

WATER PERMIT NO. 2698-2

Name of Applicant: Daniel Fanning

Address: 28885 237th Ave, Martin SD 57551 Phone: 605 685-6472

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: 18 miles east of Martin

PRIORITY Date Received: 10-24-12 Application/License Fee: \$ 1050

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE 1/4 SE 1/4 Sec 6-T37N-R34W

Land to be Irrigated: SE 1/4 Sec 6-T37N-R34W

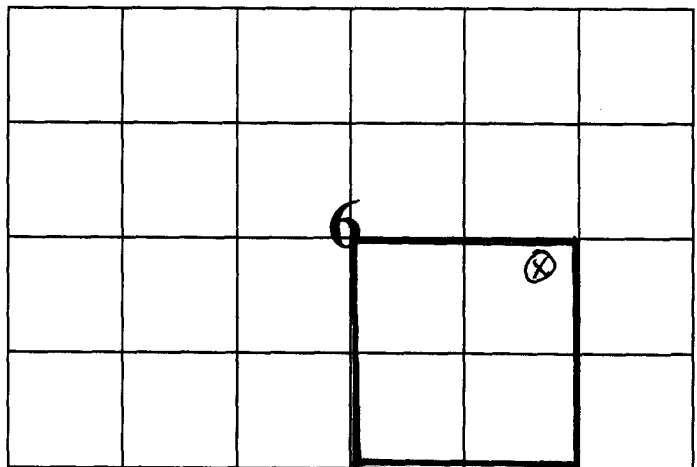
Depth of Well: 450 feet deep

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. 2698-2 (office use only) Hydrologic Unit 10140203
Basin White River 605-685-6866
Newspaper Bennett Co Booster II P.O. Box 1610 Martin
Capital Journal Pierre 57501-224-7341 57551

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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 SD 57551
(Address) (City) (State) (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) County Bennett
1 well in SE 1/4 sec 6, 37N, 34W
NE 1/4 SE 1/4

5. County or counties where water will be used Bennett Co. SD

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>SE 1/4 of Sec 6, 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 SE 1/4 of sec 6, 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 20 12

Nancy Stekel
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2698-2**

Date of first receipt of application October 24, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2698-2 to Daniel Fanning, 28885 237th Ave, 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. 2698-2 appropriates 2.22 cubic feet of water per second 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.
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. 2698-2 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.

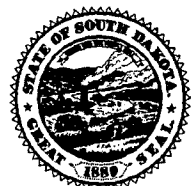
QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2698-2 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)

~~NESE 6~~
NESE 6

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in Depth 480 ft 450 ft
- b) Casing Type PVS-BDR26 Diameter 16 in OD Thickness .625
- c) Screen Type slotted PC Diameter 16 in 450 Thickness .625
- d) Gravel Pack washed Length of Gravel Pack 480 ft 20 ft
- e) Depth to Top of Water Bearing Material 40 ft
- f) Depth to Water (ground surface to water level) 40 ft
- g) Distance to nearest existing domestic well:
- On applicant's property 1800 ft On property owned by others 250 ft

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

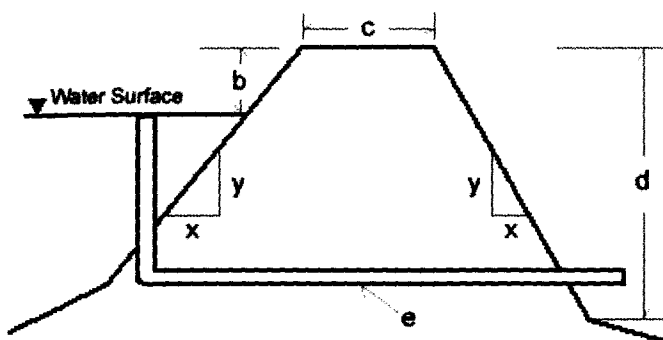
3. Dugout Information

- 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



United States Department of Agriculture
Farm Service Agency

PLSS: 6_37N_34W
Farm: 2450

BENNETT COUNTY, SD

1:8,534



2013

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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.

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>2698-2</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>2698-2</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. 05639

By [Signature]
Chief Engineer



**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. 2698-2, 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. 2698-2, Daniel Fanning, 28885 237th Avenue, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2698-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2698-2 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 (Filiprovic, 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 (Filiprovic, 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.

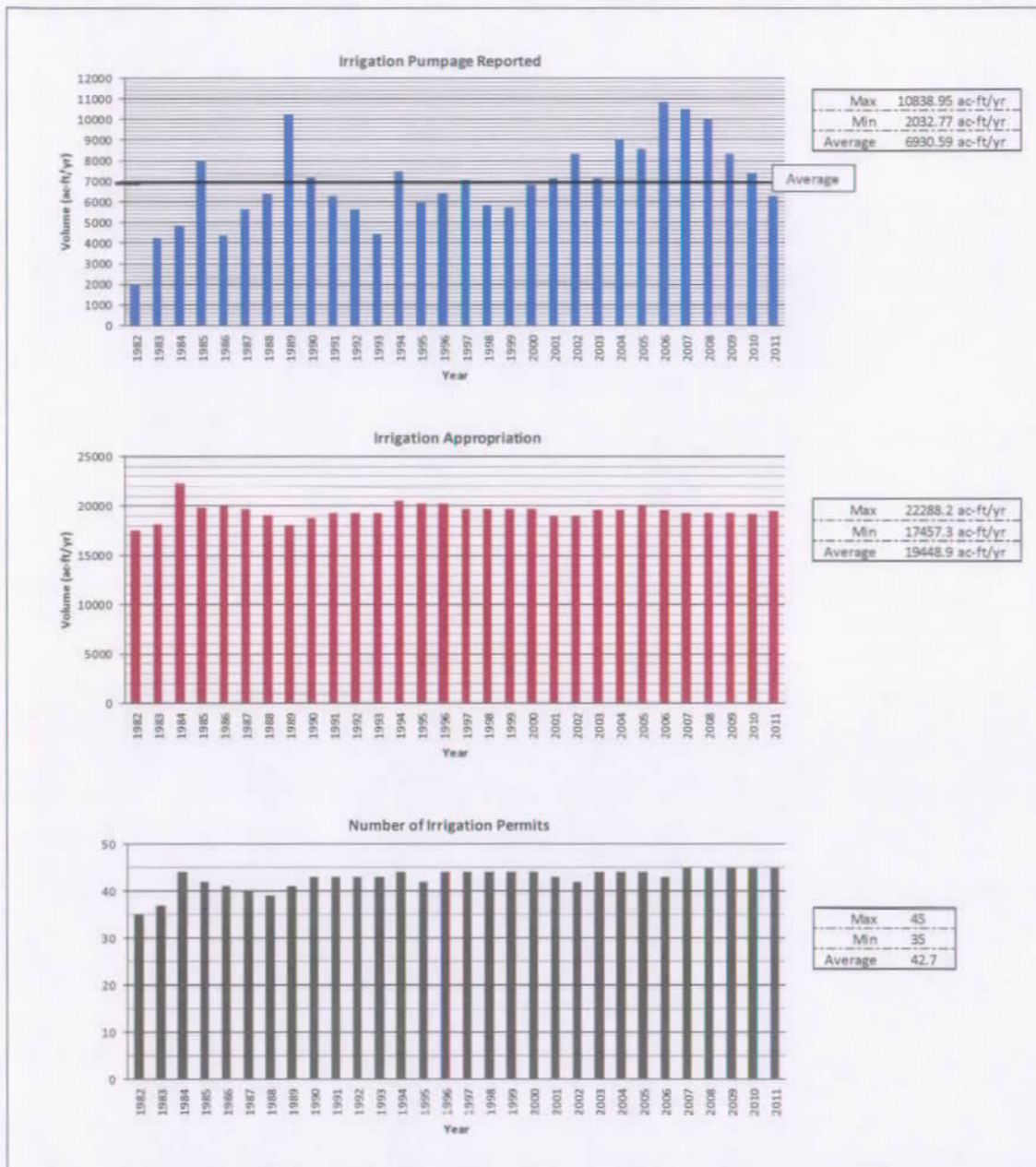


Figure 1: Historic irrigation water use from the Ogallala aquifer in Bennett County (Water Rights, 1983-2011)

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.

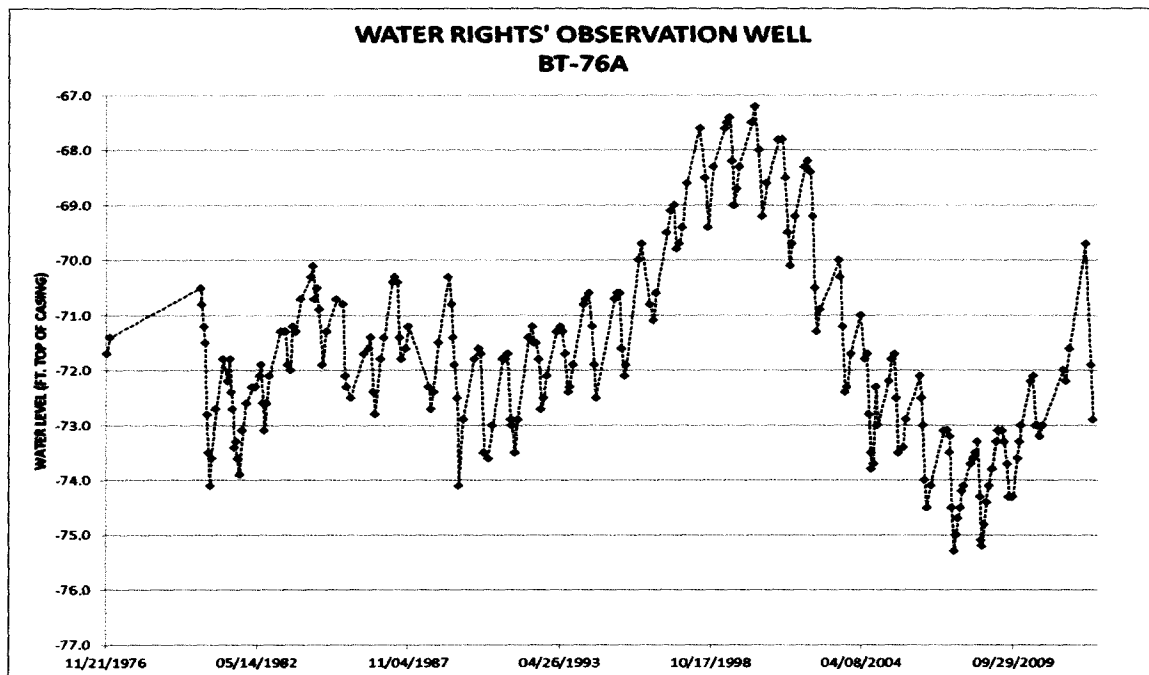


Figure 2: Hydrograph for DENR-Water Rights' observation well BT-76A (Water Rights, 2012a)

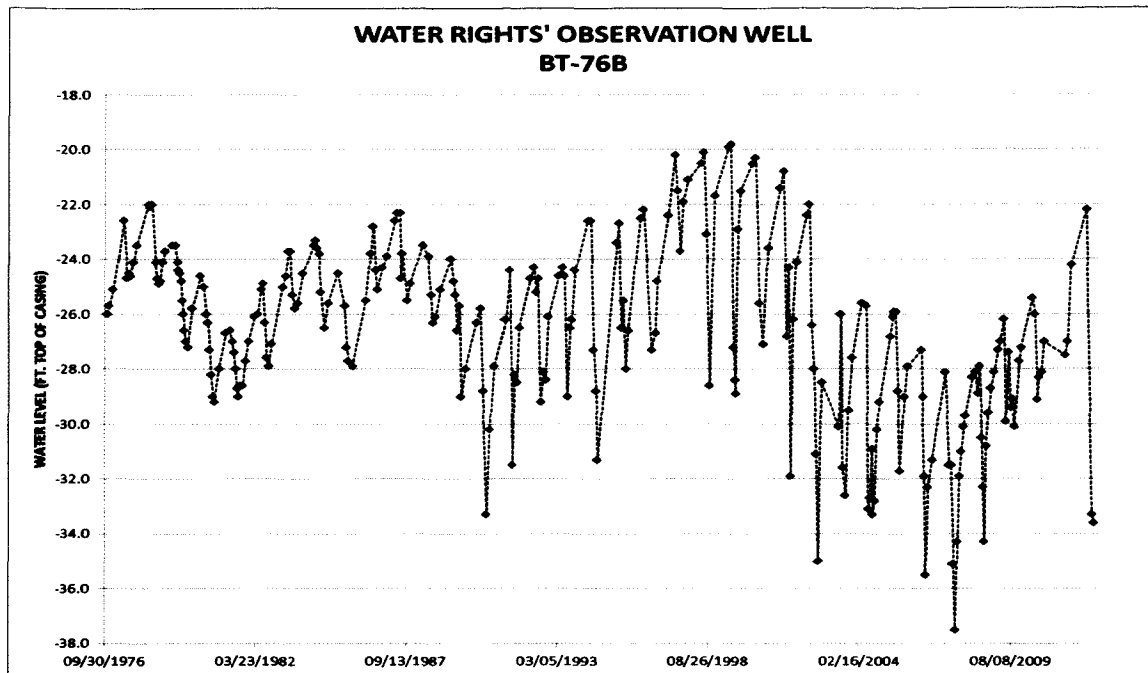


Figure 3: Hydrograph for DENR-Water Rights' observation well BT-76B (Water Rights, 2012a)

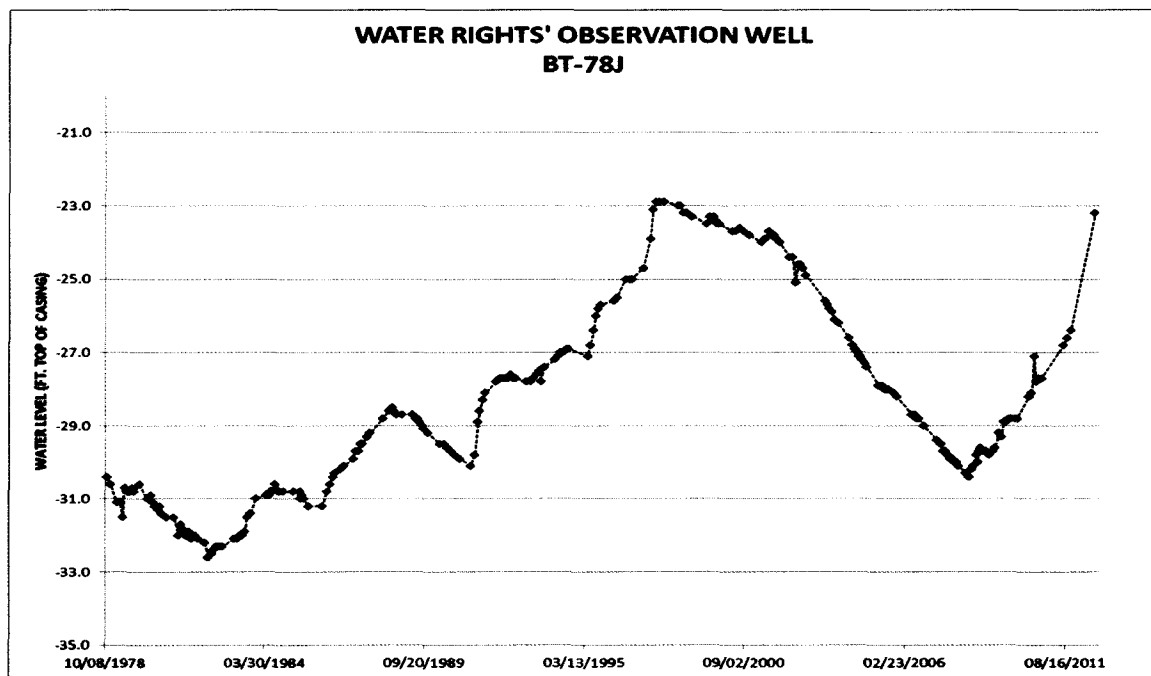


Figure 4: Hydrograph for DENR-Water Rights' observation well BT-78J (Water Rights, 2012a)

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:

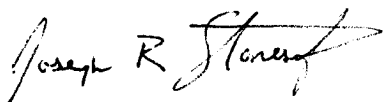
There is a cluster of aquifer development within three miles of the proposed well sites, with the majority of wells located to the east. Currently there are 15 water rights appropriating water from the Ogallala aquifer within three miles of proposed well sites (Water Rights, 2012b). There are 12 domestic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

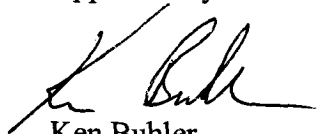
CONCLUSIONS:

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.



Joseph R Stonesifer
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Peters, 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. U.S. Army Corp of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey. Vermillion, South Dakota.
- Filipovic, D. 2011. Hydrologic Assessment of the High Plains Aquifer in Bennett County, South Dakota. Open-File Report 92-UR. SD DENR-Geological Survey Program, Vermillion, SD.
- Gutentag, E.D., Hiemes, F.J., Krothe, N.C., Luckey, R.R., 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, 63 p.
- Hedges, L.S., and Burch, S.L. 1985. Analysis of Ground-Water and Streamflow Data Western Dakota Region of South Dakota, Task 3.D and 4.C: Ground-Water Recharge: SD DENR
- Kolm, K.E. and H.L. Case III. 1983. A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota. Water-Resources Investigations Report 83-4175. U.S. Geological Survey. Lakewood, CO.
- Water Rights. 1982-2012. "1982-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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JAN 14 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Hughes)

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-
plied into the plicant and any
Ogallala Aquifer person filing a pe-
'420 and 460 feet tion.
(deep) located in Any person inter-
SW 1/4 NW 1/4 NW 1/4 ased 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. plicant and Chief
Application No. Engineer. The ap-
2698-2 proposes plicant must file a
to appropriate petition if contest-
2.22 cfs from one ling the Chief Engi-
well to be com- near's recommen-
pleted into the dations. The Chief
Ogallala Aquifer Engineer's ad-
(450 feet deep) to- 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 Appl- plicant must be
cation Nos. filed by January
2697-2 and 22, 2013.

1) unappropriated be informal, but
water is available, must include a
2) existing rights statement describ-
will not be unlaw- ling 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 accord- supporting the ap-
dance with SDCL plications, and the

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WATER RIGHTS
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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

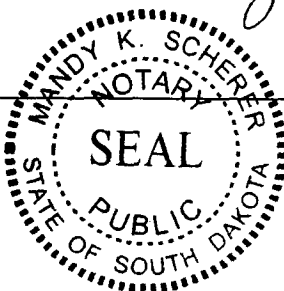
That the full amount of the fee charged for the publication of the attached public notice, \$31.96, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to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

Signed: _____

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

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2015



8

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 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, Poma 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. Sheron M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$31.96.

Published: January 9, 2013



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

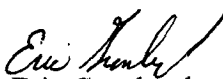
Daniel Fanning
28885 237th Ave
Martin SD 57551

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.

Instruction 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

Daniel Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

Enclosed is Water Permit No. 2698-2 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

RECEIVED

AUG 23 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8/20/2013TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Daniel Lenning
(name)28885 237th Ave
(address)Martin, S.D. 57551
(city, state, zip)605-685-6472
(phone)

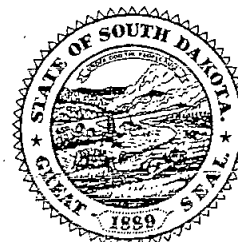
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2698-2 states that the water use system is to be constructed by 6/23/2013, and water is to be put to beneficial use by 6/25/2013.
(date) (date)

The water use system was completed on 6/24/2013.
(date)

Applying the water to beneficial use was completed on 6/26/2013.
(date)

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

Daniel Lenning
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 27, 2013

2698-2

Daniel Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system in the SE ¼ Section 6, T37N, R34W.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

RECEIVED

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

MAR 14 2014

For assistance call (605) 773-3352

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 2698-2

Date: 3/11/14

I/We request that Water Right/Permit No. 2698-2 formerly owned by:

Daniel and Paulette Fanning

be transferred to:

New Owner Name:

Neil and Lupita Fanning

Address:

220 Rangely Ct.

City, State, Zip

Simi Valley CA 93065

Telephone No. 805 217 4300

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

South East 1/4 Sect 6 R 34W T 37 N

☒ I understand that the validity of Water Right/Permit No. 2698-2 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, Neil Fanning / Neil Fanning, the new owner, certify that the above information is true and correct.

Neil Fanning
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 14

RECEIVED OF Neil A Fanning 220 Rangely Court Simi Valley CA 93065

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>2698-2</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06785**

By Jeanne Hoelmer
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 17, 2014

2698-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership change on Water Permit No. 2698-2.

The ownership change has been completed. Water Permit No. 2698-2, formerly held by Daniel Fanning is now listed in your names. Enclosed for your records is Receipt No. 06785 in the amount of \$50.

For informational purposes, I am enclosing a sample copy of an irrigation questionnaire. This form is sent to irrigators each fall and is used for reporting annual water use. It will give you an idea of what type of information you will need to keep track of over the irrigation season. The form is typically mailed out in October and is due back in our office by the first week in December.

If you have any questions, please contact me.

Sincerely,

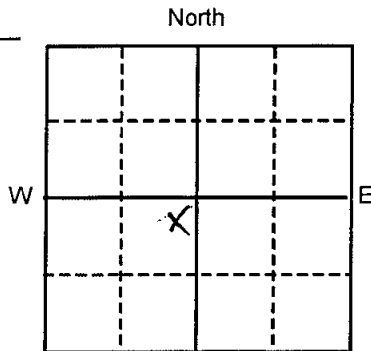
Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE SW $\frac{1}{4}$ Sec 6 Twp 37 Rg 34County BENNETTPlease mark well
location with an "X"

Well Completion Date

JUNE 14, 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
<u>20.0</u> LB/FT	<u>16.00</u> IN	<u>1.0</u> FT	<u>76.0</u> FT	<u>28.00</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

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

Describe grouting procedure

PUMPED TREMIE PIPE

SCREEN:

☒ Perforated pipe ☐ ManufacturedDiameter 16.00 Inches Length 380.0 FeetMaterial PVCSlot Size .080 Set From 76.0 Feet to 456.0 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: BUTCH FANNING

Business Name: _____

Address: 28885 - 237 AVENUECity, State, Zip: MARTIN SD 57551

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	2
sand - sand w/ clay - sandstone	2	22
sandstone w/ clay - sandstone - sand	22	84
sand w/ clay - sandstone - sand - clay	84	232
sand w/ clay - sandstone - limestone	232	268
sand w/ clay - sandstone	268	330
sandstone w/ clay - clay - sand	330	384
sand - clay - sandstone - sand	384	452
red roc	452	460

STATIC WATER LEVEL 48.0 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
PROGRAMThis 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: _____

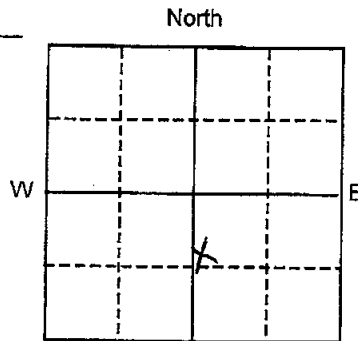


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ SE ¼ Sec 6 Twp 37 Rg 34

County BENNETT

Please mark well
location with an "X"

Well Completion Date

05/14/14

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

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	66.0 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 320.0 Feet
Material PVC
Slot Size .051 Set From 66.0 Feet to 386.0 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: NEIL FANNING

Business Name:

Address: 220 RANGELY COURT

City, State, Zip: SIMI VALLEY CA 93065

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil, sand fine - med,	0	38
sand med - coarse, sand fine - med	38	128
sand med - coarse, sand fine - med	128	226
sand w/ clay, sand med - coarse	226	368
sand w/ clay	368	388
red rock	388	400

STATIC WATER LEVEL 60.0 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

121.0 Ft. After 2.0 Hrs. pumped 2,000.0 GPM

117.0 Ft. After 2.0 Hrs. pumped 1,800.0 GPM

If pump installed, pump rate: 1,800.0 GPM

REMARKS

RECEIVED

AUG 11 2014

WATER RIGHTS
PROGRAMThis 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:



2698-2
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 16, 2015

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 2698-2 & 2721-2 qualification:

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

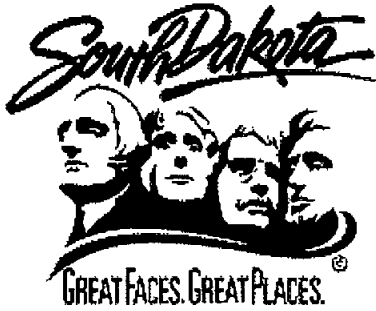
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 2698-2 & 2721-2 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 before the **March 4, 2015** hearing 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

March 3, 2015

2698-2
2721-2

Neil Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. Fanning:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. 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



2698-2
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 15, 2016

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 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) 2698-2 & 2721-2 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 before the **March 3, 2016** hearing 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 1, 2016

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. 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



2698-2
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 20, 2017

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 2698-2 & 2721-2 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 before the **March 1, 2017** hearing 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.



2698-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 28, 2017

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. 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



2698-2
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: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2698-2 & 2721-2 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) 2698-2 & 2721-2 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 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 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
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 9, 2018

2698-2

2721-2

Neil & Lupita Fanning
220 Rangely Court
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

For informational purposes, in the coming year, our program is going to be working on new methods of obtaining the irrigation questionnaire information from irrigators on time. The numerous reminders for you to submit the questionnaires after the December 1st deadline will no longer occur. If questionnaires continue to be late, you will be in violation of permit requirements.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 2698-2

I have this day July 24, 2018 made a thorough examination of the water use system constructed by Neil and Lupita Fanning, 220 Rangely Ct., Simi Valley, CA 93065 of Permit No. 2698-2, bearing priority of 10/24/2012 authorizing diversion 2.22 cu. ft. per second of water from 1 well for irrigation purposes in Bennett County.

Inspection contact & relationship to permit holder, if applicable: **Bob Coyle, Manager**
605-685-5775 (cell)

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Grosch Irrigation (6/13)
- 2) No. of Wells 1
- 3) Depth(s) 460 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 76 feet
- 3) Type Plastic

Screen:

- 1) Type 16" Perforated Plastic
- 2) Length 380 feet
- 3) Static water level 48 feet (pumped 1,250 gpm @ 76' at completion)

Pump:

- 1) Make Flowserv
- 2) Model multi-stage vertical turbine
- 3) Size ---
- 4) Capacity 900 GPM
- 5) Horsepower rating 60 hp

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

- 1) Type PVC pipe
- 2) Size 10 inches
- 3) Length 1,550' feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Valley
- 2) Machine length 1,288.2 feet
- 3) Number of towers 8 End Gun 99.0 feet (operates through 360° rotation)
- 4) Capacity 900 gpm
- 5) Acres 138.8

D. Chemigation Equipment:

- | | |
|--|--|
| 1) Does chemigate <u>yes</u> | 6) Interlock type <u>electrical</u> |
| 2) Mainline check valve <u>yes</u> | 7) injection pump type <u>piston</u> |
| 3) Inspection port/air-vac <u>Yes</u> | 8) injection check valve <u>yes</u> |
| 4) Low pressure drain <u>Yes</u> | 9) positive displacement pump <u>yes</u> |
| 5) Discharge 20' from source <u>no</u> | |

Comments: a 20' hose needs to be added to the low pressure drain incorporated in the chemigation valve to direct any water getting past the check valve away from the well.

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

F. Condition and Location:

1. The system is in good condition with the points of diversion located as follows:

2,640' N and 428' W of SE corner Section 6 T37N R34W (43.207726, -101.377027)

2. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water (900 gpm) which is to be used for sprinkler irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 6 T37N R34W

NW ¼ SE ¼ 36.2 acres	NE ¼ SE ¼ 34.7 acres
SW ¼ SE ¼ 33.8 acres	SE ¼ SE ¼ 31.3 acres

comprising a total of 136.0 acres of land and the license should be issued for 1.94 cfs .

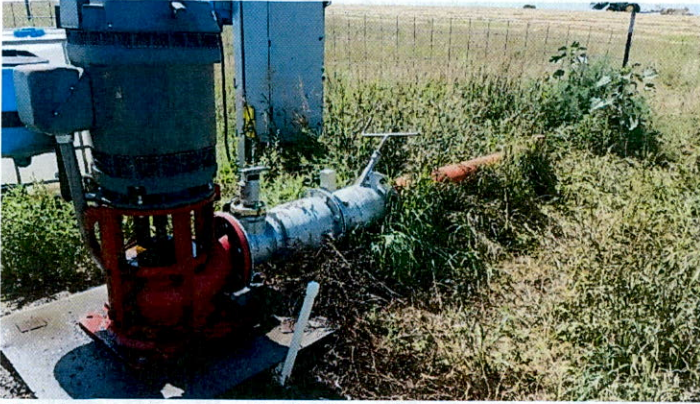
Note: The acreage above is slightly less than total area watered by the pivot due to overlapping coverage.

3. All structures, wells and lands on map Yes

G. Comments or other permit(s) associated with the project: none


Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Date report completed: 7/26/2018

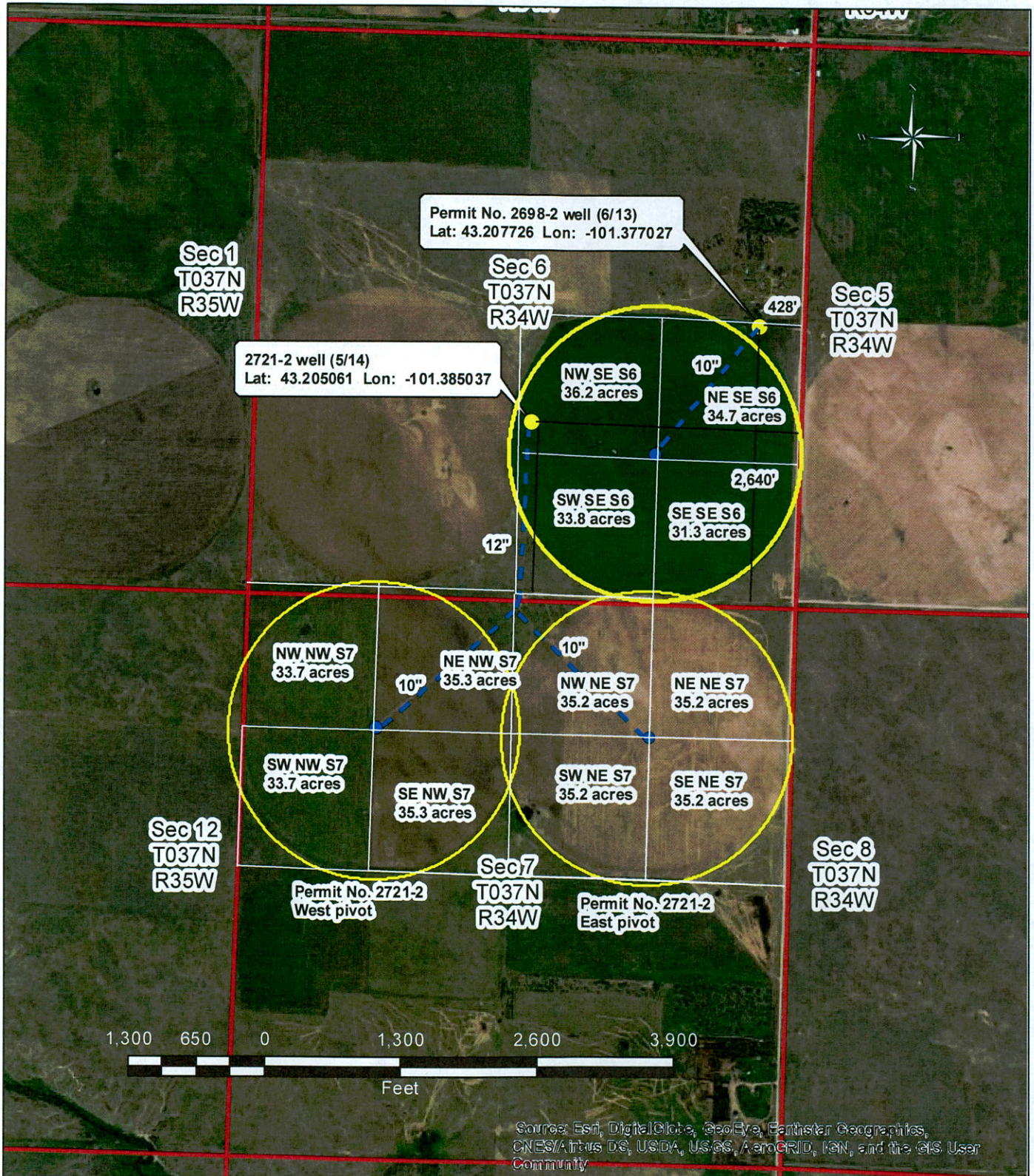


Pivot appurtenances including chemigation valve



Pivot

Water Right #2698-2 and #2721-2
Neil and Lupita Fanning
7/23/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



2698-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 06 2018

2698-2
2721-2

Neil and Lupita Fanning
220 Rangely Court
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

Enclosed are Water License Nos. 2698-2 and 2721-2. They are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

With reference to the chemigation equipment in place for Water Right No. 2698-2, the staff engineer noted part of the equipment did not meet standards. Specifically, a 20' hose needs to be added to the low pressure drain to direct any water getting past the check valve away from the well. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program (his card is attached).

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2698-2

(1) Daniel Fanning, Martin SD 57551 made Application No. 2698-2, October 24, 2012 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. 2698-2, with a priority date of October 24, 2012 was approved January 22, 2013 and issued to the applicant 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 water on or before January 22, 2022.

On March 14, 2014, Water Permit No. 2698-2 was transferred from Daniel Fanning to Neil & Lupita Fanning.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.94 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,640'N and 428'W of the SE corner of Section 6, T37N, R34W (NE ¼ SE ¼ Section 6)
Latitude 43.207726, Longitude -101.377027

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

T37N, R34W Section 6	NW ¼ SE ¼	36.2 acres
	NE ¼ SE ¼	34.7 acres
	SW ¼ SE ¼	33.8 acres
	SE ¼ SE ¼	31.3 acres
Total		136.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Neil and Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065 the holders and/or owners of Water Right No. 2698-2 are issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from ground water, one well (Ogallala Aquifer) with a priority date of October 24, 2012 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. 2698-2 and subject to the following qualifications:

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

continued

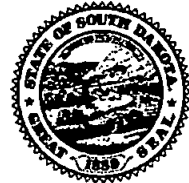
- The well authorized by Permit No. 2698-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in June, 2013 by Grosch Irrigation Company Inc. A copy of the well completion report is 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

SEP 06 2018

date





2698-2
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 25, 2019

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 2698-2 & 2721-2 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 before the **March 6, 2019** hearing 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 5, 2019

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large initial "G" and a stylized "M".

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



2698-2
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 23, 2020

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 2698-2 & 2721-2 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 before the **February 26, 2020** hearing 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: <https://denr.sd.gov/iq> using this password: XUXPOM**

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.

2698-2

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Remove X

Your item was delivered to an individual at the address at 12:45 pm on January 27, 2020 in SIMI VALLEY, CA 93065.

✓ Delivered

January 27, 2020 at 12:45 pm
Delivered, Left with Individual
SIMI VALLEY, CA 93065

Get Updates ✓

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Tracking History

January 27, 2020, 12:45 pm
Delivered, Left with Individual
SIMI VALLEY, CA 93065

Your item was delivered to an individual at the address at 12:45 pm on January 27, 2020 in SIMI VALLEY, CA 93065.

January 27, 2020
In Transit to Next Facility

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
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☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
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☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
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NEIL & LUPITA FANNING 220 RANGELY CT SIMI VALLEY CA 93065	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

7019 1120 0001 2910 6185

January 27, 2020, 7:35 am

Arrived at Unit

SIMI VALLEY, CA 93065

January 26, 2020, 4:31 pm

Departed USPS Regional Facility

SANTA BARBARA CA DISTRIBUTION CENTER

January 26, 2020, 4:14 am

Arrived at USPS Regional Facility

SANTA BARBARA CA DISTRIBUTION CENTER

January 24, 2020, 12:04 am

Departed USPS Regional Facility

HURON SD DISTRIBUTION CENTER

January 23, 2020, 10:44 pm

Arrived at USPS Regional Facility

HURON SD DISTRIBUTION CENTER

Feedback

Product Information



See Less ^

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FAQs



2698-2

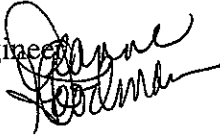
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 2698-2 and 2721-2

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right Nos. 2698-2 and 2721-2 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaires.

If the 2019 irrigation questionnaires are received prior to March 26, 2020, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaires are submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2019 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

2628-2

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402-S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



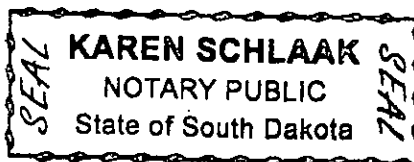
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



2698-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2020

2698-2
2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

On February 26th the Water Management Board ordered Water Right Nos. 2698-2 and 2721-2 suspended if the 2019 irrigation questionnaires were not received prior to March 26, 2020. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 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) 2698-2 & 2721-2 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 before the **March 3, 2021** hearing 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: <https://denr.sd.gov/iq> using this password: BFLVGW**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2021

2698-2

2721-2

Neil & Lupita Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2698-2 and 2721-2. The information was received in our office prior to the Water Management Board meeting and your names were deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is cursive and fluid.

Genny McMath
Water Rights Program
605 773-3352
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

January 20, 2022

NOTICE

TO: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY, CA 93065
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2698-2 & 2721-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 2698-2 & 2721-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 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) 2698-2 & 2721-2 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 before the **March 2, 2022** hearing 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: <https://danr.sd.gov/iq> using this password: HCEIMM**

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.



2698-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2022

2698-2
2721-2

Neil Fanning
220 Rangely Ct
Simi Valley CA 93065

Dear Mr. Fanning:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires for Water Right Nos. 2698-2 and 2721-2.

The forms were received prior to the March 2022 Water Management Board meeting. Everything is now up to date.

In response to your note about Paige and Lisa McNeill leasing your land for the next ten years, I am forwarding them by copy of this letter, a copy of each water right, a map and an irrigation questionnaire submitted for 2016. We will mail them the annual irrigation questionnaire beginning in October 2022. When or if things change, please let us know so we can update our mailing lists.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: Paige & Lisa McNeill, 29089 237th Ave., Tuthill SD 57574



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 26, 2024

2698-2

Paige & Lisa McNeill
29089 237th Ave
Tuthill SD 57574

To whom it may concern:

I am writing in regard to Water Right No. 2698-2. The water right authorizes diversion 1.94 cfs (approx. 870 gpm) of water from groundwater, one well, completed into the Ogallala Aquifer, for the irrigation of 136 acres in the SE ¼ Section 6, 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. 2698-2 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:

- 136 acres irrigated
- Reported water use – 316.7 ac-ft of water (approximately 28 inches)
- Authorized water use – 272 acre-feet (136 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

Cc: NEIL & LUPITA FANNING, 220 RANGELY CT, SIMI VALLEY CA 93065

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2025

2698-2

2721-2

Paige & Lisa McNeill
88489 Simeon Rd
Valentine NE 69201

Dear Ms. McNeill:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaire.

The notice was originally mailed to you at 29089 237th Ave, Tuthill SD 57574. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **IASFLO**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

581 NFE 114162510010/14/25
RETURN TO SENDER
MCNEILL
88489 SIMEON RD
VALENTINE NE 69201-2438

RETURN TO SENDER

