 Section 9, all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2659-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605) 773-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 14, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$47.97
Published: January 26 and February 2, 2011

Stretch your advertising dollar

2x2

Contact your local newspaper or S.D. Newspaper Association for details.

1-800-658-3697

Proceedings

Martin City Council
Regular Session
Wednesday January 12, 2011

The Martin City Council met in Regular Session on Wednesday, January 12, 2011 at 5:30 p.m. in the community room at 101 Main Street.

President of the Council, Dave Bakley called the meeting to order with council members Sherry Peck, Gregg Clausen, Chuck Gotheridge, Tottie Moffitt, and Shirley McCue present. Absent Mayor Toni Ruff.

Others present were Tim Huehner from Bennett County Booster, Chief of Police Larry Petersen, and Jean Kirk, Finance Officer.

Approval of Agenda: Motion was entered by Clausen and seconded by Peck to approve the agenda with flexibility. All in favor, motion carried.

Minutes: A motion was entered by McCue to approve the minutes from the December 29, 2010 meeting. Moffitt seconded the motion all voting aye, motion carried.

Finance Officer's Report: Gotheridge entered a motion to approve the Finance Officer's report for January. Seconded by Clausen, all voting aye, motion carried.

Claims January 2011: The claims were reviewed by the council. Clausen asked about the claim for ADT Security Services. This is the annual maintenance agreement for the liquor store. Clausen did not want to pay this claim because of the poor service the liquor store has received from them. McCue entered a motion to approve all claims except for the one to ADT Security. Peck seconded the motion, all voting aye, motion carried.

December Wages and withholdings, \$54,384.20; Armstrong Extinguisher, maint and inspection-Cho Snazz, \$160.20; Security First Bank, savings, \$9,000.00; Best Buys, copier lease, \$152.80; BH Council of Local Government, 2011 dues, \$916.00; Doug O'Bryan Contracting, dozer rental, \$1,950.00; Bob's Gas, propane for shop and liquor store, \$977.00; Butler Machine, parts and repairs, \$337.20; Hawkins, cylinder rental, \$60.00; City of Martin, water bill, \$245.55; Martin Chamber of Commerce, 2011 dues, \$18.00; Martin Auto Parts, supplies and maintenance, \$1,231.02; Lacreek Electric, electric bill, \$6,395.55; General Store, supplies, repairs and maintenance, \$264.57; Golden West Technologies, phone lease, \$47.96; US Post Office, postage for bills, \$200.00; Bennett County Booster, publications and pictures, \$482.30; USFI, 100, \$102.50; SD Public Assurance Alliance, insurance, \$34,266.43; Republic National, liquor, \$6,591.23; City Special Account, reimburse postage, \$131.64; Golden West Telecommunications, phone bills, \$760.29; Jerome Beverage, beer for liquor store and Legion, \$3,140.90; Ice House, ice for liquor store, \$49.20; Paul Noel, mileage and meals, \$111.81; A Best Ice, ice and snacks for liquor store, \$84.96; OST Energy, 60% WAPA credit, \$84.46; First National Bank, water tower payment, \$10,866.09; Gundersen, Palmer and Nelson, city attorney, \$5,190.90; SD Dept of Environment and Natural Resources, waste water fee, \$1,500.00; Voyager, fuel for vehicles, \$1,034.32; Dakota Back up, offsite computer back-up, \$49.53; Lynn's Dakota Mart, supplies for office, \$15.88; Graham Tire Pierre, new tires for cop car, \$448.44; Janda Restore, used tire for cop car, \$26.50; Martin Addiction Recovery, 2011 budget request, \$5,000.00; Amick Sound, glass rods for fire alarm, \$12.70; Johnson Brothers, liquor, \$17,736.56; Salomon Sanitation, garbage service, \$10,005.00.

Total \$174,113.69
Transfers: A motion was entered by Peck and seconded McCue to approve the transfer of \$5,000 from BDB funds to the general fund for the Martin Addiction Recovery Center and \$10,866.09 from the water savings to the general fund for the quarterly water tower payment. All voting aye, motion carried.

City Centennial Advertising: There are banners to advertise Martin's centennial that the centennial committee would like to have hung on the light poles out on the highway starting in May. They would like the city to ask Lacreek Electric to do that. The council had no problem with that. The finance officer will contact Lacreek whenever the centennial committee is ready to have the banners hung up. Moffitt asked the finance officer if the city should buy a quit square like the other business in town have. The finance officer will look into seeing what it will cost.

High School Year Book: It was a consensus of the council to sponsor a \$50 advertisement in the high school year book.

Annexation: City Attorney Frankenstein updated the council on the annexation of the Family Dollar Store. The petition has been signed and returned to the city office. Larry O'Bryan has signed and returned the easement for his property. Dyring Dakota Mart is in the process of reviewing the property. Another discussion was had about where the best place for the liquor store is. It was brought up that maybe the sewer line could run on the north side of those lots. Bakley and Gotheridge will meet with the city foreman Friday morning to look things over and then Bakley will contact the city attorney and let her know what they have decided.

Crosswalk sign: Tim Huehner approached the council about having a crosswalk sign for the street between the Legion and Lynn's Dakotamart to be used during the times that there are sporting events going on. He is afraid that somebody is going to get hurt because the traffic on Main Street is not stopping or slowing down for pedestrians when they are crossing the street. The council decided to have the city foreman take one of the crosswalk signs they are storing for the winter and deliver it to Tim at the Booster. He will talk to the school board about using the sign during sporting events.

Liquor Store: Year-end and inventory figures for the liquor store were reviewed. A discussion was held about leasing the liquor license out but no action was taken.

Vandalism at the park: Discussion was held about the vandalism at the park. Somebody went off the road and ran over the top of four little trees at the small softball field. Chief of Police Petersen thought that it looked like somebody took a short cut and cut the corner. The council discussed putting up some kind of fence or railing to keep people from driving off the road on that corner.

American Legion Club: The council entered into a discussion about the financial troubles that the American Legion was having. The council discussed what the city could do to help. McCue entered a motion to forgive the Legion's water bill for the next six months. Moffitt seconded the motion, all in favor, motion carried.

LAW: City Attorney Frankenstein brought the council up to date on some of the issues that she has been researching. They cannot hire anybody to be just an ordinance enforcement officer, they would have to be certified and they would have to respond to any call that came in. She said that law enforcement entities are allowed to combine, but there are certain things that have to be stated in the contract. Councilman Bakley would like the County Commissioners invited to the February meeting. The rest of the council thought that the March meeting would be better. The finance officer will invite the county commissioners to the March meeting.

Sanitation: The city attorney did some research into how the city must deal with delinquent garbage fees. SDCL 34A-6-29 indicates that the city's finance officer shall collect delinquent municipal garbage collection fee as a condition precedent to the payment of any water, sewer, utility or other charge collected by the municipality. What this means is that when a customer refuses to pay his garbage bill but pays the other utility bills due, the City must transfer the money paid on the utility bills to the delinquent garbage account. After this has been done, the utility bill becomes delinquent and the City may proceed with measures for the termination of water service. The attorney recommended that the City repeal ordinances 5-4-17 and 5-4-23 since SDCL 34-6-29 governs this without the need of a new or amended ordinance. Peck entered a motion to repeal ordinance 5-4-17 and 5-4-23. Moffitt seconded the motion all voting aye, motion carried. Attorney Frankenstein asked the council if they would like her to negotiate a payment plan for Salomon Sanitation to pay back the overpayment that has occurred over the last two years. The council was in consensus that she could handle the negotiation.

104 School Street: City Attorney Frankenstein brought the council up to date on the property at 104 School Street. Alicia DuBray who is the owner of the property contacted Attorney Frankenstein and told her that she would like the fire department to burn the house down. The fire department said that they could burn the house as a training exercise and have a tentative date set for February 26th. The city attorney will send out a letter to DuBray's telling them that they will be liable to fill in any holes that are left after the fire. The city attorney will also notify the county on the plan to burn down the house since they are a lien holder on the property.

Adjournment: Motion was entered by Moffitt and seconded McCue to adjourn. All voting aye, motion carried.

The next regular city council meeting will be held February 9th at 5:30 p.m. at the Library community room.

Dated this 13th day of January, 2011
Dave Bakley, Council President

ATTEST:
Jean Kirk, Finance Officer
Published once at the total approximate cost of \$98.58
Published: January 26, 2011

Proceedings

Martin City Council
Special Session
Tuesday January 18, 2011

The Martin City Council met in Special Session on Tuesday, January 18, 2011 at 5:00 p.m. in the city office at 101 Main Street. President of the Council, Dave Bakley called the meeting to order with council members Gregg Clausen, Chuck Gotheridge, Tottie Moffitt, and Shirley McCue present. Absent Mayor Toni Ruff and Sherry Peck.

Others present: Jean Kirk, Finance Officer.
Approval of Agenda: Motion was entered by Moffitt and seconded by Gotheridge to approve the agenda. All in favor, motion carried.

Mayor Ruff's resignation: A motion was entered by McCue and seconded by Moffitt to accept Mayor Toni Ruff's resignation for health reasons. All voting aye, motion carried.

Adjournment: Motion was entered by Moffitt and seconded by Clausen to adjourn. All voting aye, motion carried.

The next regular city council meeting will be held February 9th at 5:30 p.m. at the Library community room.

Dated this 19th day of January, 2011
Dave Bakley, Council President

ATTEST:
Jean Kirk, Finance Officer
Published once at the total approximate cost of \$16.12
Published: January 26, 2011

Teachers say education cuts limit opportunities

The South Dakota Education Association (SDEA) says a 10 percent cut to K-12 education will devastate South Dakota schools and severely limit the opportunities for students to learn.

SDEA President Sandy Arsenault stresses such drastic cuts will take the state's education system backward at a time when we should be investing in the future. The Association will ask legislators to look at the tax system for a more responsible solution to the state's budget woes.

"To illustrate the state's budget woes, Gov. Dennis Daugaard used the example of a hypothetical man named 'Steve Dowling' whose employer continued to cut his salary while his family's financial responsibilities continued to grow. What was the family to do? SDEA suggests Mr. Dowling do like many South Dakota families do: get a second job," said SDEA President Sandy Arsenault. "Families can only cut so much before they start neglecting the basic needs of their children. When most South Dakota families reach that point, they do the responsible thing and look for ways to increase their incomes."

Estimates show a 10 percent cut would take the state \$60 million, which equates to the salaries of 1,500 teachers statewide. Slashing education funding will impact each school district in different ways but SDEA is certain South Dakota's education delivery system as a whole will be devastated. "Schools will have very few choices. Some will choose to opt out of the property tax freeze therefore increasing the burden on local property tax payers. Others will cut programs and staff which will mean larger class size and fewer opportunities for students to learn and some will simply just close their doors," said Arsenault. "As we move forward, legislators must look beyond the facts and figures presented today and they must realize such drastic cuts will

Never be afraid of doubt, if only you have the disposition to believe."
Samuel Taylor Coleridge

Need Help Planting a Crop?

Farm Rescue

701-252-2017
farmrescue.org

Call FARM RESCUE if you are a family farmer that is experiencing a major injury, illness or natural disaster. Up to 1,000 acres planted free of charge.

Stop in or call the Booster at 685-6866.

Are you Prepared? Stop in and order your Graduation Announcements today, from the Bennett County Booster we also do Senior photos! We will not use a photo taken by another professional photographer, but we can take a photo with our studio setup.

Stop in or call the Booster at 685-6866.

Need Help Planting a Crop?

Farm Rescue

701-252-2017
farmrescue.org

Your business may be hanging up on customers.

When you get a call from Relay South Dakota, the person on the line is a customer who is using the relay service to call you.

DON'T HANG UP!

Relay South Dakota

www.sdrelay.com/hangup



**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 20, 2011

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2659-2 to Appropriate Water to be published twice. Please publish the first notice on January 26, 2011 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 57574 (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. 2659-2

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

Date _____

We are in receipt of your letter of January 20, 2011 enclosing Notice to Appropriate Water by Application No. 2659-2 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 20, 2011

Paul Fanning
23805 290th St
Tuthill SD 57574

Dear Mr. Fanning:

Water Permit Application No. 2659-2 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 Publisher of the Bennett County 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 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
eric.gronlund@state.sd.us

enclosures

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

Instruction to Newspaper - Publish first Notice on January 26, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2659-2 to Appropriate Water

Notice is given that Paul Fanning, 23805 290th Street, Tuthill SD 57574 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (approximately 250 feet deep) located in SW ¼ NE ¼ Section 9 for irrigation of 160 acres located in the SW ¼ Section 9; all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2659-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 14, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

FEB 28 2011

Paul Fanning
23805 290th St
Tuthill SD 57574

Dear Mr. Fanning:

Enclosed is Water Permit No. 2659-2 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

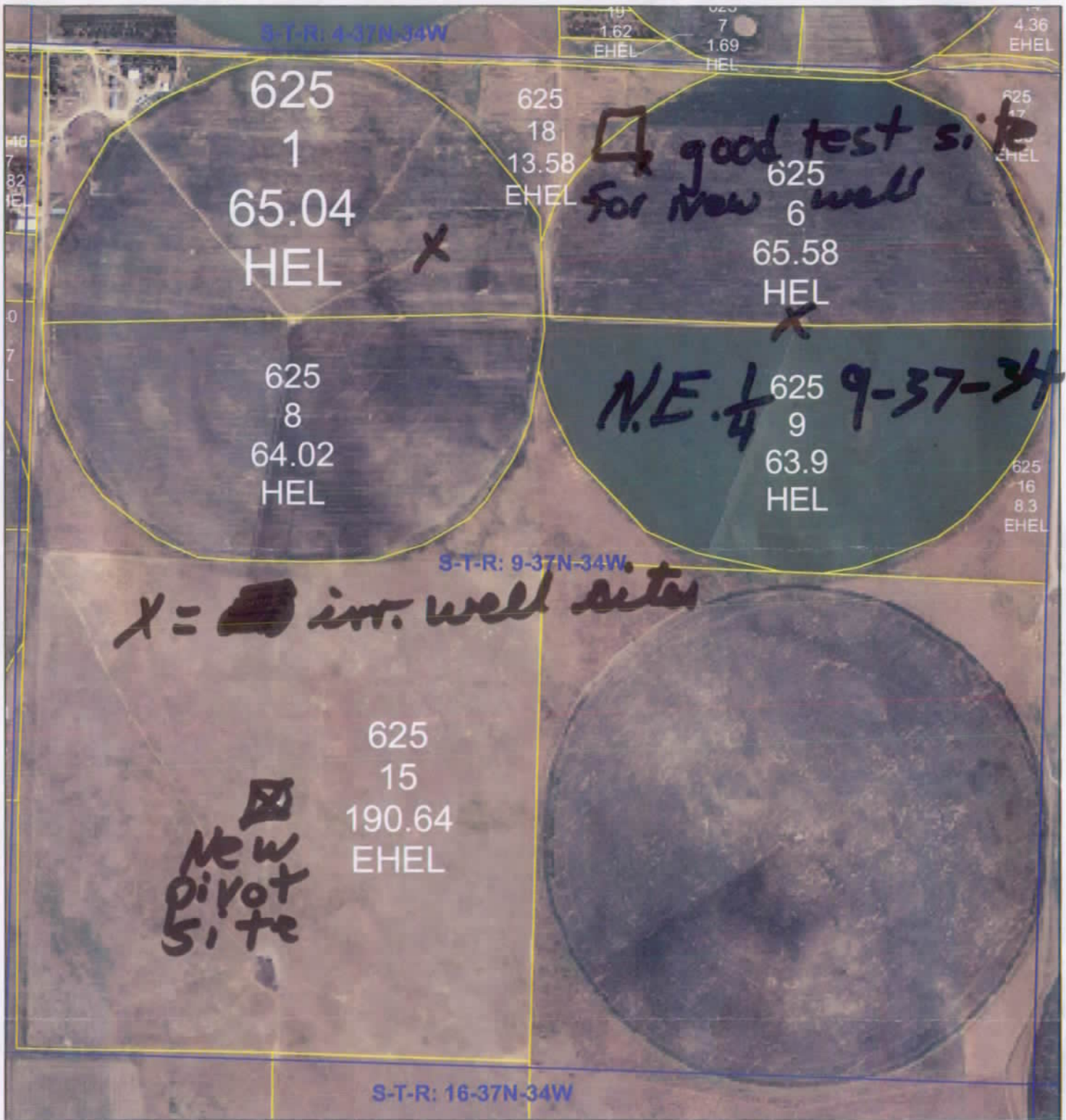
Ron here is the ASCS map
marking the new well
site, it had better sand
for a better well than the
original site first planned

Thanks
Paul Fanning

RECEIVED

MAR 25 2011

WATER RIGHTS
PROGRAM



United States Department of Agriculture
Farm Service Agency

PLSS: 9_37N_34W
Farm: 2243

Bennett County, SD
1:8,411



March 05, 2010

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

RECEIVED
Common Land Units

MAR 25 2011

**WATER RIGHTS
PROGRAM**

2008 Ortho-Photography - Not to Scale

Approval of a Change of Diversion Point

NAME: Paul Fanning

ADDRESS: 23805 290th Street, Tuthill SD 57574

DATE: April 11, 2011 **COUNTY:** Bennett **TELEPHONE:**

BACKGROUND:

Water Permit No. 2659-2 was approved February 14, 2011 appropriating 2.22 cubic feet of water per second from a well to be completed into the Ogallala Aquifer to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to irrigate 160 acres located in the SW $\frac{1}{4}$; all in Section 9, T37N, R34W.

Upon issuing of the water permit, test drilling found a suitable site approximately 1,580 feet north of the originally intended well site. The well for Water Permit No. 2659-2 will now be in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 instead of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of this section. Mr. Fanning submitted a map showing the location of where he now intends to complete the well. A note accompanying the map states that this new site has better sand for a better well than the site first planned. The attached map generated using ArcMap and the 2010 FSA aerial photo shows the location of the original location and proposed location being sought along with the approximate location of other permitted wells in the area.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Permit No. 2659-2 is the Ogallala Aquifer. There is not a change in the proposed depth or water source..

No additional appropriation of water is requested or authorized by this action.

- **Review of Existing Diversions**

The report prepared by Hayes Haas in December 2010 remains valid. It found:

“There are ten existing groundwater permits within one mile of the application location. The nearest existing permits, water permit no. 1219-2, 1179-2, and 2111-2, effectively authorize irrigation permits for the other three quarter-sections in this section. Two of those permits are held by the applicant, Paul Fanning. The other seven permits within a mile of this location are basically clustered around Section 9 with the exception of the section to the south; there are no irrigation permits in that section. Interference should not be a problem.”

Moving the well location approximately 1,580 feet to the north causes the well to be 970 feet from the well serving the irrigation system to the west owned by Donovan. It previously would have been approximately 1,250 feet from this existing diversion.

In the case of the irrigation system to the east owned by Mr. Fanning, the new well which would have been 1,400 feet away will now be 1,350 feet away.

This is a 10 section area with substantial irrigation development. There has been no history of impairment between water rights.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The well is to be completed into the Ogallala Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells should not be adversely impacted by authorizing this change.

RECOMMENDED ACTION

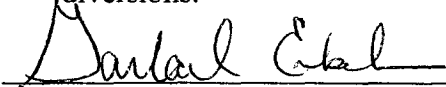
Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 2659-2.



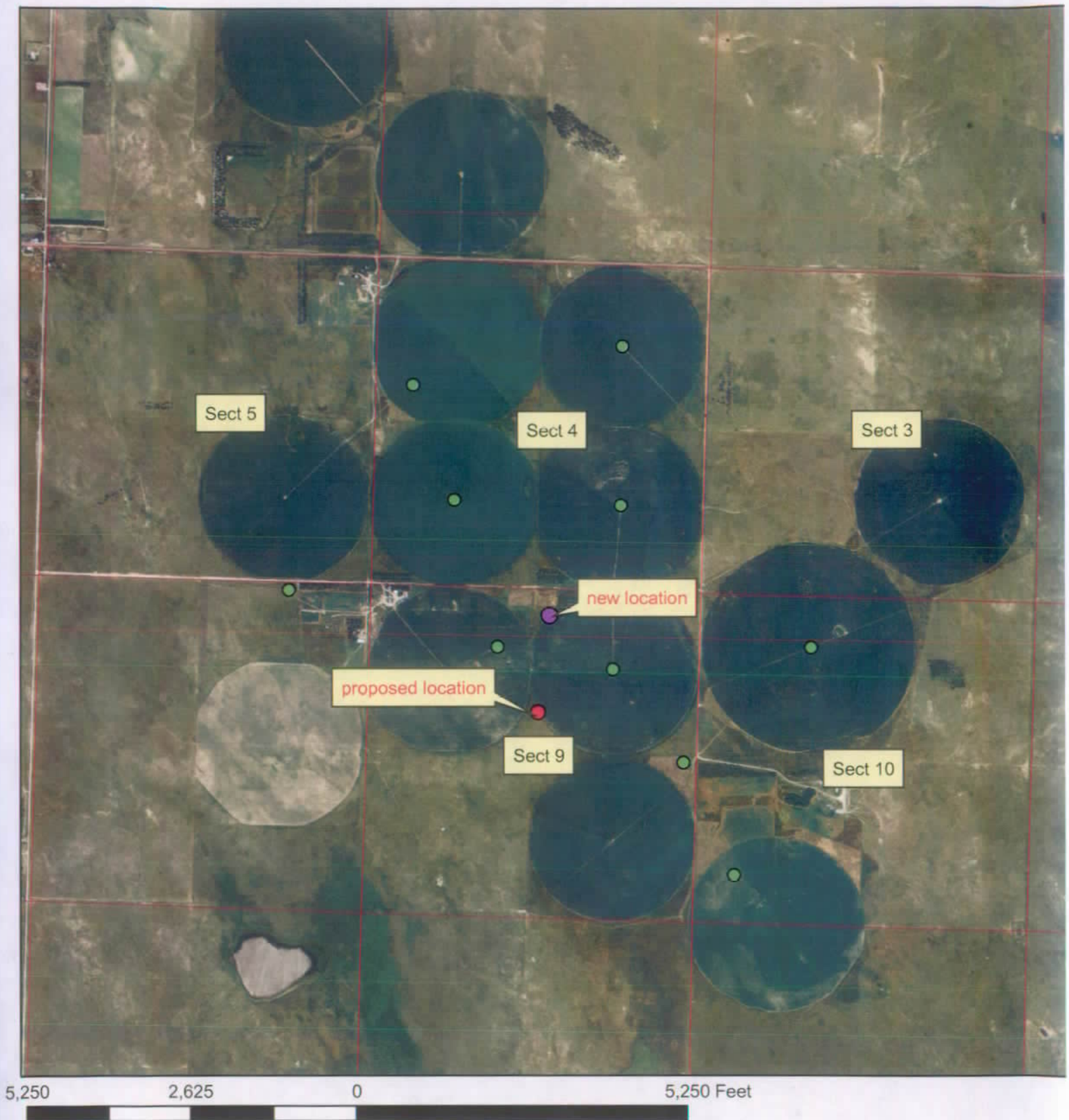
Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



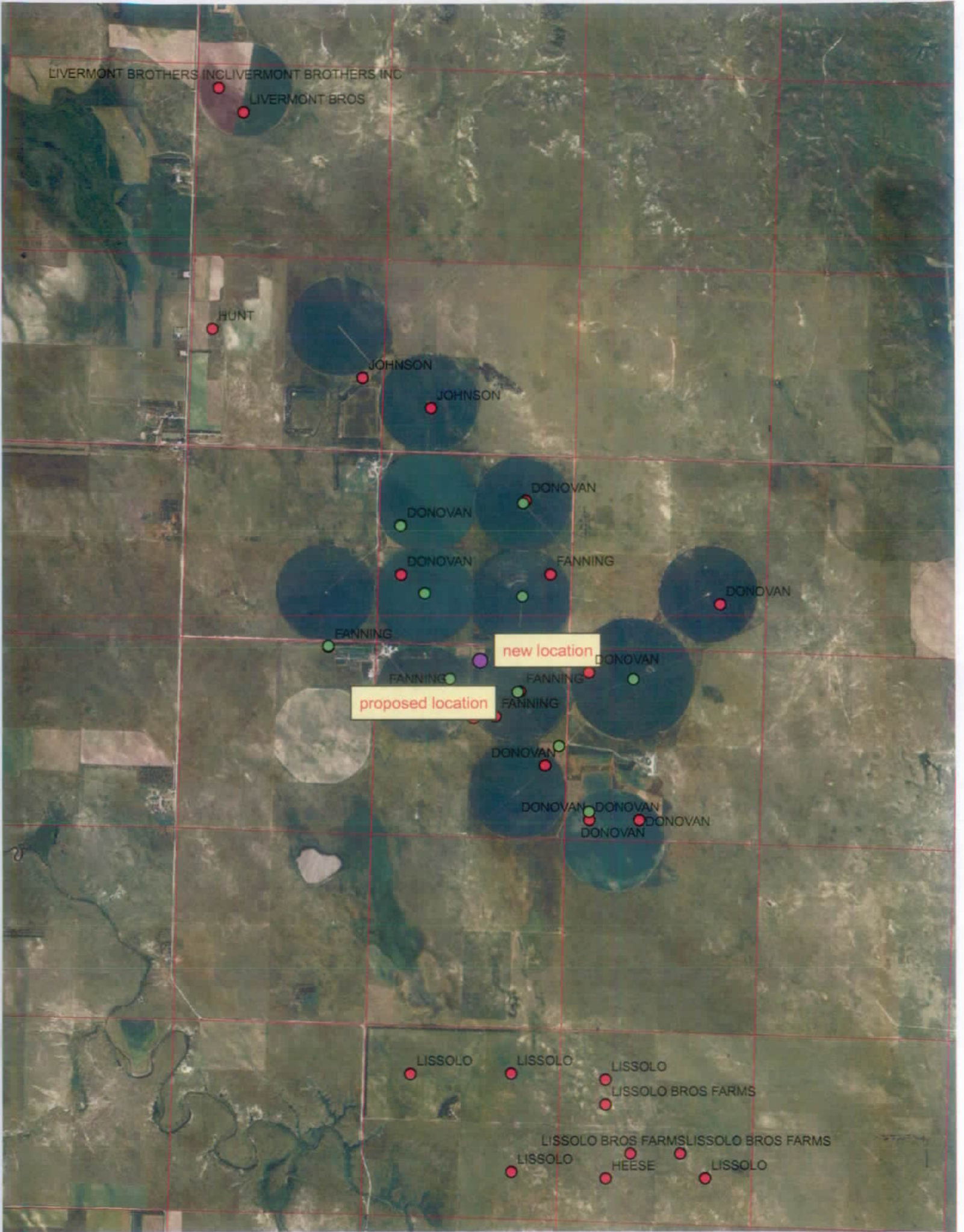
Garland Erbele, Chief Engineer
Water Rights Program



Proposed new well location for Water Permit No. 2659-2 is the NW 1/4 NE 1/4 Section 9, T37N, R34W

-  proposed new location of well for Water Permit No. 2659-2
-  originally intended well location under Water Permit No. 2659-2
-  neighboring permitted well locations





LIVERMONT BROTHERS INC
LIVERMONT BROS

HUNT

JOHNSON

JOHNSON

DONOVAN

DONOVAN

DONOVAN

FANNING

DONOVAN

FANNING

new location

proposed location

FANNING

FANNING

FANNING

DONOVAN

DONOVAN

DONOVAN

DONOVAN

DONOVAN

LISSOLO

LISSOLO

LISSOLO

LISSOLO BROS FARMS

LISSOLO BROS FARMS

LISSOLO BROS FARMS

LISSOLO

HEESE

LISSOLO



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April 18, 2011

Paul Fanning
23805 290th Street
Tuthill SD 57574

Dear Mr. Fanning:

I am writing in regard to a request for a change in the diversion point for the well to be completed for irrigation under Water Permit No. 2659-2.

Water Permit No. 2659-2 was approved February 14, 2011 appropriating 2.22 cubic feet of water per second from a well to be completed into the Ogallala Aquifer to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to irrigate 160 acres located in the SW $\frac{1}{4}$; all in Section 9, T37N, R34W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the well location is authorized to be changed to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T37N, R34W without application or publication of a notice of hearing.

No additional appropriation above the amounts authorized by Water Permit No. 2659-2 is authorized.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Drill GPS

43D / 11 / 54/9
101D / 20 / 37.1

FEET FROM

FEET FROM

ELEVATION

NE 1/4 9 SEC 37 TN 34 RA

[illegible]

Thad Babutzke

Permit No. 2659-2
White River - Water District

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

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

I have this day, August 23, 2011, made a thorough examination of the water use system constructed by Paul Fanning of 23805 290th St., Tuthill, Sd 57574 holder of Permit No. 2659-2, bearing the priority of 12/17/2010 authorizing the diversion of 2.22 cu. ft. per second of the waters of the Ogallala Aquifer for crop irrigation purposes, in Bennett County.

Inspection contact & relationship **Paul Fanning, Permit Holder**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosch Irrigation Inc.
- 2) No. of Wells one (1)
- 3) Depth(s) 300 feet
- 4) Well log is available Yes
- 5) Comment: Well log on file

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated Pipe
- 2) Length 200 feet
- 3) Static water level 24 feet

Pump:

- 1) Make Emerson
- 2) Model BF59A
- 3) Size 60 HP
- 4) Capacity 1,000 GPM

Motor:

- 1) Make US Motors

- 2) Model No. _____ Cat.#H060S2BLG
- 3) Horsepower rating 60 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 3,700 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1,320 feet
- 3) Number of towers 8
- 4) Distance between towers ~165 feet
- 5) End gun Yes
- 6) High or low pressure low
- 7) Capacity 1,000 GPM

Chemigation Equipment:

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

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

Report of Examination of Works

Permit No. 2659-2

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: 547 feet ^{South} west and 2,543 west of the northeast corner of Section 9, Township 37 North, Range 34 West, lat/long N 43.19894 W -101.34551. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW ¼ SW ¼ Section 9, T37N, R34W 33 acres

NE ¼ SW ¼ Section 9, T37N, R34W 33 acres

SE ¼ SW ¼ Section 9, T37N, R34W 33 acres

SW ¼ SW ¼ Section 9, T37N, R34W 33 acres

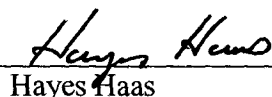
132 Total acres in SW ¼ Sec.9

comprising a total of 132 acres of land and the license should be issued for 2.22 cfs. * 1.89 cfs.

All structures, wells and lands on map Yes

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

Diversion rate is greater than the statutory limit. Volume of water applied is limited to no more than two (2) acre-feet per acre, or in this case, 264 acre-feet per year.



Hayes Haas

Natural Resources Engineer

DENR, Water Rights Program

Date report completed: November 15, 2011

**Permit holder did not request a diversion rate exceeding the statutory limit at the time the application was filed. Permit was approved for the statutory limit of 2.22 cfs for 160 acres.- actually slightly less (could have had 2.28 cfs)

License can only be issued for statutory limit of 1 cfs per 70 acres developed which is 1.89 cfs for 132 acres.

Genny

2659-2
Paul Fanning



Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
August 2011

0 0.25 0.5 Miles



South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 12 2012

2659-2

Paul Fanning
23805 290th St
Tuthill SD 57574

Dear Mr. Fanning:

Enclosed is Water License No. 2659-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2659-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, 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. 2659-2**

(1) Paul Fanning, 23805 290th St, Tuthill SD 57574 made Application No. 2659-2, December 17, 2010 for a water permit to divert 2.22 cubic feet of water per second from ground water (one well – Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2659-2, with a priority date of December 17, 2010 was approved February 14, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 14, 2016 and for the application to beneficial use of said water on or before February 14, 2020.

Upon issuance of the permit, the permit holder requested a change in location of the diversion point which moved the site 1,580 feet north of the original intended well site. On April 11, 2011, the Chief Engineer made a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in diversion point did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 547 feet south and 2,543 feet west of the NE corner of Section 9, T37N, R34W (NW ¼ NE ¼).

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

T37N, R34W Section 9	NW ¼ SW ¼	33 acres
	NE ¼ SW ¼	33 acres
	SE ¼ SW ¼	33 acres
	SW ¼ SW ¼	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Fanning, 23805 290th St, Tuthill SD 57574 the holder and/or owner of Water Right No. 2659-2 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water (one well – Ogallala Aquifer) with a priority date of December 17, 2010 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2659-2 and subject to the following qualification:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2659-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***Well was drilled by Grosch Irrigation Company in April, 2011. Log is on file with the Water Rights Program.***
- 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

JAN 12 2012
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