

WATER PERMIT NO. 2697-2

Name of Applicant: **Daniel Fanning**

Address: **28885 237th Ave, Martin SD 57551**

Phone: **605 685-6472**

Amount of Water Claimed: **4.44 cfs**

Total Acres: **320**

Source of Water Supply: **groundwater (2 wells)**

Water to be used for: **irrigation**

County: **Bennett**

Type of Waste Disposal System:

Location: **18 miles east of Martin**

PRIORITY

Date Received: **10-24-12**

Application/License Fee: **\$ 1350**

Corrected Application Received:

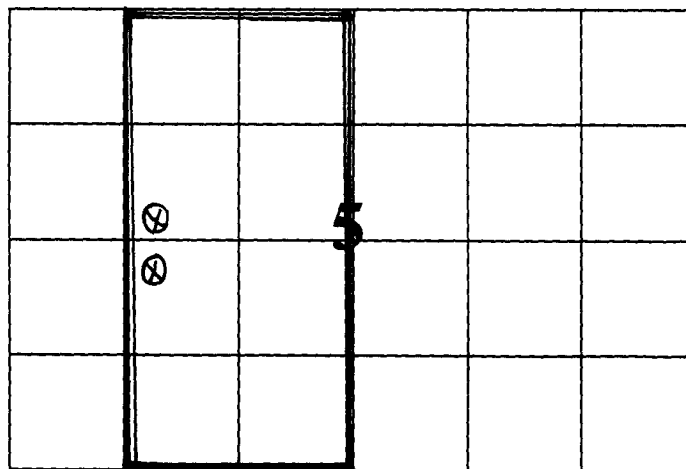
Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **SW 1/4 NW 1/4 and NW 1/4**

SW1/4 Sec 5-T37N-R34W

Land to be Irrigated: **W 1/2 Sec 5-T37N-R34W**



Depth of Well: **420 feet and 460 feet**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-24-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

No. 2697-2 (office use only)
Hydrologic Unit 10 140203

Basin White River 605-685-6866

Newspaper Bennett Co. Booster II PO Box 610 Martin SD 57551
Capital Journal PO Box 878 Pierre SD 57501 - 224-7301

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OCT 24 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant Daniel Fanning Phone 605-685-6472
(check one) Owner ☐ Tenant/lessee
Mailing Address 2885 237th Ave Martin S.D. 57551
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 4.44*CFS or 2000 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wells

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bennett

2 Wells in W 1/2 of section 5 37N 34W
SW 1/4 NW 1/4 and NW 1/4 SW 1/4

5. County or counties where water will be used Bennett Co, S.D.

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>NW 1/4 of section 5 37N 34W</u>	<u>160</u>		
<u>SW 1/4 of section 5 37N 34W</u>	<u>160</u>		

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

We will be pumping water on as many acres as we can
with center pivots on the West 1/2 of section 5 37N 34W

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. Also, attach map and any other technical information. (see instructions)

I, Daniel 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 Daniel Fanning

Subscribed and sworn to before me this 23 day of October 2012

Nancy Storkel
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2697-2**

Date of first receipt of application October 24, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2697-2 to Roberta L Donovan Real Estate Trust, 28569 Mosher Ln, Martin SD 57551 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. 2697-2 appropriates 4.44 cubic feet of water per second from two wells to be completed into the Ogallala Aquifer (420 and 460 feet deep) located in SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 5 for irrigation of 320 acres located in the W 1/2 Section 5; 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 October 24, 2012.
4. The date of approval of Permit No. 2697-2 is January 22, 2013.
5. One-fifth of the construction is to be completed on or before July 22, 2015.
6. All construction is to be completed on or before January 22, 2018.
7. Water is to be put to beneficial use on or before January 22, 2022.
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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2697-2 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

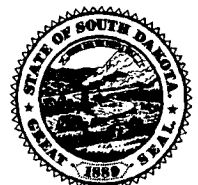
By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JAN 29 2013

date



Supplemental Information

(type or print in ink)

NWSW 5

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 Depth 420 ft
b) Casing Type 16" PVC Diameter 16" Thickness .625
c) Screen Type PVC/otted Diameter 16" Thickness .625
d) Gravel Pack Washed Length of Gravel Pack 420' - 20'
e) Depth to Top of Water Bearing Material 40'
f) Depth to Water (ground surface to water level) 40'
g) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 2800'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
b) System Capacity (gallons) _____ Year Constructed _____
c) Connected to the City of _____ Sanitary System

3. Dugout Information

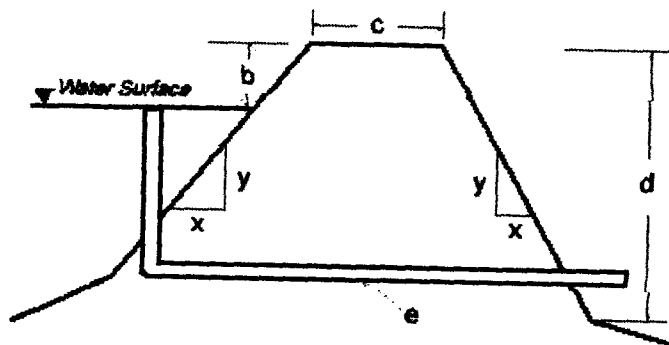
- a) Surface Dimensions _____ Depth _____
b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

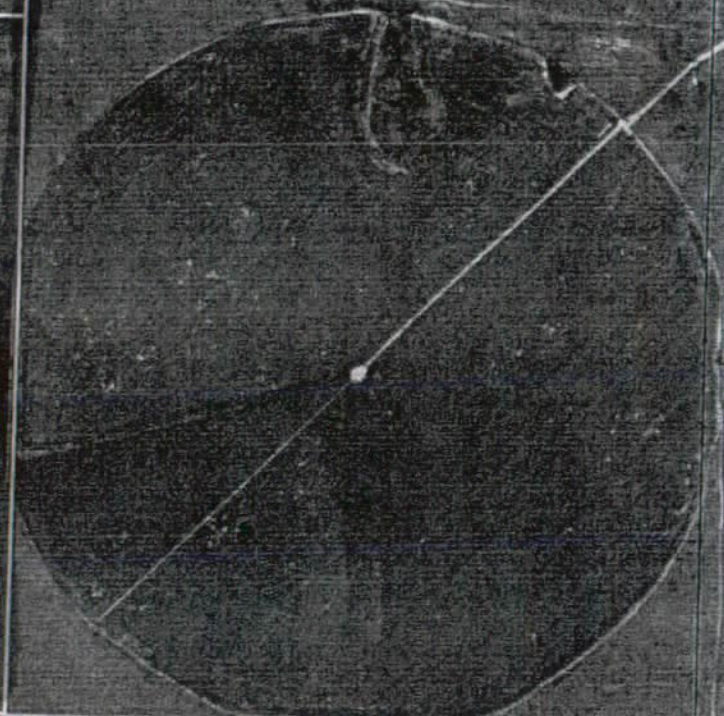
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
c) Crest Width _____
Crest Length _____
d) Height _____
e) Primary Outlet Capacity _____
If pipe, diameter _____
f) Secondary Spillway Capacity _____
Spillway Width _____
g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
h) Surface Area of Impoundment _____
i) Storage _____ Acre Feet
j) Drainage Area Above Dam _____ Acres



1865
1
155.69
EHSL

752
1
156.05
EHSL



United States Department of Agriculture
Farm Service Agency

PLSS: 5_37N_34W
Farm: 2450

BENNETT COUNTY, SD

1:8,709

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.



2013

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OCT 24 2012

WATER RIGHTS
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/24, 20 12

RECEIVED OF Elm Grove Charolais Butch Fanning 28885 237th Ave Martin SD 57551

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

Fee for Application for Permit No. <u>2697-2</u> to Appropriate Water, to construct and to put water to beneficial use	1150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2697-2</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	1350 00

No. **05638**

By

Donald Erbeles
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

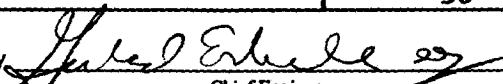
Date 1/3, 20 13

RECEIVED OF Roberta L Donovan 28569 Mosher Ln Martin SD 57551

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	50	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. _____		
Fee for Filing Transfer Form <u>2697-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **05848**

By 
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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DEC 31 2012

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 2697-2Date: 12/28/12I/We request that Water Right/Permit No. 2697-2 formerly owned by:Daniel T Fanning

be transferred to:

New Owner Name:

Robertah. Donovan Real Estate Trust

Address:

28569 Mosher Ln

City, State, Zip

Martin, SD 57551Telephone No. 605-685-6978

Title to the following described land(s)/property has been transferred as described above:

NW 1/4 Sec 5-37N-34W
SW 1/4 Sec 5-37N-34W

☒ I understand that the validity of Water Right/Permit No. 2697-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Robertah. Donovan Real Estate Trust, the new owner, certify that the above information is true and correct.

*This Application
is in progress!*

Robertah. Donovan Trustee
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2697-2, Daniel 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. 2697-2, Daniel Fanning, 28885 237th Avenue, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2697-2 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 2697-2 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
December 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2697-2 & 2698-2
DANIEL FANNING
DECEMBER 18, 2012

Water Permit Application No. 2697-2 proposes to appropriate 640 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 4.44 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala aquifer. The wells are expected to be 420 and 460 feet deep and are to be located in the SW¼ NW¼ and NW¼ SW¼ of Section 5, T37N-R34W. This permit application proposes to irrigate 320 acres located in the W½ of Section 5, T37N-R34W in Bennett County.

Water Permit Application No. 2698-2 proposes to appropriate 320 ac-ft/yr at a maximum diversion rate of 2.22 cfs from one well to be completed into the Ogallala aquifer. The well is expected to be 450 feet deep and is to be located in the NE¼ SE¼ of Section 6, T37N-R34W. This permit application proposes to irrigate 160 acres located in the SE¼ of Section 6, T37N-R34W in Bennett County.

AQUIFER: Ogallala (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Ogallala aquifer is part of the High Plains aquifer that underlies 174,000 square miles of the United States, spanning eight states from Texas to South Dakota (Filipovic, 2011). In South Dakota, the High Plains aquifer underlies 4,750 square miles and contains an estimated 700 million acre feet (ac-ft) of water in storage (Gutentag and others, 1984). Ground water in the High Plains aquifer is generally under water table conditions (Gutentag and others, 1984).

All of Bennett County is underlain by the High Plains aquifer, which consists of the hydraulically connected Arikaree Group, Batesland Formation, and Ogallala Group, and overlying alluvial and eolian deposits (Filipovic, 2011). The Ogallala Formation consists of clays, silts, sands, and surface gravel deposits, and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala Formation is estimated to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County (Allen and others, 1985). Saturated thickness ranges from 100 feet in the northwest portion of the county to 1,100 feet in the southwest portion of the county (Filipovic, 2011). The saturated thickness can be expected to be 200 to 400 feet in the area of the proposed well sites (Kolm and Case, 1983).

Test hole reports were not submitted with this application; however, sufficient information is available from area water rights/permits, well completion reports, and lithologic logs to evaluate the aquifer at the proposed well site. In the area of the proposed well sites, layers of sand and gravel occur for several hundred feet from just below ground surface usually until red rock is encountered, which is probably the Arikaree Group. The static water level ranges from 66 to 75 feet in the area of the proposed well ("Lithologic Logs Database;" Water Rights, 2012b; Water Rights, 2012c).

SDCL 46-2A-9

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

WATER AVAILABILITY:

Application No. 2697-2 proposes to appropriate 640 ac-ft/yr from the Ogallala aquifer. Application No. 2698-2 proposes to appropriate 302 ac-ft/yr from the Ogallala aquifer. If these applications are approved, the actual water use will likely be less than the appropriations. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

HYDROLOGIC BUDGET:

Recharge to the Ogallala aquifer in Bennett County occurs mainly due to infiltration of precipitation and inflow from the aquifer outside the county (Filipovic, 2011). Kolm and Case (1983) estimated recharge to be 1.3 to 1.8 inches per year (in/yr) using a digital model. Hedges and Burch (1985) estimated recharge to be 2.2 to 3.4 in/yr using observation well data and 1.88 in/yr using a baseflow recession analysis. Using this range of recharge rates and the area of the aquifer, recharge to the Ogallala aquifer in Bennett County is estimated to be 30,437 to 79,605 ac-ft/yr.

Discharge from the Ogallala aquifer in Bennett County occurs due to evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, outflow to the aquifer outside the county, and well withdrawals (Filipovic, 2011). Currently there are 44 water rights/permits appropriating water from the Ogallala aquifer in Bennett County. One water right authorizes fish and wildlife protection use, one water right authorizes institutional use, and 40 water rights and two permits authorize irrigation use (Water Rights, 2012b).

Figure 1 shows the Ogallala aquifer's historic irrigation data for Bennett County. The development of the aquifer has remained relatively constant over the period of record. Pumpage increases and decreases for periods of time, which is probably dependent on climatic conditions. The average pumpage reported equals 6,931 ac-ft/yr. The maximum pumpage reported was in 2006 equaling 10,839 ac-ft/yr. (Water Rights, 1982-2012).

Water rights for non-irrigation use from the Ogallala aquifer in Bennett County that are limited only by diversion rate currently appropriate a total of 0.065 cfs. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

Therefore, the total annual withdrawal from the Ogallala aquifer in Bennett County by non-irrigation use is expected to total less than 29 ac-ft/yr (Water Rights, 2012b).

There are many completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Ogallala aquifer (Water Rights, 2012c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

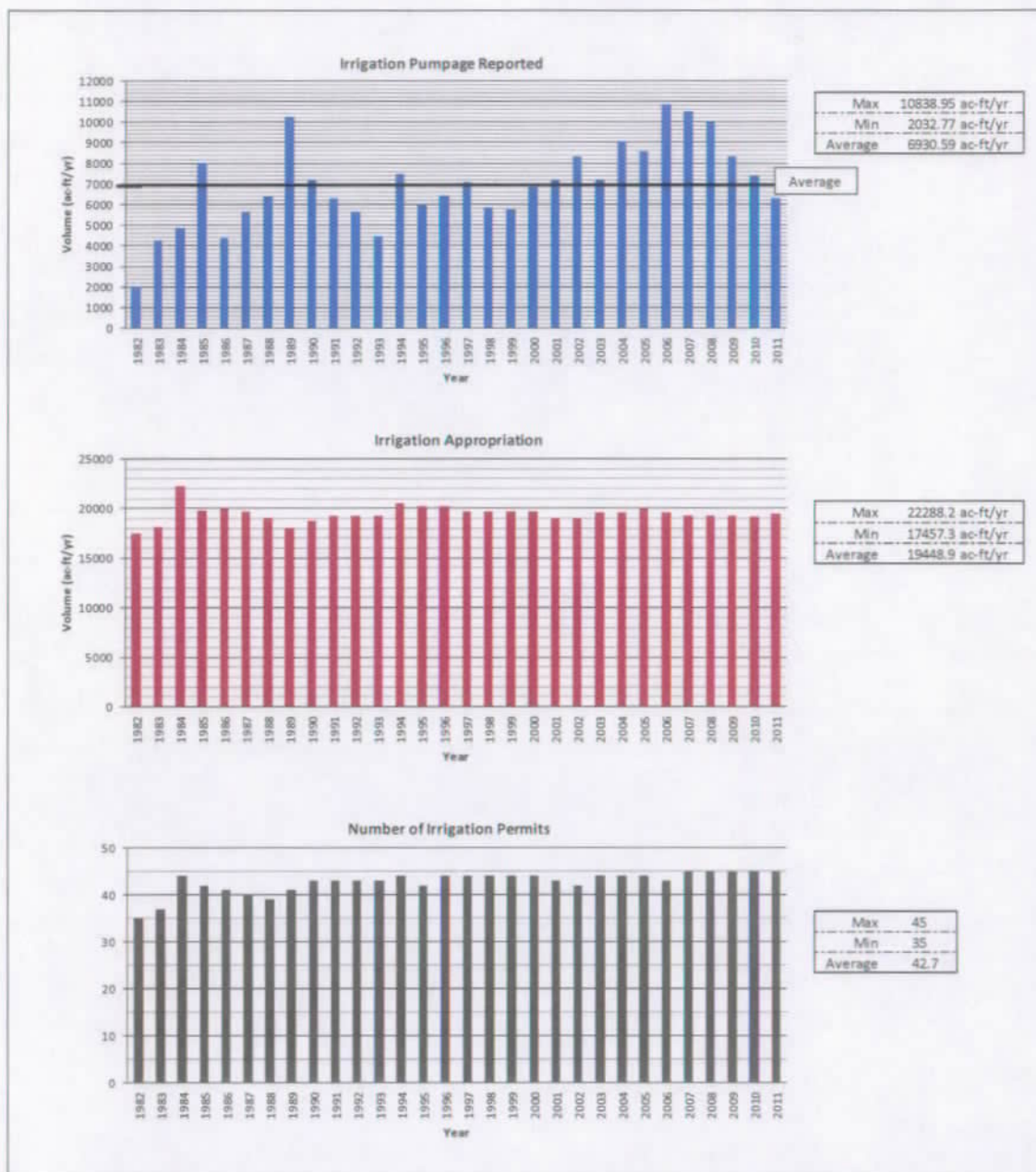


Figure 1: Historic irrigation water use from the Ogallala aquifer in Bennett County (Water Rights, 1983-2011)

Water Balance:

Currently, discharge from the Ogallala aquifer in Bennett County due to well withdrawal is estimated to be at maximum 10,868 ac-ft/yr, but the actual annual pumpage will often be much less. Using potential maximum withdrawal creates the most conservative estimate. To balance the hydrologic budget, recharge must equal withdrawal. At the maximum potential annual withdrawal plus the maximum annual withdrawal proposed by this application, recharge must equal 0.49 inches per year to balance this hydrologic budget. This required recharge rate is much lower than the range estimates by Hedges and Burch (1985) and Kolm and Case (1983). Therefore, there is a reasonable probability that unappropriated water is available from the Ogallala aquifer for this proposed appropriations of 320 and 640 ac-ft/yr.

OBSERVATION WELL DATA:

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

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer, with 19 of these in Bennett County (Water Rights, 2012a). Of these, the nearest observation wells are BT-76A, BT-76B, and BT-78J, located approximately one mile northeast, 2 miles east-southeast, and two and a half miles south-southeast, respectively. The hydrographs of these observation wells are shown in Figures 2, 3, and 4, respectively.

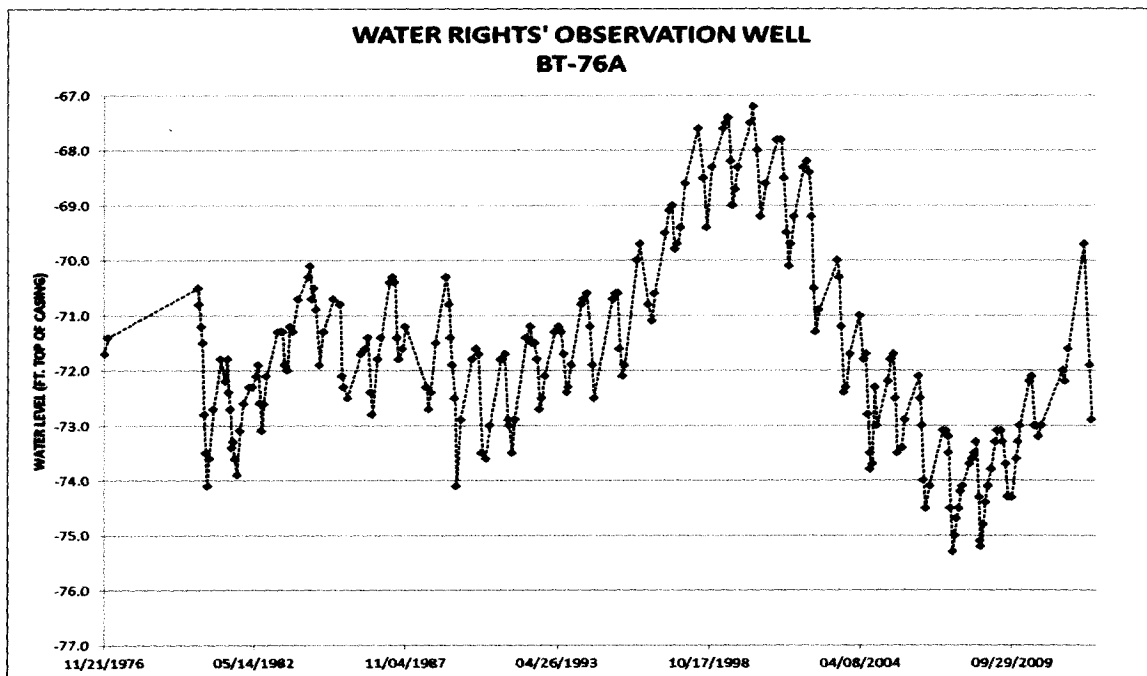


Figure 2: Hydrograph for DENR-Water Rights' observation well BT-76A (Water Rights, 2012a)

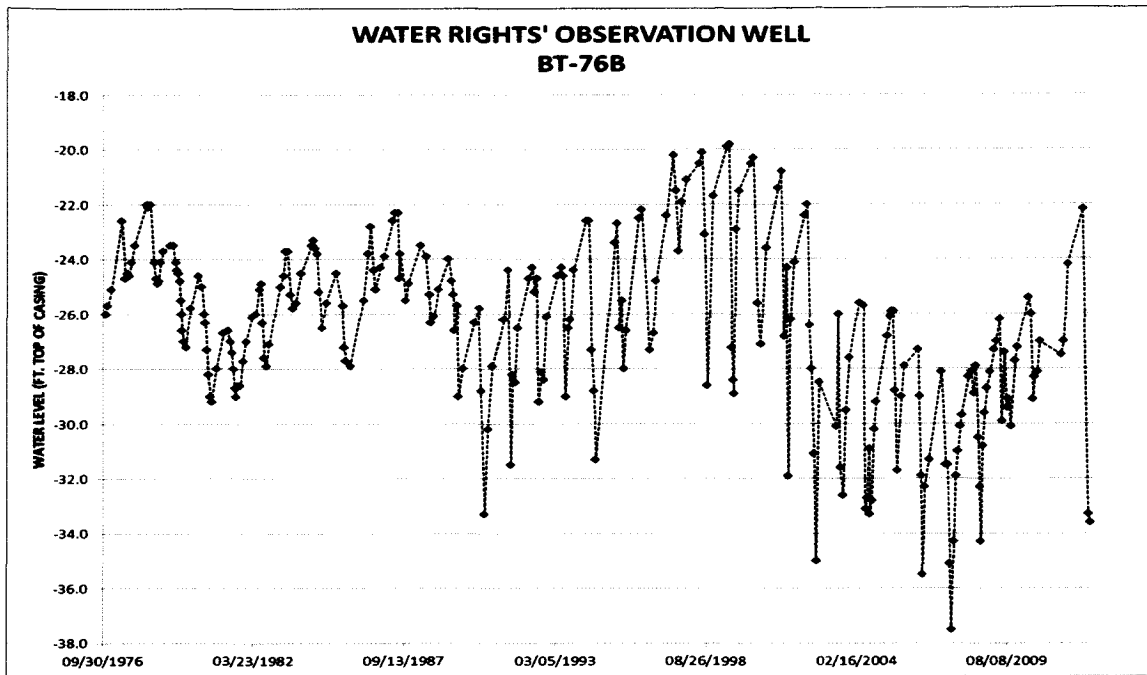


Figure 3: Hydrograph for DENR-Water Rights' observation well BT-76B (Water Rights, 2012a)

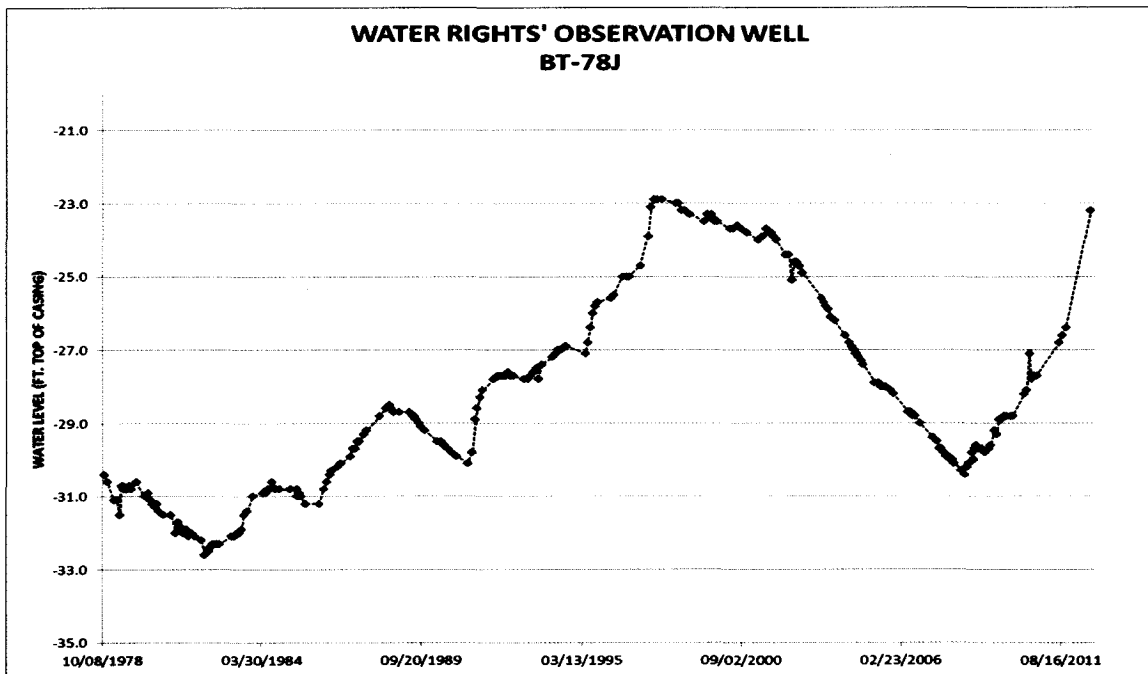


Figure 4: Hydrograph for DENR-Water Rights' observation well BT-78J (Water Rights, 2012a)

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. Observation wells BT-76A and BT-76B are located near several water right diversion points and the effects of pumping on the aquifer are obvious in these hydrographs, shown in Figures 2 and 3. In contrast, observation well BT-78J is located approximately one and a half miles from the nearest water right diversion point, and the effects of pumping on the aquifer is not as visible in this hydrograph, shown in Figure 3. Overall, observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support this proposed appropriations of 320 and 640 ac-ft/yr.

EXISTING WATER RIGHTS:

There is a cluster of aquifer development within three miles of the proposed well sites, with the majority of wells located to the east. Currently there are 15 water rights appropriating water from the Ogallala aquifer within three miles of proposed well sites (Water Rights, 2012b). There are 12 domestic or stock wells that appear to be completed in the Ogallala aquifer within three miles of the proposed well sites (Water Rights, 2012c).

The water table conditions of the aquifer dictates that any drawdown due to pumping would probably not extend far from the proposed well sites (i.e. less than half a mile). As previously discussed, the hydrographs for observation wells near water rights show the effects of pumping on the aquifer, shown in Figures 2 and 3. However, the hydrograph of an observation well located further from water rights diversion points show the effects of pumping significantly less, shown in Figure 4. Over the period of record, water levels in these observation wells fluctuated at maximum 20 feet (Water Rights, 2012a). Also, the aquifer in this area probably retains several hundred feet of saturated thickness (Kolm and Case, 1983). Therefore, there is a reasonable probability that any drawdown from the proposed appropriations will not cause a significant impact.

Considering that the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired.

CONCLUSIONS:

1. These applications propose to appropriate 320 and 640 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer to supply the proposed appropriations.
3. There is a reasonable probability that the proposed wells will not cause a significant impact, nor adversely or unlawfully impair existing nearby wells.

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JAN 14 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 9, 2013

Cost of Printing \$33.21

Marylinn Baker
(Signature)

Bookkeeper
(Title)

1-10-13
(Date Signed)

Wednesday, January 9, 2013

Public Notice

Public Notice

Wells to be com- be given to the ap-
pleted into the plicant and any
Ogallala Aquifer person filing a pe-
'420 and 480 feet tion.

(deep) located in Any person inter-
SW 1/4 NW 1/4 ested in opposing
and NW 1/4 SW or supporting
1/4 Section 5 for these applications

irrigation of 320 or recommenda-
acres located in tions must file a
the W 1/2 Section written petition

5; all in with BOTH the ap-
T37N-R34W.

Application No. Engineer. The ap-
2698-2 proposes plicant must file a

to appropriate petition if contest-
2.22 cfs from one ing the Chief Engi-

well to be com- nter's recommen-
pleted into the dations. The Chief

Ogallala Aquifer Engineer's ad-
(450 feet deep) lo- dress is "Water

cated in the NE Rights Program,
1/4 SE 1/4 Section Foss Building, 523

6 for irrigation of E Capitol, Pierre
160 acres located SD 57501 (605

in the SE 1/4 Sec- 773-3352)" and
tion 6; all in the applicant's

T37N-R34W. mailing address is
Pursuant to given above. A

SDCL 46-2A-2, petition filed by el-
the Chief Engineer ther an interested

recommends AP- person or the ap-
PROVAL of Appli- plicant must be

cation Nos. filed by January
2697-2 and 22, 2013.

2698-2 because The petition may
1) unappropriated be informal, but

water is available, must include a
2) existing rights statement describ-

will not be unlaw- ing the petitioner's
fully impaired, 3) it interest in the ap-

is a beneficial use plications, the pe-
of water, and 4) it tioner's reasons

is in the public in- for opposing or
terest. In accor- supporting the ap-

pliance with SDCL plications, and the
46-2A-23, the signature and

Chief Engineer will mailing address of
act on these appli- the petitioner or

cations, as recom- the petitioner's le-
mended, unless a gal counsel, if te-

petition is filed op- gal counsel is ob-
posing the appli- tained. Contact

cations or the ap- Eric Gronlund at
plicant files a peti- the above Water

tion contesting the Rights Program
Chief Engineer's address to request

recommenda- tions, copies of informa-

tion pertaining to if a petition opposi-
ing the applica- these applications.

57551 has filed the recommenda- Secretary, Depart-

the following appli- tions is filed, then ment of Environ-

cations for a water a hearing will be ment and Natural

permit. Application No. scheduled and the Resources.

2697-2 proposes Water Manage-

to appropriate ment Board will Published once at

4.44 cubic feet of consider these ap- the total approd-

water per second plications. Notice mate cost of

(cfs) from two of the hearing will \$33.21.

RECEIVED

JAN 10 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Jill Potter, 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 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 1 successive week(s) to wit:

January 9, 2013

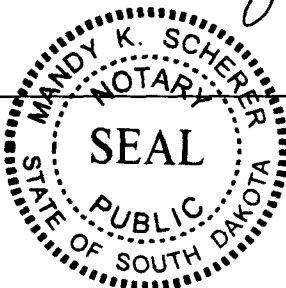
That the full amount of the fee charged for the publication of the attached public notice, **\$31.96**, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: *Jill Potter*

Subscribed and sworn to before me this *9th* day of *January*, 2013.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2015



Legal Notices

Notice of Application Nos. 2697-2 and 2698-2 to Appropriate Water

Notice is given that Daniel Fanning, 28885 237th Ave, Martin SD 57551 has filed the following applications for a water permit:
Application No. 2697-2 proposes to appropriate cubic feet of water per second (cfs) from two wells to be completed into the Ogallala Aquifer 420 and 460 feet deep located in SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 5 for irrigation of 320 acres located in the NE 1/4 SE 1/4 Section 6 for irrigation of 160 acres located in the SE 1/4 Section 6 all in T37N-R34W.
Application No. 2698-2 proposes to appropriate 2.22 cfs from one well to be completed into the Ogallala Aquifer (450 feet deep) located in the NE 1/4 SE 1/4 Section 6 for irrigation of 160 acres located in the SE 1/4 Section 6 all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2697-2 and 2698-2 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. The Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, P.O. Box 523, 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 January 27, 2013.
The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Firmer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$31.96.
Published: January 9, 2013

Proceedings

BOARD OF BENNETT COUNTY COMMISSIONERS MINUTES OF PROCEEDINGS WEDNESDAY, DECEMBER 19TH, 2012 MARTIN, SOUTH DAKOTA

The Bennett County Board of Commissioners met in regular session Wednesday, December 19th, 2012 at the Commissioner's meeting room.
The meeting was called to order at 9:30 a.m. by Chairman Rolf Kraft.

Commissioners present: Rolf Kraft, Dennis Gregg, Newton Cummings, Jason Fanning
Absent: Wayne Bond
Others present: Susan Williams, Auditor; Jerry Bennett, Highway Superintendent; Tim Huetner, Bennett County Booster; Ken Orrock, Deputy State Attorney; Julio Medeiros, Chief of Police; Luke Hamar, Sheriff; Marvin Grass, Area Resident.

Minutes Approved
The minutes of the regular December 5th, 2012 meeting were approved by a motion by Dennis Gregg and a second by Newton Cummings.
All voted aye. Motion carried.

Highway Department
Highway Superintendent, Jerry Bennett, met with the Commissioners to report on current road work. There was discussion concerning the installation of a door on the Highway shed. Mr. Bennett reported Beau Gregg be approved as full-time. Jason Fanning made a motion to approve Beau Gregg, Highway Department, from part-time temporary, to full-time, \$8.25 hourly, effective December 19th, 2012. Newton Cummings seconded.
Voting aye: Jason Fanning, Newton Cummings, Rolf Kraft.
Abstain: Dennis Gregg.
Motion carried.

Claims
The Commissioners reviewed claims. There was discussion concerning the budget over runs and lack of funds and surplus. Jason Fanning made a motion to approve claims subject to delinquent taxes with a second by Dennis Gregg.
All voted aye. Motion carried.

General 101: (Iniles and meals included) November Payroll:
Commissioners, \$3,749.25; Auditor, \$3,941.67; Treasurer, \$2,966.54; States Attorney, \$8,442.36; Gov. Edg, \$642.16; Director of Equalization, \$2,138.37; Health Insurance, \$2,680.82; Veterans Service Officer, \$594.24; Sheriff, \$2,828.54; County Wide Law, \$110,114; WIC, \$518.50; Library, \$2,448.96; Extension, \$1,516.80; Weed, \$1,303.14; Coroner, \$0.00; Election, \$59.87.
Highway, 201: \$10,159.18.
Emergency & Disaster, 226: \$633.84.
24/7 Program, 248: \$987.01.

Security First Bank, Employer's share of OASI: \$3,926.07
Bennett County Medical & Retirement: \$14,545.45
AVERA HEALTH PLAN, 19,138.37 HEALTH INS DEC 2012 PREMIUM;
BENNETT COUNTY TREASURER, 354.18, PARTIAL PAY TAX L
ARNOLD, DAKOTA BACKUP, 3,456.00, FEE FOR DATA BACKUP;
PRINCIPLE LIFE INS, 83.70, CO LIFE INS JAN 2013 PREMIUM;
SECRETARY OF STATE, 7.00, PISTOL PERMIT V O'NEILL; UNITED STATES POSTAL SERVICE, 151.80, POSTAGE, ALL-AMERICAN PUBLISHING, 169.00, SAINT FRANCIS SCHOOL ADVERTISING; AT&T, 184.04, LAW, HWY CELL PHONES; AT&T, 37.07, 911 SERVICE; AUDIO EDITIONS, 221.31, AUDIO BOOKS; AVAYA FINANCIAL SERVICES, 145.30, PHONE LEASE; BENNETT COUNTY BOOSTER, 67.58, COMM PUBLISHING MINUTES; BENNETT COUNTY LIBRARY, 41.49, REMB FOR ORIENTAL TRADING; BC SCHOOL DIST #1-1, 90,318.33, DECEMBER 2012 APPOINTMENT; BENNETT COUNTY TREASURER, 312.02, ADVANCE TAXES ARTICHOKER; BENNETT COUNTY TREASURER, 250.00, ADVANCE TAXES-LINN BETTELYOUN; BENNETT COUNTY TREASURER, 19.00, LAW LICENSE 2013; IMPALA; BEST WESTERN OF HURON, 169.00, WDBO MEETING IN FEBRUARY; BITUMINOUS PAVING INC, 4,320.00, PATCHING ALLEN ROAD; BOB'S GAS SERVICE, 2,685.00, HWY, CRT HSE & CAP PROPANE; BOOMDOCKS BAR & GRILL, 47.23, LAW DEPT GAS; COUNTY OF BUTTE CLERK OF COURT, 125.00, BOND FOR TONY JENSEN; CENTURYLINK, 248.14, 911 SERVICE UTILITIES; CITY OF MARTIN, 107.80, CRT HSE, CAP WATER BILLS; CITY OF MARTIN, 12,521.72, DECEMBER 2012 APPOINTMENT; COLS PEST CONTROL, 70.00, CRT HSE PEST REMOVAL; COUNTRY PROPERTY MANAGEMENT, 30,980.24, GAS & DIESEL HWY DEPT, CRAPTER'S CHOICE BOOK CLUB, 23.98, BOOK; CROP PRODUCTION SERVICES, INC, 8,721.00, WDBO CHEMICALS; CROSSINGS BOOK CLUB, 36.97, BOOKS; CORRECTIONAL RISK SERVICES, 672.89, INMATE MEDICAL; CULLIGAN WATER CONDITIONING, 16.50, CRT HSE WATER, D & K TOWING, 431.00, LAW DEPT. TOWING VEHICLES; DAKOTA PLAINS LEGAL SERVICES, 2,358.01, CRT APPT ATTORNEY FEES; DEMCO, 1,764.25, LIBRARY SUPPLIES, FILE CABINET; DEWEY J ERTZ, ED., 260.00, CRT CASE (RUSS) REVIEW RECORD, DN OF AGRICULTURAL SERVICES, 120.00, WDBO REGISTRATION FEES; DMI DIESEL MACHINERY, INC, 1,327.43, REPAIRS #44 & FRIGHT; DOUBLEDAY BOOK CLUB, 125.89, BOOKS; JONATHAN DOYLE, 4.00, 24/7 REPAIR, DROBNY CONSTRUCTION, 1,150.00, HWY SHOP-BIFOLD & WALK DOOR; DROBNY CONSTRUCTION, 6,184.90, LABOR FOR HWY SHOP DOOR; DWARE INC, 1,470.00,

SOFTWARE RENTAL,SUPPORT,MAINT; EDDIE'S TRUCK SALES, INC, 126.45, REPAIR # 14; ELECTION SYSTEMS & SOFTWARE, 1797.04, ELECTION PROF. SERVICES & FEES; FED EX, 18.42, LAW SHIPPING; MARSHA FYLER, 278.59, REMB FOR POOD/BOOK, & HOTEL; G E ASSOCIATES, 33.33, SHOP SUPPLIES; THE GENERAL STORE, 198.90, LAW,HWY,WDBO SUPPLIES; GOLDEN WEST COMPANIES, 1,527.31, PHONE, FAX, INTERNET; GREAT WESTERN TIRE INC., 10,859.80, TIRES, #9, #30; MOUNTING TIRES; BETSEY HARRIS, 203.37, CRT APPT ATTORNEY FEES; HUGHES, CNTY CLERK OF COURTS, 100.00, BOND FOR KATIE POOR THUNDER; INGRAM LIBRARY SERVICES, 983.04, BOOKS; KRATOVILS TRUE VALUE, 129.82, LAW, HWY SUPPLIES; KSL CORP., 2,135.00, CRT APPT ATTORNEY FEES; LACREEK ELECTRIC ASSOC., 3,795.66, OFFICE PRODUCTS CENTER, 314.24, STATES ATTORNEY SUPPLIES; LYNN'S DAKOTAMART, 123.29, EXTENSION, LIBRARY SUPPLIES; BETH LYON, 80.63, REIMB FOR EXTENSION SUPPLIES; MARCO, INC, 400.37, COPIER LEASE; MARTIN AUTO PARTS II, INC., 776.59, LAW, HWY SUPPLIES & REPAIRS/MA; MARTIN DRUG AND MERCANTILE, 10.55, LIBRARY SUPPLIES; MCLEODS PRINTING AND SUPPLY, 113.55, DO(BRES APP) AUD (W-2,1099) SUP; ED MIDGLEY LLC, 156.40, CRT REPORTER (5 REPORTS); OFFICE PRODUCTS CENTER, 314.24, STATES ATTORNEY SUPPLIES; KENNETH E. ORROCK, 415.00, REMB FOR 2013 STATE BAR DUES; JOSEPH ASHLEY PARR, ESQUIRE, 1101.01, CRT APPT ATTORNEY FEES; PENNINGTON CO. JAIL, 1,953.00, HOURS PRISONER (APPLE); WINNER HEALTH MART PHARMACY, 485.75, INMATE PRESCRIPTIONS; PESCO, 5,164.74, NEW COP CAR SUPPLIES; REGIONAL HEALTH REFERENCE LAB, 415.00, MORGUE USE (APPLE); SALEM PRESS, 399.00, BOOKS; SALOMON SANITATION, 126.00, GEN GUN BLDG GARBAGE; SCHMIDT, SCHROYER, MORENO, 73.50, MENTAL ILLNESS BOARD; SD CONTINUING LEGAL EDUCATION, 500.00, DAKOTA DISC/FASTCASE YRLY SUB; SD DEPARTMENT OF HEALTH, 25,496.34, NOVEMBER 2012 TRANSMITTAL; SD DEPARTMENT OF HEALTH, 522.00, LAW BEPT & GOOD ALCOHOL; SD SCHOOL DIST #1, 1,176.86, INSURANCE; SD SHERIFFS ASSOCIATION, 452.93, 2013 SD SHERIFFS ASSOC DUES; SDACO, 46.00, MODERN & PRESERV FUND; SDHSC, 600.00, PSYCHIATRIC EVAL (GIBSONS JR) SD STATES ATTORNEY ASSOCIATION, 693.00, SD STATES ATTOR ASSOC DUES; SECRETARY OF STATE, 28.00, PISTOL PERMITS; SERVALL, 159.40, CRT HSE RUGS,MOPS & SUPPLIES; SUSAN'S H&H BAR, 138.00, MEAL FROM REANDALL RESIVOIR; TYLER TECHNOLOGIES, 2,566.85, SOFTWARE SUPPORT; ULVERSONG LARGE PRINT BOOKS, 53.52, BOOKS; VALENTINE OFFICE SUPPLY, 783.72, OFFICE SUPPLIES; VOYAGER FLEET SYSTEMS INC, 1,680.49, LAW GAS; WAGGONER'S GROCERY, 15.96, SHOP SUPPLIES; WALKER REFUSE, INC, 98.58, HWY GARBAGE; WEED & PEST CONTROL, 90.00, WEED & PEST CONTROL; WESTERN COMMUNICATIONS, INC, 35.00, IN-SHOP RADIO PROGRAMING; WEST GROUP PAYMENT CENTER, 348.00, SA, AUD, LAW DEPT LAW BOOKS; WESTERN CARTOGRAPHERS, 500.00, FLAT MAPS SOLD; WESTERN COMMUNICATIONS INC, 3,176.86, GRANT TO REPROGRAM RADIOS; WESTERN SOUTH DAKOTA, 19,350.00, JUVENILE HOUSING; WINNER FAMILY DENTISTRY, 217.00, INMATE DENTIST VISITS; WINNER POLICE DEPARTMENT, 26,143.49, INMATE HOUSING & TRAVEL; WINNER REG EM SERV COMM CENTER, 3,295.04, 911 EMERGENCY SURCHARGE; YAK, YANKTON CNTY ACTS RECEIVABLE, 103.75, MENTAL ILLNESS HEARING(CO); YANKTON COUNTY, 25.00, SHERIFF FEES(ZIMIGA); JOAN BAKLEY, 61.84, JUROR; HARLEN BETTELYOUN, 64.80, JUROR; MARJORIE BUCHOLZ, 50.00, JUROR; MARY COSS, 44.00, JUROR; CECILIA MOFFITT, 50.74, JUROR; EARL SIMMONS, 50.74, JUROR; ZUERCHER TECHNOLOGIES, 11,444.00, GRANT FOR LAW NIBBS; QWENDOLYN WARD, 50.00, JUROR; JOYCE WILSON, 50.74, JUROR; RANDY CHRISTENSEN, 20.00, WITNESS; ROBBIE KEIPER, 20.00, WITNESS; TUCKER KEIPER, 20.00, WITNESS; IAN REDDY, 20.00, WITNESS; JULIE THUNDER HAWK, 20.00, WITNESS; MAGDALINE VIGIL, 20.00, WITNESS; KEVIN RASCHER, 23.32, WITNESS; COREY BETTELYOUN, 10.74, JUROR FEE.

Deputy Coroner
Dennis Gregg made a motion to approve Tom Jeans as Deputy Coroner. Jason Fanning seconded.
All voted aye. Motion carried.

Veteran Service Officer
The Board reviewed a letter from South Dakota Department of Veterans Affairs with a reminder to appoint a Veteran Service Officer. Newton Cummings made a motion to re-appoint Don Larson as Veteran Service Officer for a four year appointment beginning the first Monday in January 2013. Jason Fanning seconded.
All voted aye. Motion carried.

County Health Care Coverage Change
There was discussion concerning the change of provider for the County Health Insurance and the problems with the change from a pool type insurance to a regular full coverage health insurance. Auditor Susan Williams requested a transfer of funds to the insurance fund. Dennis Gregg made a motion to approve the transfer of \$13,000.00 from the General Fund to the County Health Insurance Clearing Account. Newton Cummings seconded.
Voting aye: Newton Cummings, Rolf Kraft, Dennis Gregg.
Abstain: Jason Fanning.
Motion carried.

Jail Meeting
There was discussion about scheduling a jail meeting with Judge Trandahl in January 2013 with the Board and Johnson Construction.
Area Land Owners
Jason Fanning reported that area land owners were requesting counties align and support a letter to Governor Daugaard requesting the State meet South Dakota Codified Laws regarding Predator Control guidelines. Mr. Fanning stated he will have more information at a later time.

LaCreek Wildlife Refuge
There was discussion concerning a complaint about the destruction of whether bells on the LaCreek Wildlife Refuge.
Liquor License Renewal
A hearing was held considering an application for a 2013 retail (on-sale) liquor license. Jason Fanning made a motion to approve the renewal of the 2013 retail (on-sale) liquor license for Boomdocks Bar and Grill, Boomdocks Bar and Grill, Inc., Martin, SD. Dennis Gregg seconded.
All voted aye. Motion carried.

Recense and Executive Session
Chairman Rolf Kraft declared recess at 10:55 a.m.
Chairman Rolf Kraft declared the meeting open at 12:35 p.m.
Jason Fanning made a motion to go into executive session with Deputy States Attorney Ken Orrock and Highway Superintendent Jerry Bennett at 12:36 p.m.
Chairman Rolf Kraft declared executive session closed at 1:10 p.m.

Personnel
Jason Fanning made a motion to suspend highway worker Ed Johnson, with pay due to a federal indictment until further action is needed and at the advice of the Deputy States Attorney. The motion died for lack of a second.
Liquor License Renewal
A hearing to consider an application for the renewal of the 2013 retail (on-sale) liquor license for the Horseshoe Bar was held with Marvin Grass, Deputy States Attorney, Ken Orrock, Chief of Police, Julio Medeiros, and Sheriff, Luke Hamar attending. Deputy States Attorney Ken Orrock questioned the Sheriff and the Chief of Police on their concerns about the Horseshoe Bar. The officers expressed their concerns with the number of calls to the bar, the underage drinking, the reports of assaults, and the proximity to Sunrise Housing. Sheriff Hamar reported a deputy was injured during an investigation of an underage drinker at the bar. Both officers expressed concern with lack of supervision of the bar staff continuing with the intoxicated patrons. Both officers recommended hiring security to check IDs, supervising the staff and over all supervision by Mr. Grass.

The board agreed to give Mr. Grass a chance to straighten out the business. Mr. Grass stated he understood he is responsible for operation of the business and will try to implement the suggestions. Mr. Orrock suggested a letter of the recommendations be prepared for Mr. Grass and that Mr. Grass keep Sheriff Hamar informed about his progress.

Jason Fanning made a motion to renew the 2013 retail (on-sale) liquor license for the Horseshoe Bar, Marvin Grass to be approved with a probation status and a review in six months when the beer license is up for renewal. Dennis Gregg seconded.
All voted aye. Motion carried.

CLOSE
There being no further business to come before the Commissioners, Newton Cummings made a motion to adjourn with a second by Jason Fanning.
All voted aye. Motion carried.

BOARD OF BENNETT COUNTY COMMISSIONER
Rolf Kraft, Chairman
Susan Williams, Auditor
The next regular meeting will be Wednesday, January 16th, 2013 at 9:30 a.m. in the Commissioner's meeting room.
Published once at the total approximate cost of \$57.04
Published: January 9, 2013

NOTICE
Ogla Lakota College is seeking comments from the public about OLC in preparation for its periodic evaluation by its regional accrediting agency. The college will undergo a comprehensive evaluation visit on May 6-8, 2013, by a team representing the Higher Learning Commission (HLC) of the North Central Association of Colleges and Schools.

Ogla Lakota College has been accredited by the Commission since 1983. The team will review the institution's ongoing ability to meet the Commission's Criteria for Accreditation and Assumed Practices.

The public is invited to submit comments regarding the College to: Public Comment on Ogla Lakota College, The Higher Learning Commission, North Central Association of Colleges and Schools, 230 South LaSalle Street, Suite 7-500, Chicago, Illinois 60604-1413.

Comments must address substantive matters related to the quality of the institution or its academic programs. Comments must be in writing and signed; comments are not confidential. All comments must be received by April 1, 2013. Comments may be submitted electronically by using HLC's website <http://www.ncahe.org/>.

**Classified and Thank you ad
Deadline, Mondays by 5 p.m.
605-685-6866
email to: booster@gwgc.net**

**Legal Ad Deadline, Fridays 5 p.m. -
email: booster@gwgc.net**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 2, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

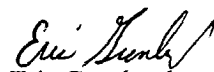
Enclosed is a Notice on Application Nos. 2697-2 and 2698-2 to Appropriate Water. Please publish the notice once on January 9, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Daniel Fanning, 28885 237th Ave., Martin SD 57551 (Ph # 605-685-6472).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 2, 2013

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2697-2 and 2698-2 to Appropriate Water. Please publish the notice once on January 9, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Daniel Fanning, 28885 237th Ave., Martin SD 57551 (Ph # 605-685-6472).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

January 2, 2013

Daniel Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

Water Permit Application Nos. 2697-2 and 2698-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capital Journal printed at Pierre SD (Ph # 605-224-7301) and the Bennett County Booster II printed at Martin SD (Ph # 605-685-6866). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

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 applications.

Publication to Newspaper - Publish the notice on January 9, 2013. 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 NOS. 2697-2 and 2698-2 to Appropriate Water

Notice is given that Daniel Fanning, 28885 237th Ave, Martin SD 57551 has filed the following applications for a water permit.

Application No. 2697-2 proposes to appropriate 4.44 cubic feet of water per second (cfs) from two wells to be completed into the Ogallala Aquifer (420 and 460 feet deep) located in SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 5 for irrigation of 320 acres located in the W 1/2 Section 5; all in T37N-R34W.

Application No. 2698-2 proposes to appropriate 2.22 cfs from one well to be completed into the Ogallala Aquifer (450 feet deep) located in the NE 1/4 SE 1/4 Section 6 for irrigation of 160 acres located in the SE 1/4 Section 6; all in T37N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2697-2 and 2698-2 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 January 22, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JAN 29 2013

Roberta L Donovan Real Estate Trust
c/o Roberta L Donovan
28569 Mosher Lane
Martin SD 57551

Dear Ms. Donovan:

Enclosed is Water Permit No. 2697-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also, enclosed is the receipt for the \$50.00 fee payment of the Notice of Transfer of Ownership submitted January 3, 2013. The permit is now listed in your name.

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,

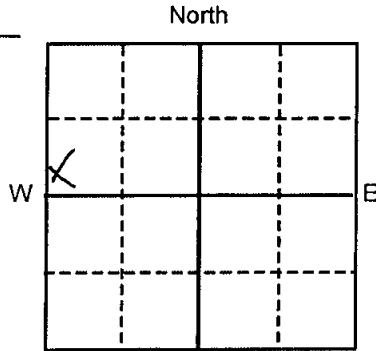
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Daniel Fanning

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 5 Twp 37 Rg 34County BENNETTPlease mark well
location with an "X"

Well Completion Date

June 24, 2013

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:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	96.0 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 360.0 FeetMaterial PVCSlot Size .080 Set From 96.0 Feet to 356.0 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: ROBERTA DONOVAN

Business Name: _____

Address: 28569 MOSHER LANECity, State, Zip: MARTIN SD 57551

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
fine sand - sand w / clay - sandstone	2	28
sand - fine to coarse - clay	27	84
sand w/ clay - sand - sandstone layer	84	162
sand - clay layes - sandstone layers	162	284
sandstone w/ clay - limestone - clay	284	396
sand - some gravel - clay layers	396	436
gravel - some coarse	436	454
shale	454	460

STATIC WATER LEVEL 45.0 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

76.0 Ft. After 2.0 Hrs. pumped 1,250.0 GPM73.0 Ft. After 2.0 Hrs. pumped 1,100.0 GPMIf pump installed, pump rate: 900.0 GPM

REMARKS

RECEIVED

AUG 19 2013

WATER RIGHTS

PROGRAM

This well was drilled under license # 189 and this report is true and accurate.Drilling firm: GROSCH IRRIGATION CO., INC.

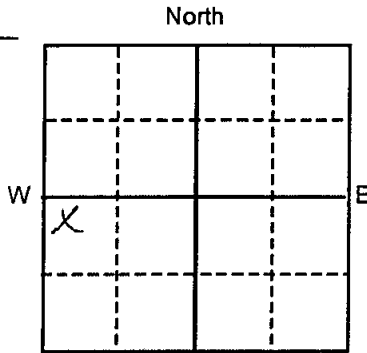
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SW 1/4 Sec 5 Twp 37 Rg 34County BENNETTPlease mark well
location with an "X"

Well Completion Date

June 21, 2013

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:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	83.0 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 340.0 FeetMaterial PVCSlot Size .080 Set From 83.0 Feet to 423.0 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: ROBERTA DONOVAN

Business Name: _____

Address: 28569 MOSHER LANECity, State, Zip: MARTIN SD 57551

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
fine sand - sand w / clay - sandstone	2	26
sand - med to coarse - clay	26	86
sand - sandstone layers - clay layers	86	228
sand - sandstone - clay	228	264
sand w/ clay - sand - some gravel	264	362
sand - gravel - clay layers	362	424
sand w/ clay - clay layers	424	460

STATIC WATER LEVEL 49.0 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

126.0 Ft. After 2.0 Hrs. pumped 1,250.0 GPM102.0 Ft. After 2.0 Hrs. pumped 1,100.0 GPMIf pump installed, pump rate: 900.0 GPM

REMARKS

RECEIVED

AUG 19 2013

WATER RIGHTS

This well was drilled under license # 189 and this report is true and accurate.Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



2697-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: ROBERTA L DONOVAN REAL ESTATE TRUST, ROBERTA L DONOVAN, 28569
MOSHER LN, MARTIN, SD 57551

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2697-2. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2697-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2697-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 13, 2014

2697-2

Roberta L Donovan
Roberta L Donovan Real Estate Trust
28569 Mosher Ln
Martin SD 57551

Dear Ms. Donovan:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 2697-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

RECEIVED

DEC - 3 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2697-2

Date: 12/3/15

I/We request that Water Right/Permit No. 2697-2

formerly owned by: Roberta L Donovan Real Estate Trust, 28569 Mosher Ln, Martin SD 57551

be transferred to: (name & address) Donovan Farms LLC

28903 238th Ave

Tuthill, SD 57574

Telephone No. 605-685-6978

Title to the following described land(s)/property has been transferred as described above:

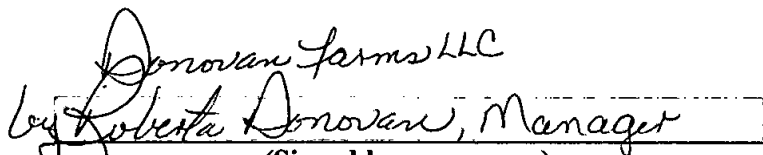
W 1/2 Section 5; all in T37N, R34W

I/We understand that the validity of Water Right/Permit No. 2697-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Donovan Farms LLC, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/4, 20 15

RECEIVED OF Donovan Farms LLC 28902 238th Ave Tuthill SD 57574

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	50	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. _____		
Fee for Filing Transfer Form <u>2697-2</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **07544**

By James Henderson
Chief Engineer

2697-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 3, 2015

Roberta L Donovan, Mgr
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

RE: Ownership changes for water rights

Dear Ms. Donovan:

I am writing to acknowledge the transfer forms and filing fees you submitted today for changing ownership of Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 (held by Cole Blu Donovan) and Water Permit No. 2697-2 (held by Roberta L Donovan Real Estate Trust).

The ownership changes have been completed. The above listed water permit and water rights are now listed in the name of **Donovan Farms LLC**.

The receipts for the filing fees paid will be sent to you under separate cover. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

**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 12/7/15

FROM: Donovan Farms LLC
(name)
28903 238th Ave
(address)
Tuthill SD 57574 605-685-6978
(city) (state) (zip) (phone)

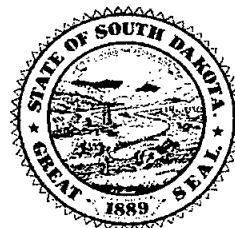
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2697-2 states that the water use system is to be constructed by
10-24-17, and water is to be put to beneficial use by 10-24-21
(date) (date)

The water use system was completed on 7-4-13
(date)

Applying the water to beneficial use was completed on 7-4-13
(date)

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



Permit No. 2697-2
Bennett County

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, December 7, 2015 made a thorough examination of the water system used by Donovan Farms, LLC, 28903 238th St., Tuthill, SD 57574, holder of Water Permit No. 2697-2, bearing the priority date of October 24, 2012. Water Permit No. 2697-2 authorizes the diversion of 4.44 cubic feet per second (cfs) or 2,000 gallons per minute (gpm) from two wells completed into the Ogallala aquifer for the purpose of irrigating 320 acres in Bennett County as follows: 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, and 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, all in T37N-R34W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Two pumps, manufacturer unknown.
- 2) Works used to transport water to a place of use:
Above ground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
Two Valley Pivots.

The system is in the following condition: well maintained. The wells associated with Water Permit No. 2697-2 are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T37N-R34W. The exact locations of the wells are as follows:

- 1) **2,100 feet south and 150 feet east of the northwest corner of Section 5, T37N-R34W. Lat 43.20921N Lon 101.37480W.**
- 2) **2,800 feet south and 150 feet east of the northwest corner of Section 5, T37N-R34W. Lat 43.20746N Lon 101.37481W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) 35 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 2) 35 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 3) 35 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 4) 35 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 5) 35 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 6) 35 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 7) 35 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T37N-R34W.
- 8) 35 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T37N-R34W.

For a total of 280 acres irrigated.

License should be issued for the developed diversion rates of: **4.0 cfs or 1,800 gpm.**
Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

~~Date Report Completed:~~ **December 14, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2697-2

DATE OF INVESTIGATION:	December 7, 2015
NAME & ADDRESS OF PERMIT HOLDER	Donovan Farms, LLC 28903 238th St. Tuthill, SD 57574
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Roberta Donovan, owner
DIVERSION POINT LEGAL LOCATIONS	2,100 feet south and 150 feet east of the northwest corner of Section 5, T37N-R34W. Lat 43.20921N Lon 101.37480W. 2,800 feet south and 150 feet east of the northwest corner of Section 5, T37N-R34W. Lat 43.20746N Lon 101.37481W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Grosch Irrigation Co., Inc.
- 2) Number of Wells: **2**
- 3) Depth: **356 feet, 423 feet**
- 4) Well Logs Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Grosch**
- 2) Model:
- 3) Size:
- 4) Capacity: **900 gpm (2.0 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **96 feet, 83 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Perforated Pipe**
- 2) Length: **260 feet, 340 feet**
- 3) Static Water Level: **45 feet, 49 feet**

Motor

- 1) Make: **US Electric, North American Electric**

- 2) Model No: **Unkown, NAE-VHS-75-4-PWS**

- 3) Power: **60 hp, 75 hp**

System Type

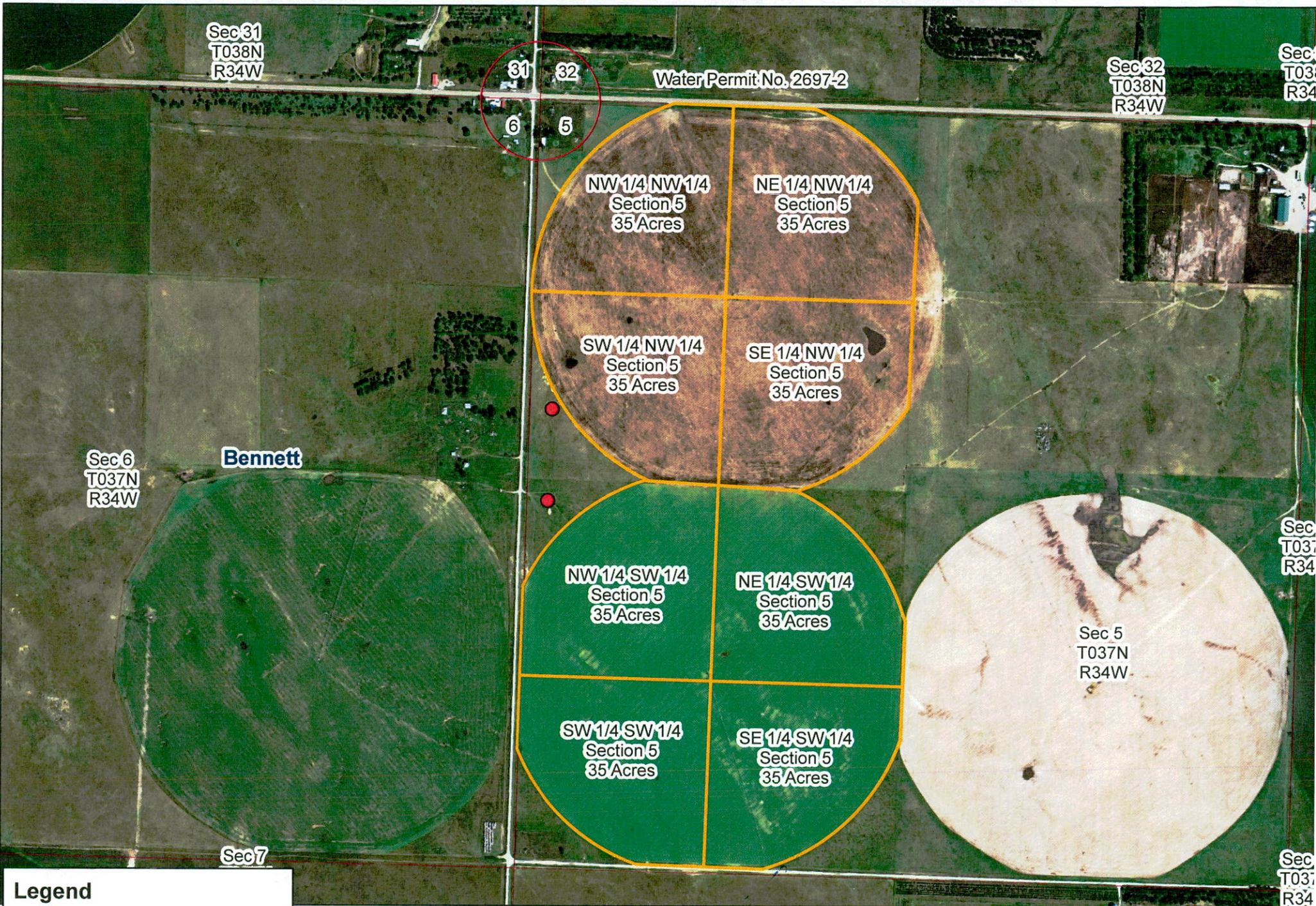
- 1) Make: **Valley Pivot (x2)**
- 2) Overall length: **1,300 feet (x2)**
- 3) Number of Towers: **8 towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes (x2)**
- 6) Pressure:
- 7) Capacity: **900 gpm (x2)**

CHEMIGATION EQUIPMENT: Yes

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **Yes**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **No**
- 5) Injection Line Check Valve or Positive Displacement Pump: **Injection Line Check Valve**
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes, however chemigation pumps had been removed for the winter at time of inspection and 20' hose was absent.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigated from 2013 to present.**



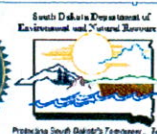
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Locations



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2016

2697-2

Roberta L Donovan, Mgr
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

Dear Ms. Donovan:

Enclosed is Water License No. 2697-2. 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. 2697-2, 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,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2697-2**

(1) Daniel Fanning made Application No. 2697-2, October 24, 2012 for a water permit to divert 4.44 cubic feet of water per second from ground water, two wells (Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. The application was transferred December 31, 2012 from Daniel T Fanning to Robert L Donovan Real Estate Trust. Permit No. 2697-2, with a priority date of October 24, 2012 was approved January 22, 2013 and issued to the permit holder for diversion of water with construction of the described water supply system to be completed on or before January 22, 2018 and for the application to beneficial use of said water on or before January 22, 2022.

On December 3, 2015, Water Permit No. 2697-2 was transferred from Robert L Donovan Real Estate Trust to Donovan Farms LLC, 28903 238th Ave, Tuthill SD 57574.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on December 7, 2015. The "*Notice*" stated the water use system was completed and water placed to beneficial use on July 4, 2013.

(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 4.00 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 2,100 feet south and 150 feet east of the NW corner of Section 5, T37N, R34W (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
- 2,800 feet south and 150 feet east of the NW corner of Section 5, T37N, R34W (NW $\frac{1}{4}$ SW $\frac{1}{4}$).

(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:

Section 5, T37N, R34W			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
Total 280 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donovan Farms LLC, 28903 238th Ave, Tuthill SD 57574 the holder and/or owner of Water Right No. 2697-2 is issued a license to appropriate water, the right to use 4.00 cubic feet of water per second from ground water, two wells (Ogallala Aquifer) with a priority date of October 24, 2012 from the locations 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. 2697-2 and subject to the following qualifications:

- The wells 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.

continued

- The wells authorized by Permit No. 2697-2 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. *Both wells were drilled by Grosch Irrigation Co. Inc. in June, 2013. Copies of the well logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 24 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 2697-2

July 13, 2016

Roberta Donovan, Mgr.
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

Dear Ms. Donovan:

On July 6, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the W 1/2 Section 5-T37N-R34W onto the adjacent east/west road (see attached photo). This irrigation system is covered by Water Right No. 2697-2.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/6/2016

County: Bennett

Water Right/Permit No.: 2697-~~32~~

Reported by: West River Water Rights Program Seasonal Well Technician



Description from summer help: east of the town of Vetal between a $\frac{1}{4}$ to a $\frac{1}{2}$ mile and about a $\frac{1}{4}$ mile west of mile marker 169, photo is looking east on Hwy 18



Notes:



2697-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: DONOVAN FARMS LLC, ROBERTA L DONOVAN, MGR, 28903 238TH AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2111-2 & 2697-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2111-2 & 2697-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2697-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 30, 2018

Roberta L Donovan
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 and 2697-2

Dear Ms. Donovan:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 and 2697-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 25, 2024

Donovan Farms
c/o Cole Donovan
28903 238th Ave
Tuthill SD 57574

2697-2

Dear Mr. Donovan:

I am writing in regard to Water Right No. 2697-2. The water right authorizes diversion 4.0 cfs (approx. 1800 gpm) of water from groundwater, two wells, completed into the Ogallala Aquifer, for the irrigation of 280 acres in the SW ¼ Section 5, T37N, R34W, Bennett County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 2697-2 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 280 acres irrigated
- Reported water use – 672.7 ac-ft of water (approximately 28.8 inches)
- Authorized water use – 560 acre-feet (280 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The 2023 irrigation questionnaire you submitted lists more hours of operation than there are in the months of June, July, August, and September.

enclosure