

WATER PERMIT NO. 2704-2

Name of Applicant: Kory and Rodney Rayhill

Address: 20744 296th St, Martin SD 57551

Phone: 605 685-1065

Amount of Water Claimed: 2.28 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: 12 miles southwest of Martin

PRIORITY

Date Received: 1-18-13

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: Mar 1- Aug 1

Remarks:

Diversion Point: center SW 1/4 Sec 32-T37N-
R39W

Land to be Irrigated: SW 1/4 Sec 32-T37N-R39W

Depth of Well: 300 – 400 feet deep

Well Driller:

Remarks:

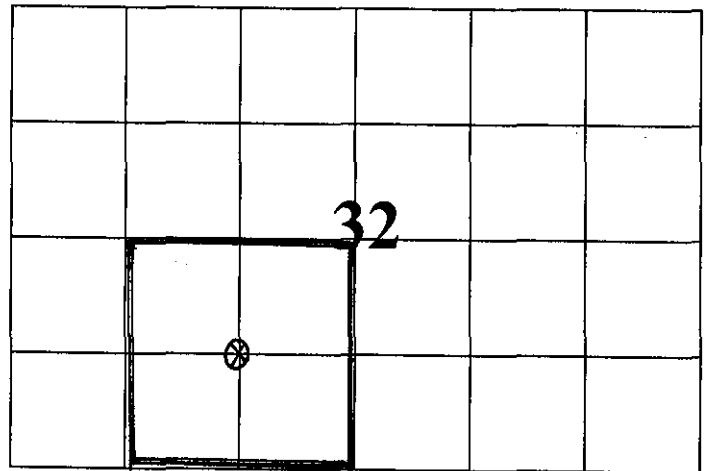
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-22-13

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

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

(office use only)
No. 2704-2 Hydrologic Unit 10140203
Basin White River 605-685-6866
Newspaper Bennett Co. Booster II Box 61 Martin 57551
Rapid City Journal Box 450 57709
605-394-8300

RECEIVED
JAN 18 2013
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 to Appear on Irrigation Permit kory and or rodney rayhill

(check one) ☒ Owner ☐ Tenant-lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 26744 296 street martin sd 57551
(Address) (City) (State) (Zip Code)

Home Phone 605 685 1065 Cell 605 454 0123 Email akrayhill@goldenwest.net

2. Amount of water claimed 2.28 *CFS or **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 new well to be drilled when water right is approved

4. Location of point of diversion 1 well in sw4: section 32-township37-range39 (approximate center)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County bennett

5. County or counties where water will be used bennett

6. Annual period during which water is to be used march 1 to aug 1

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
southwest1/4 in section 32-T37-R39	<u>160</u>		

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

I kory rayhill and my dad rodney rayhill plan to have a irrigation well drilled on quarter section in the southwest1/4 of section 32-township 37-range 39. Then we plan to install a pivot to water and raise crops for our ranch.

I, kory rayhill and rodney rayhill, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 2704-2

Date of first receipt of application January 18, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2704-2 to Kory and Rodney Rayhill, 20744 296 St, 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. 2704-2 appropriates 2.28 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (300 - 400 feet deep) located in the approximate center of the SW 1/4 Section 32 for irrigation of 160 acres located in the SW 1/4 Section 32; all in T37N-R39W.
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: March 1 – August 1.
3. The date from which applicant may claim right is January 18, 2013.
4. The date of approval of Permit No. 2704-2 is April 8, 2013.
5. One-fifth of the construction is to be completed on or before October 8, 2015.
6. All construction is to be completed on or before April 8, 2018.
7. Water is to be put to beneficial use on or before April 8, 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. 2704-2 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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 20 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 300-400 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property 1/4 mile

On property owned by others 1/4 mile

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

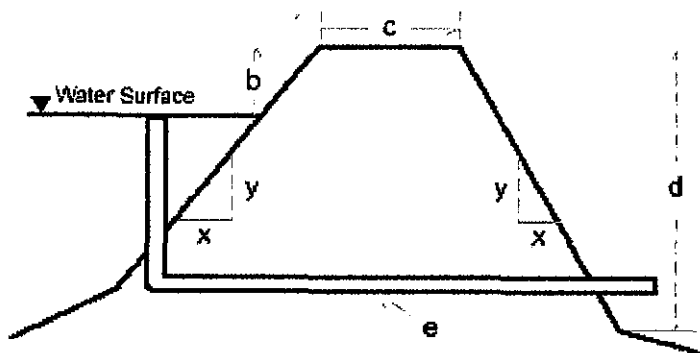
Upstream _____

Downstream _____

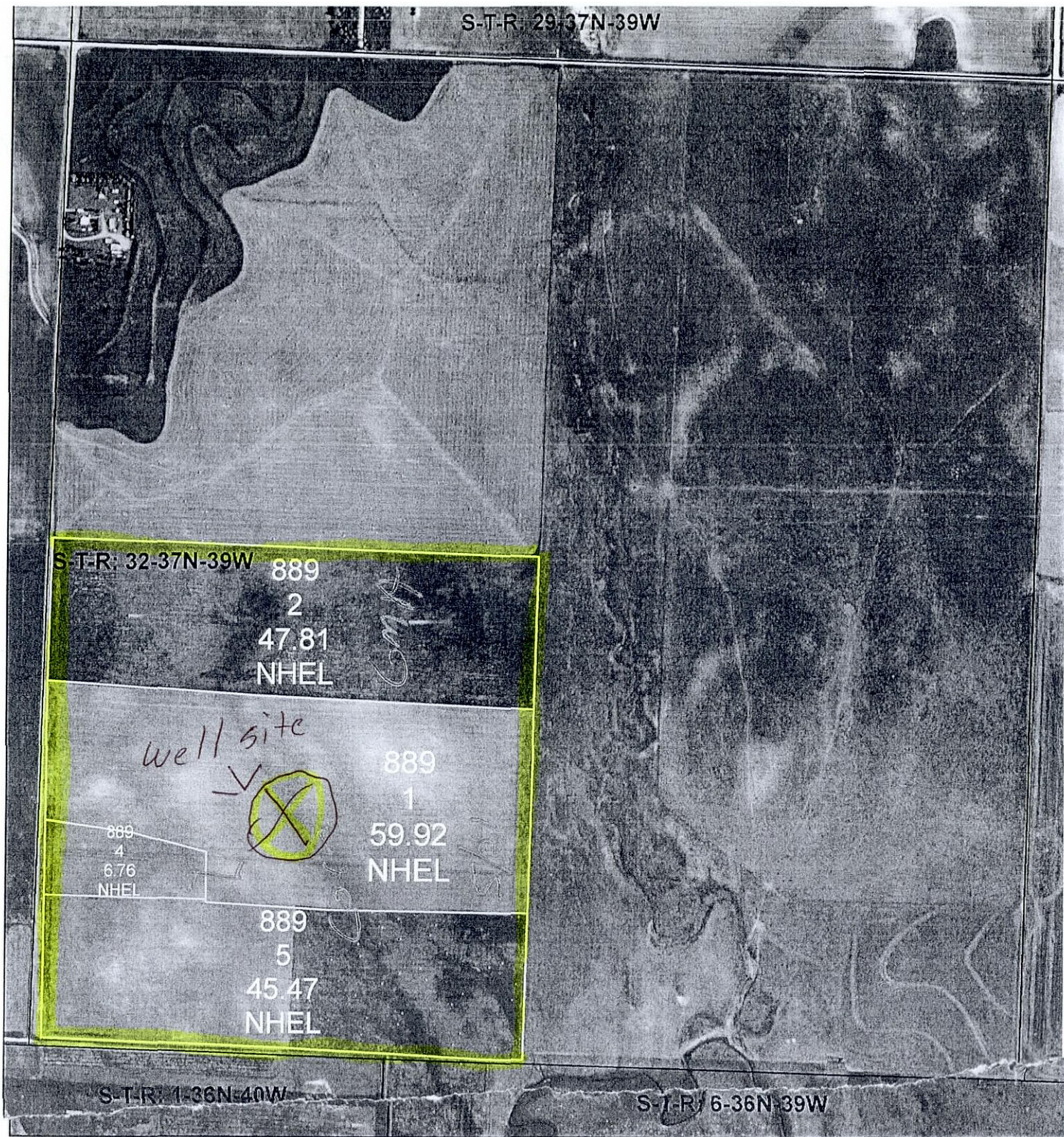
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



S-T-R: 29-37N-39W



United States Department of Agriculture
Farm Service Agency

March 09, 2012

PLSS: 32_37N_39W
Farm: 1579

Bennett County, SD

1:8,827



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 1/22, 20 13

RECEIVED OF Rayhill Ranch R Rayhill 29485 208th Ave Martin SD 57551

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

Fee for Application for Permit No. <u>2704-2</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>2704-2</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. 0599

By

David Erbe
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. 2704-2, Kory and Rodney Rayhill**

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. 2704-2, Kory and Rodney Rayhill, 20744 296th Street, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2704-2 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 under Permit No. 2704-2 it 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
March 19, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2704-2
KORY OR RODNEY RAYHILL
March 11, 2013

Water Permit Application No. 2704-2 proposes to appropriate water from one well to be completed into the Arikaree aquifer at a maximum diversion rate of 2.28 cubic feet of water per second (cfs). The well will be located in the approximate center of the SW ¼ of Section 32, in T37N-R39W and will be 300 to 400 feet deep. This application proposes to irrigate 160 acres located in the SW ¼ of Section 32, in T37N-R39W in Bennett County.

AQUIFER: Arikaree aquifer (ARKR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Arikaree Formation is a component of the High Plains aquifer and consists of moderately indurated shale, siltstone and sandstone (Kolm, 1983). This shale defines the lower boundary of the High Plains aquifer (Kolm, 1983). The Arikaree Formation is hydraulically connected to the Ogallala and Sand Hills Formations, which comprise the High Plains aquifer as well (Kolm, 1983). The aquifer is unconfined in the area of this application. The proposed well site is located in western Bennett County approximately nine miles north of the Nebraska and South Dakota state line, and approximately six miles east of the Shannon and Bennett county line. The Arikaree aquifer underlies approximately 2,541,440 acres, and contains an estimated 7,624,320 acre-feet of recoverable water in storage (Allen and others, 1985). The Arikaree aquifer underlies approximately 755,840 acres in Bennett County, and contains approximately 2,267,520 acre-feet of recoverable water in storage in the county (Allen and other, 1985). The saturated thickness in the area is estimated to range from 400 to 600 feet (Kolm, 1983). There was not a test hole log submitted with this application but nearby well sites report an average saturated thickness of approximately 468 feet as shown in Table 1 (Water Rights, 2013a). The static water level at this location can be estimated at 47 feet based on a ground surface elevation of 3,297 feet and the potentiometric surface at 3,250 feet (Carter, 2007).

Well Log Identification	Saturated Thickness (ft)
Observation Well BT-77C	450
Observation Well BT-78B	400
Well Log for Water Right No. 1497-2	435
Well Log for Water Right No. 1342-2	420
Well Log for Water Right No. 1336-2	400
Lithologic Log No. 036N39W07CDBC	702

Table 1. Reported saturated thickness for nearby wells (Water Rights, 2013a).

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate water from the Arikaree aquifer. If this application is approved, it is likely that the actual water use will be less than 320 acre-feet per year (ac-ft/yr). The probability of unappropriated water available from the aquifer can be evaluated using 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 that 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."

Recharge versus Discharge:

Recharge:

Recharge to the aquifer occurs through direct infiltration and precipitation through soils (Kolm, 1983). The average annual recharge rate to the High Plains aquifer in South Dakota is estimated to be 7 to 10 percent of the average annual precipitation, which amounts to 1.3 to 1.8 in/yr (Gutentag and others, 1984). Given the area of the Arikaree aquifer of 2,541,440 acres, the average annual recharge to the aquifer is estimated to be between 275,322 and 381,216 ac-ft/yr. This recharge and water in storage is not necessarily available at all locations within the aquifer. These values are merely stating that the aquifer is a vast resource.

Discharge:

Discharge from the Arikaree aquifer is by evapotranspiration, discharge to streams and springs, and withdrawal from wells. There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Arikaree aquifer (Water Rights, 2013b) and there are currently 33 water rights/permits appropriating water from the Arikaree aquifer (Water Rights, 2013c). The distribution of these appropriations and their types are shown in Table 2.

Water Rights/Permits	Number
Commercial	1
Domestic	1
Fish & Wildlife Propagation	1
Institutional	1
Irrigation	25
Municipal	4

Table 2. Water rights/permits from the Arikaree aquifer (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.

The expected water use for non-irrigation purposes from the Arikaree aquifer is less than 1,040 ac-ft/yr based on current water appropriations.

The annual reported water use from the Arikaree aquifer for irrigation purposes is displayed in Table 3. The average annual use due to irrigation over the period of record is 1,955 ac-ft/yr. The number of permits and equivalently the amount of water appropriated has been fairly constant over the period of record.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	23	9413	1218.98
2010	21	8885	2091.17
2009	23	9653	2047.92
2008	23	9653	2160.9
2007	22	9333	2938.73
2006	22	9333	2441.43
2005	22	9333	1940.33
2004	21	9069	1739.48
2003	21	9069	1848.67
2002	20	8749	2651.53
2001	20	8749	1554.8
2000	20	9155	2090.26
1999	20	9155	1458.5
1998	19	8836	1443.94
1997	21	9671.8	1159
1996	21	9797.8	2510.2
1995	21	9514.8	1670.79
1994	21	9514.8	1312.77
1993	22	9968	751.4
1992	22	9968	1148.1
1991	23	10268	1652.7
1990	23	10358	2657
1989	23	10358	4418.4
1988	23	10358	2233.75
1987	23	10358	1547
1986	23	10358	1493.5
1985	25	11440.8	3023
1984	29	13636.8	2301
1983	25	11624.8	1587.47
1982	25	11660.8	1551.11
MIN	19	8749.0	751.4
MAX	29	13636.8	4418.4
AVE	22.23	9908.05	1954.79

Table 3. Irrigation from the Arikaree aquifer (Water Rights, 1982-2011).

Comparison of the estimated average annual withdrawal from the Arikaree aquifer with the estimated average annual recharge for the aquifer indicates that the average annual withdrawals from the aquifer do not exceed the average annual recharge to the aquifer. Therefore, unappropriated water is available from the Arikaree aquifer. Specifically, unappropriated water

is available for the appropriation proposed by this application. Again, this is not to say that all of the recharge is available at any given point in the aquifer, but that the aquifer is a vast resource.

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 to the aquifer”.

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Arikaree aquifer with five of these wells located within four and one half miles of the proposed well site. Hydrographs for these wells are shown in Figures 1, 2, 3, 4 and 5.

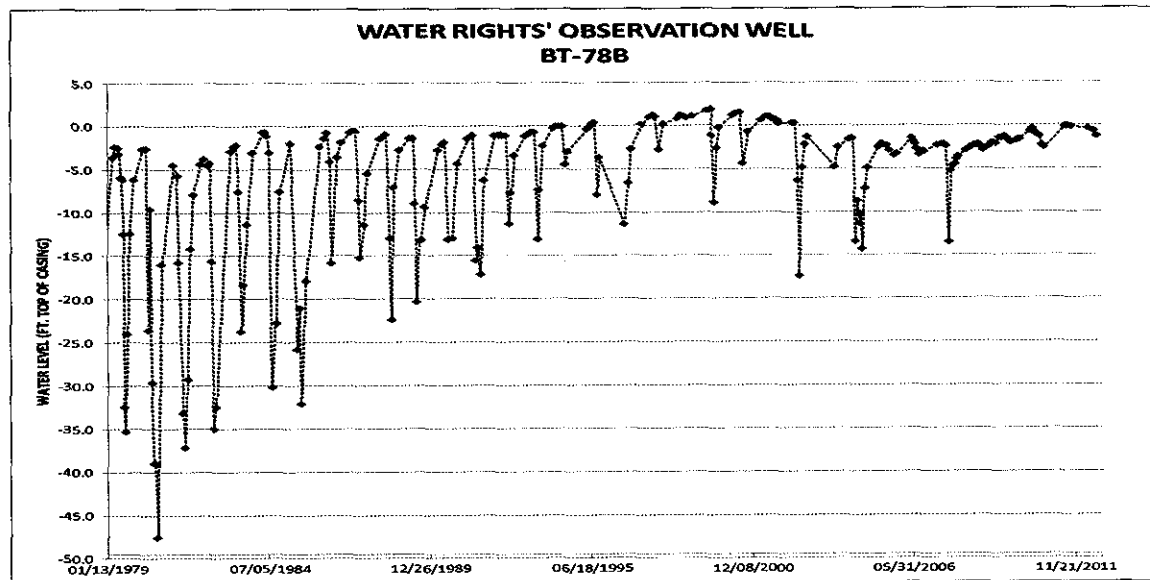


Figure 1. Hydrograph for SD DENR-Water Rights' Observation Well BT-78B completed into the Arikaree aquifer less than one and one quarter miles southwest of the well site proposed by Application No. 2704-2 (Water Rights, 2013a).

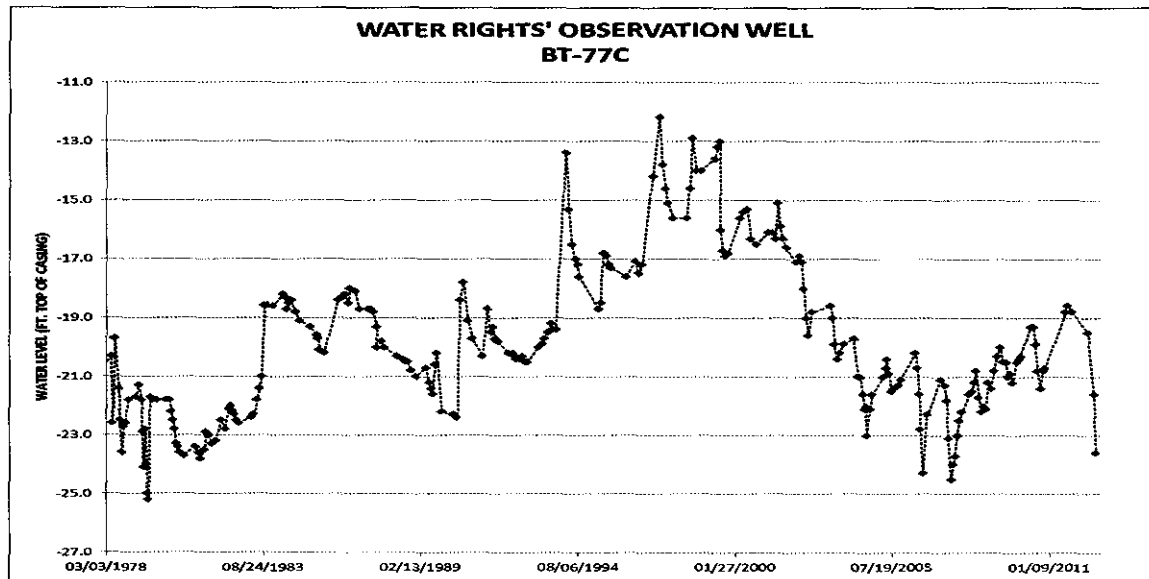


Figure 2. Hydrograph for SD DENR-Water Rights' Observation Well BT-77C completed into the Arikaree aquifer approximately two miles northeast of the well site proposed by Application No. 2704-2 (Water Rights, 2013a).

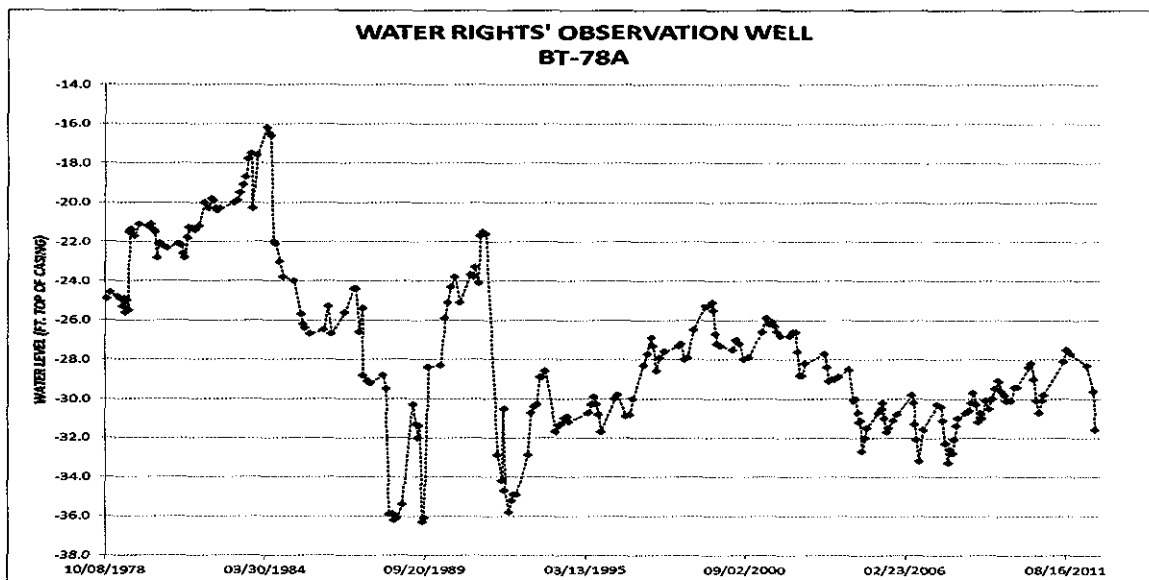


Figure 3. Hydrograph for SD DENR-Water Rights' Observation Well BT-78A completed into the Arikaree aquifer less than three miles northeast of the well site proposed by Application No. 2704-2 (Water Rights, 2013a).

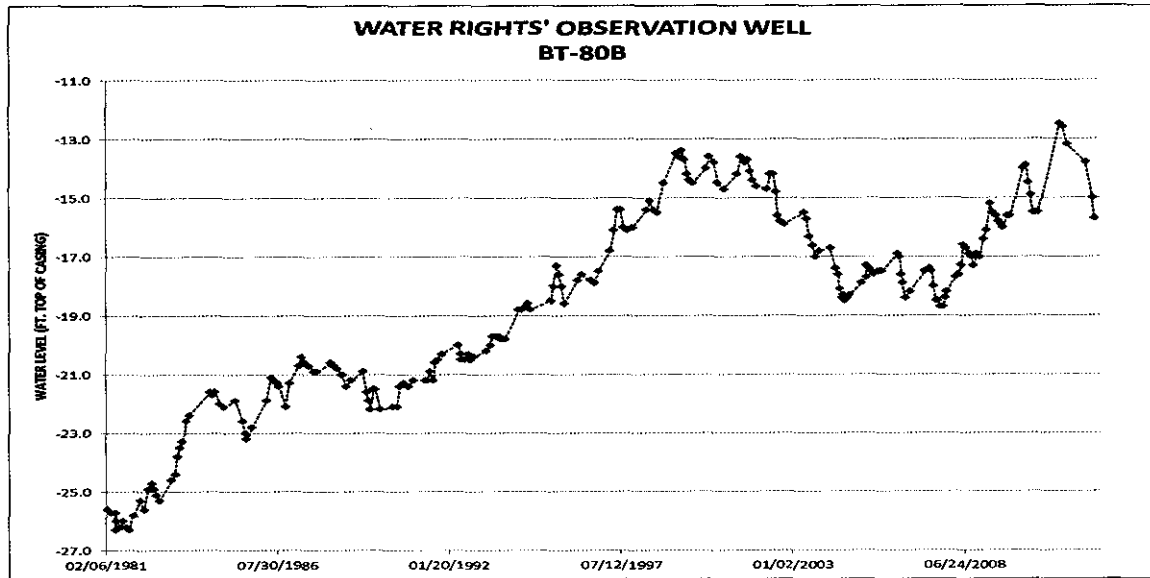


Figure 4. Hydrograph for SD DENR-Water Rights' Observation Well BT-80B completed into the Arikaree aquifer approximately three and one quarter miles northeast of the well site proposed by Application No. 2704-2 (Water Rights, 2013a).

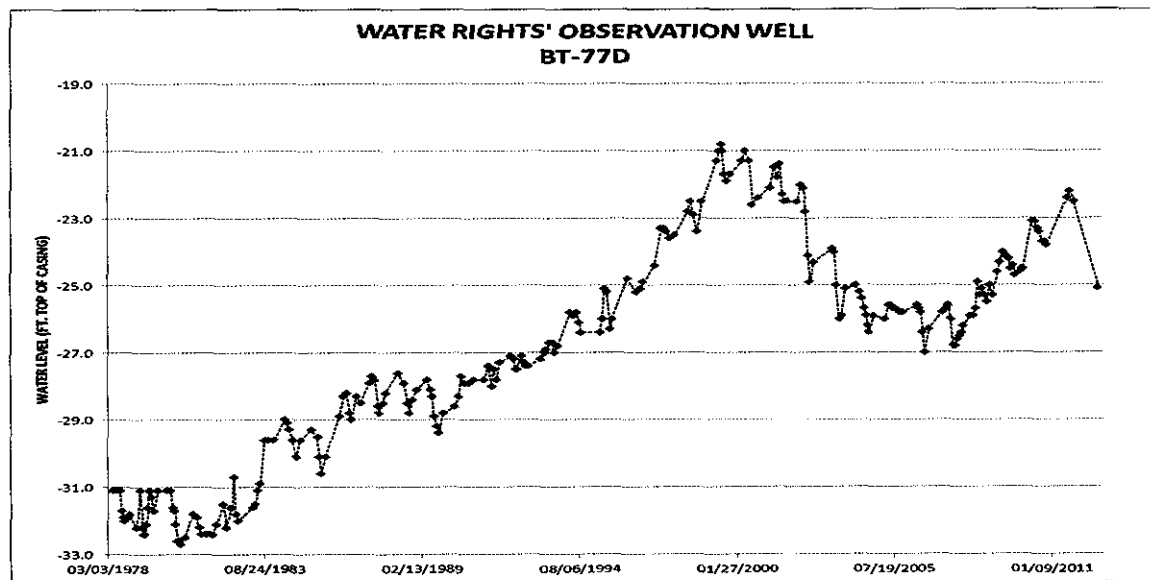


Figure 5. Hydrograph for SD DENR-Water Rights' Observation Well BT-77D completed into the Arikaree aquifer approximately four and one quarter miles northeast of the well site proposed by Application No. 2704-2 (Water Rights, 2013a).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The water level data shows that over the period of record, in general, discharge has not exceeded recharge. Observation Well BT-78B shows the effects due to pumping, but these are not significant due to the saturated thickness of the aquifer at this location. The observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well

withdrawals. Therefore, recharge to and natural discharge from the Arikaree aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. The hydrograph documents that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The proposed well site is located in western Bennett County approximately nine miles north of the Nebraska and South Dakota state line, and approximately six miles east of the Shannon and Bennett county line. The nearest water right/permit is Water Permit No. 1342-2, for Leonard J Novak, located more than one and one half miles west of the proposed well site. Based on the observation well data and the amount of saturated aquifer material, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells. There is history of a contested permit in this area from nearby landowners, Donald N. and Dorothy D. Leui. They wrote a letter contesting Water Right No. 2544-2 in 2005. This water right is within two miles of the well site proposed by this application.

Observation well BT-78B is located within one half mile of Water Right No. 1342-2, and the hydrograph, shown in Figure 1, reports a range of approximately 10 to 40 feet of drawdown over the period of record, at this distance due to pumping. With more than 400 feet of saturated thickness at the proposed well site, this amount of drawdown is not significant. Given the amount of aquifer material in this area, the water should be appropriated in accordance with SDCL 46-1-4, which states that water resources of the state should "be put to beneficial use to the fullest extent of which they are capable".

Figure 6 shows the nearby existing water rights located in the Arikaree aquifer. The locations of the existing water rights/permits were determined using the best data reasonably available.

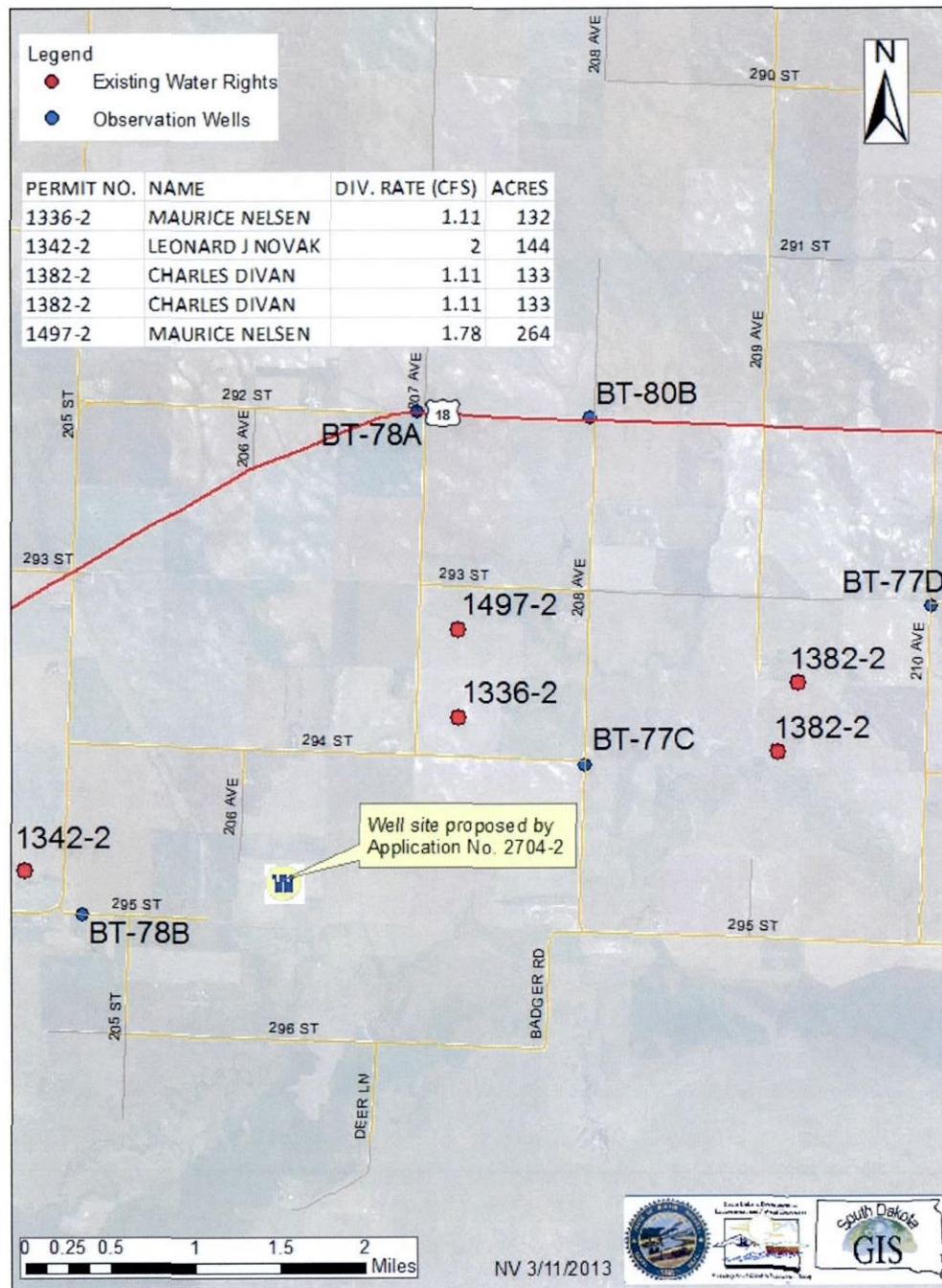


Figure 6. Existing water rights/permits located within close proximity to the well site proposed by Application No. 2704-2 (Water Rights, 2013c).

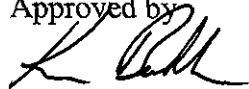
CONCLUSIONS:

1. This application proposes to appropriate water for irrigation from the Arikaree aquifer.
2. There is a reasonable probability that unappropriated water is available from the Arikaree aquifer to supply this proposed appropriation.
3. The Arikaree aquifer is unconfined in this area, and drawdown from pumping is not expected to be significant relative to the saturated thickness in the area.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Tasks 3A.B.C. & 4A.B.: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-c-015, SD DENR-Geological Survey, Vermillion SD
- Carter, J.M., Heakin, A.J., 2007, Generalized Potentiometric Surface of the Arikaree Aquifer, Pine Ridge Indian Reservation and Bennett County, South Dakota: U.S. Geological Survey Scientific Investigations Map 2993
- Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R., and Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 61 p.
- Kolm, K.E., and Case, H.L.III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota: U.S. Geological Survey Water-Resources Investigations Report 83-4175, 34 p.
- Water Rights, 1982-2011, Irrigation Questionnaire Summaries 1982-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Affidavit of Publication

State of South Dakota

County of Bennett

RECEIVED

MAR 29 2013

WATER RIGHTS
PROGRAM

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:

March 27, 2013

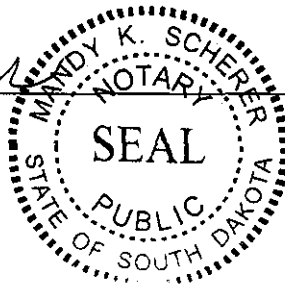
That the full amount of the fee charged for the publication of the attached public notice, \$27.20, insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

Subscribed and sworn to before me this 27th day of March, 2013.

Notary Public

My Commission Expires
December 9, 2015



Legal Notices

Notice of Municipal Election Municipality of Martin

A Municipal Election will be held on the 9th of April, 2013, in Martin, South Dakota. If the polls cannot be opened because of bad weather, the election may be postponed one week.

The election polls will be open from seven o'clock a.m. to seven o'clock p.m. mountain daylight time on the day of the election.

At the election, the following offices will be filled:

MAYOR (1) 2 YEAR TERM
David Bakley
Gayle Kocer
CITY COUNCIL (11) 2 YEAR TERM WARD ONE
Ray Clasen
Cecilia (Toots) Moffitt

The polling place for the City of Martin is as follows:
City of Martin - Library Community Room 101 Main Street
Voters with disabilities may contact the city finance officer for information and special assistance in absentee voting or polling place accessibility.

Jean Kirk, Finance Officer,
City of Martin

Published twice at the total approximate cost of \$31.98
Published: March 20 and 27, 2013

Notice to Creditors

STATE OF SOUTH DAKOTA
COUNTY OF BENNETT

In the Matter of the Estate of
DELANO MCCOLLAM,
Deceased

FILE NO. PRO. 13-1

NOTICE TO CREDITORS

Notice is given that on the 12th day of March, 2013, LeVonne McCollam, whose address is PO Box 486, Allen, SD 57114, was appointed as personal representative of the estate of Delano McCollam.

Creditors of decedent must file their claims by four months after the date of the first publication of this notice or their claims may be barred.

Claims may be filed with the personal representative or may be filed with the clerk, and a copy of the claim mailed to the personal representative.

Dated this 15th day of March 2013.

Wilson, Olson & Nash, P.C.

By s/s Erika S. Olson
Attorney for Estate
PO Box 1552
Rapid City, SD 57709-1552
605-342-7090

Renne Truman
Pennington County Clerk of Courts
PO Box 230
Rapid City, SD 57709-0230
(605) 394-2375

Published three times at the total approximate cost of \$67.64
Published: March 20, 27 and April 3, 2013.

Proceedings

BENNETT COUNTY SCHOOL DISTRICT 3-1
BOARD OF EDUCATION MEETING
REGULAR MEETING
MARCH 18, 2013

The Regular meeting of the Bennett County School District 3-1 was called to order by Chairman Johnson at 5:01 p.m. Board members present: Alexander, Bakley, Rise & Petrak. Administration present: Co-Business Manager Robinson, Elementary Principal, Stacy Halverson, and Superintendent Semmler. Absent: Secondary Principal, Sundberg and Jr. High Principal, Ready. Others present: Tim Huether, Rosie Ward, Sterling Hahn, Mikaela O'Bryan, A.J. Moran.

101.0-13 Motion by Rise, seconded by Bakley to approve the agenda with the following additions: All voting eye, motion carried.

118.6 Laverne Arnold, retirement
118.6 Rod Anderson, resignation of Head Boys Golf
Motion by Alexander, seconded by Bakley to enter executive session at 5:03 p.m. All voting eye, motion carried. Chairman Johnson declared out of executive session at 5:39 p.m.

102.0-13 Motion by Bakley, seconded by Alexander to approve consent agenda. All voting eye, motion carried.

103.1 Minutes of Regular Meeting February 11, 2013
103.2 Minutes of Special meeting, February 13, 2013
103.3 Claims for March, 2013

Checking 1 Fund: 10 GENERAL FUNDATION, ABBOTT HOUSE INC, 1090.40; MAINT SUPPLIES, AMERICAN TIME & SIGNAL COMPANY, 202.24; CUL TEST SUPPLIES, CHANGING BITE OCCUPATIONAL HEALTH, 92.90; SEC SUPPLIES, BAKLEY, MICHAEL, 99.28; TICKET TAKERS, BC ATHLETIC HOOSTER, 750.00; LEGALS & MILEAGE, BC BOOSTER II, 282.88; CUL DRUG TEST, BC HOSPITAL & HUSKINS HOME, 48.00; D RECONSTRUCTION, MAINT SUPPLIES, BC SCHOOL TRUST & AGENCY, 2,530.02; WRESTLING TRAVEL, BEST WESTERN RAMKOTA-ABERDEEN, 2,339.74; SEC SERVICES, BJ'S INSTRUMENT REPAIR, 300.00; JR HIGH TITLE 1 PARINVOLE SUPPLIES, 48.00; D RECONSTRUCTION, 211.69; JR HIGH WATER, CITY OF MARTIN, 622.62; CLOCKKEEPER, CLAUSSSEN, DANE, 30.00; CLOCKKEEPER, CLAUSSSEN, SCOTTY, 30.00; REGION WRESTLING, COMFORT INN 190, 355.00; JR HIGH TECH SUPPLIES, BC TECH SUPPLIES, MGS TECH SUPPLIES, COMPUTER VILLAGE, 104.00; BUS OFFICE TRAVEL, COYLE, KAREN, 216.00; SECONDARY TRAVEL, CROSSROADS HOTEL & HURON EVENT, 303.90; CENTER, THE BACKUP, DAKOTA BACK-UP, 55.53; PEST CONTROL, DINOSAUR EXTERMINATOR, 75.00; SNOW REMOVAL, DROBNY CONSTRUCTION, 275.40; TIRE REPAIR, EAGLE EXPRESS, 146.80; BCIS TITLE 1 F/D TRAVEL, FND VISA, 6,619.36; MAINT SUPPLIES, GE ASSOCIATES INC, 122.02; MAINT SUPPLIES, GENERAL STORE, THE, 107.64; PHONE, GOLDEN WEST INC, 91.02; BCIS TECH SUPPLIES, 50.71; MAINT SUPPLIES, REPAIRS & MAINT, GOLDEN WEST TECHNOLOGIES, 1,106.38; TIRES, GREAT WESTERN TIRE INC, 625.90; MAINT SUPPLIES, GRIMM'S PUMP, 125.71; SEC SUPPLIES, HAGGERTY'S HUSKINS, 72.80; SEC SUPPLIES, HILARY HILARY, 50.71; FALLS, 788.54; EMPLOYEE, PE, HORIZON HEALTH CARE INC, 162.00; SEC SUPPLIES, J.W. PEPPER & SON, INC, 185.49; FUEL, K'S PIT STOP, 5,090.70; BCIS ELECTRIC, LACREBEK ELECTRIC, 17,061.14; SEC SUPPLIES, LYNN'S DAKOTAMART, 13.67; MAINT CONTRACT, MARCO INC, 450.00; BUS SUPPLIES, MARTIN AUTO PARTS II, 732.08; CLOCKKEEPER, OLIMSTEAD, NORMAN, 390.00; MAINT SUPPLIES, REPAIRS & MAINT, RASMUSSEN MECHANICAL SERVICES INC, 1,509.17; BUS GARGAGE, CARRAGE, SALOMON SANITATION, 1,200.00; JR HIGH SUPPLIES, SCHOOL SPECIALTY, 61.71; COUNSELOR REGISTRATION, SD COUNSELING ASSN, 166.00; REGISTRATION, SD TEACHER JOB PAIR, 175.00; SUPT TRAVEL, SEMMLER, WAYNE, 482.00; MGS TITLE 1 F/D, SHANNON SONJA, 525.00; JR HIGH OFFICATING, SLATTERY, PAUL, 45.00; MGS PROPANE, JR HIGH PROPANE, LEGION FUEL OIL, STERN OIL, 12,573.88; BCIS TECH SUPPLIES, SUN DATA SUPPLY, INC, 128.93; JR HIGH SERVICES, THE 268.00; BOOKS, TOCEN, ROBERT 10.00; ACT SUPPLIES, TRAINING ROOM INC, 274.05; BCIS TITLE 1 PAR INVOLVE, SUPPLIES, TREASURE ISLAND, 602.14; IA SUPPLIES, TRUE VALUE HARDWARE, 372.69; MAINT SUPPLIES, REPAIRS & MAINT, VALENTINE, ORICE SUPPLY, 113.90; MULTI-SERVICE COOP, WEST RIVER FOUNDATION, 28.70; ADULT SERVICES, WOHLBERG RITZMAN & CO, LLC, 935.00.

Fund Total: 97,783.34
Checking 1 Fund: 21 CAPITAL OUTLAY
COMPUTER EQUIPMENT, B&H PHOTO - VIDEO INC, 613.90

Bid Notice

Bennett County Jr. High Rubber Roof

Bennett County School District will take bids on a roof project to be completed this summer. You may stop by the Business Office to pick up the bid specifications for this project. Bids must be turned into the Business Office by noon on April 10, 2013. Bids will be opened and acted upon during the school board meeting, which begins at 5:00 p.m. on April 15, 2013.

The Board of Education reserves the right to reject any or all bids.
Karen Coyle
Co-Business Manager
Published twice at the total approximate cost of \$18.45
Published: March 27 and April 3, 2013

Notice of Application No. 2704-2 to Appropriate Water

Notice is given that Kory & Rodney Raybill, 20744 296th St, Martin SD 57551 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Arkaree Aquifer (300 - 400 feet deep) located in the approximate center of the SW 1/4 Section 32, T18N10E, R10E located in the SW 1/4 Section 32, all in T37N-R39W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2704-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 5, 2013.

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

Published once at the total approximate cost of \$27.20
Published: March 27, 2013

VEHICLE, BAIR FORD MERCURY, 21,895.00; LEASE, BEST BUSINESS PRODUCTS, 959.17; BCIS EQUIPMENT, FND VISA, 566.04; MAINT SUPPLIES, HILARY/STOUX FALLS, 604.52; WEB MAINT, SUNBURST DIGITAL, 99.55.

Fund Total: 24,738.38

Checking 1 Fund: 22 SPECIAL EDUCATION FUND
SPED TRAVEL, BC SCHOOL TRUST & AGENCY, 186.00; SPED SERVICES, BLACK HILLS SPECIAL SERVICES, 3,621.30; SPED TRAVEL, CEDAR SHORE RESORT, 91.95; SPED SERVICES, CHILDREN'S CARE HOSPITAL & SCHOOL, 10,197.34; SPED SERVICES, CHILDREN'S CARE HOSPITAL, 1,285.00; SPED SERVICES, PERMAN, PAMELA, 360.00; SPED TRAVEL, HOLIDAY INN-STOUX FALLS, 200.00; SPED SERVICES, JOEBGEN, MIKE, 490.00; SPED SUPPLIES, LIGHTSPEED TECHNOLOGIES, 3,508.14.

Fund Total: 19,939.73

Checking 1 Fund: 81 FOOD SERVICE & AGENCY, 186.00; MILK, DEAN FOODS, 1,347.09; BREAKFAST SUPPLIES, FOOD SERVICES OF AMERICA, 1,195.85; LUNCH SUPPLIES, LYNN'S DAKOTAMART, 64.08; FRUIT & VEG ORANGE, REINHART, 7,687.42.

Fund Total: 10,294.44

Checking Account Total: 162,755.87

103.4 Financial for February, 2013

Financials for February, 2013
GENERAL FUND Beginning Balance 584,752.43 Receipts 380,028.40, Disbursements 328,114.50, Ending Balance 636,666.33, Revenue Summary Local 73,573.24, County 2,582.25, State 21,538.87, Federal 82,334.04, Other -0-, CAPITAL OUTLAY FUND Beginning Balance 242,19.50, Receipts 1,851.51, Disbursements 6,199.81, Ending Balance 240,847.20, Revenue Summary Local 3,786.51, County -0-, Federal -0-, Other Sources 1,065.00, SPECIAL EDUCATION FUND Beginning Balance 59,976.31, Receipts 55,691.46, Disbursements 57,143.87, Ending Balance 58,523.95, Revenue Summary Local 20,828.46, County -0-, State 19,481.00, Federal 15,382.00, Other Sources -0-, PENSION FUND Beginning Balance 26,534.41, Receipts 4,465.87, Disbursements 6,358.84, Ending Balance 24,641.44, IMPACT AID FUND Beginning Balance 950,227.79, Ending Balance 2,436.35, Revenue Local 824.11, Federal 1,494,560.55, FOOD SERVICE FUND Beginning Balance 11,737.88, Receipts 17,448.92, Disbursements 23,941.38, Ending Balance 5,245.42, Revenue Summary Local 2,480.00, State -0-, Federal 14,768.98, Other -0-, TRAVEL & AGENCY FUND Beginning Balance 66,658.31, Ending Balance 69,329.11.

February payroll

General Fund Salaries \$213,241.63, Benefits \$49,643.60
Special Education Salaries \$33,075.61, Benefits \$8,412.47
Food Service Salaries \$6,892.82, Benefits \$1,729.33

104.0-13 Administrative and committee reports.

Superintendent Semmler gave a report on the 2013 legislative session.

Secondary Principal Sundberg's written report stated that third quarter attendance was at 87.33 percent with ten (10) students having perfect attendance; curriculum guide/registration for classes has begun; they are increasing the math requirement for BCIS students to 4 credits; Dakota Step Scores and final quarter grades will be attached to determine open campus privileges next fall; diplomas are being ordered for graduation; the winter sports banquet will be held March 25 at the Activity Center; the 2013 track & golf seasons have begun or will shortly.

Jr. High Principal Ready's written report requested permission for an 8th grade field trip on May 9; she is setting up a team to create a plan of action for response to intervention (RTI); plans are being made for Dakota Step Testing April 9, 10, & 11; Bennett County Jr. High and High School Family Fun Day April 15.

Elementary Principal Halverson also reported that Dakota Step Testing will April 9, 10 & 11; developmental screening will take place on March 27; attendance is 93.91 percent; the Character Counts pillar for March is Fairness; the pillar for April is Respect; up for track in grades 6, 7, & 8th, jr. High coaches are Bob Tockack and Mendi Smolov and practice will begin March 25.

Principal Halverson also reported that the Bennett County Schools was recently selected for a Validation Review. Reviewers observed breakfast and lunch being served, time was spent inspecting the Food Service, reviewing records, assessing service to students as well as evaluating compliance of the submission in the Menu Certification process and whether that process is actually followed on a day to day basis. She is proud to announce that NO discrepancies were found.

The State Staff provided technical assistance and NO Corrective Actions were needed. The State Staff was VERY impressed with the comprehensive documentation that the food service department provided; they also provided numerous compliments to the Food Service Department for the wonderful job they had done for the Certification Process and the Validation Process. The State Staff stated that the Bennett County facility was one of the nicest facilities they have visited. Principal Halverson also commended Toni Milk, Cindy McMillin, and Dorothy Bradford for a job very well done.

105.0-13 Motion by Alexander, seconded by Rise to accept the bid from the Bennett County Booster for \$1,855.00 for the 2000 Dodge Grand Caravan. All voting eye, motion carried.

Bids were also submitted by:
Joyce Riggs, \$302.99, Harlan Betteleyou, \$1,350.00, Ed Henschel, \$1,521.00 and Lou's Auto Sales, \$1,435.00.

106.0-13 Bids for 2013 concrete projects were opened.
Project # 1 Addition to East Parking Lot of MGS.

White River Construction, \$48,837.60

O'Bryan Contracting, \$70,222.50

Hahn Construction, \$88,750.00

Motion by Alexander, seconded by Bakley to accept the bid from White River Construction in the amount of \$48,837.60. All voting eye, motion carried.

Project #2, Connection of existing concrete parking lot with Highway 18.
Alternative bid with Project #2
no action on these projects at this time.

Project #3, Sidewalk north side of elementary, steps and concrete pad for buses.

White River Construction, \$49,876.01
O'Bryan Contracting, \$37,550.00
Hahn Contracting, \$47,490.00

Motion by Rise, seconded by Petrak to accept the bid from O'Bryan Contracting in the amount of \$37,550.00. All voting eye, motion carried.

107.0-13 Discussion of summer projects to be completed this spring and summer. Staff will be working on these projects when time permits. They will be re-modeling the MGS Middle Wing bathroom; ceiling tile, lighting and bathroom re-model at BCIS; small amount of concrete in courtyard at MOS; and Superintendent Semmler has requested to let bids for the Jr. High roof.

108.0-13 Superintendent Semmler gave an update on Impact Aid and the local opt out.

109.0-13 Homecoming date is September 27, 2013, which will be a regular school day and graduation will be May 17, 2014, at 11:00 a.m. These dates have been duly noted on the 2013-2014 school calendar.

110.0-13 Motion by Bakley, seconded by Alexander to adopt the HACCP and Food Safety Program policy for the school district. All voting eye, motion carried.

111.0-13 Discussion of the high school curriculum and class schedules was heard, with some thoughts and ideas presented for all to consider and a schedule will be forthcoming.

112.0-13 No motion was made. The board gave approval to explore adding a Transition Kindergarten position proposed for the 2013-2014 school year.

113.0-13 Motion by Rise, seconded by Alexander to approve the sick leave bank request from Kristy Stout for 13 days. All voting eye, motion carried.

114.0-13 Motion by Johnson, seconded by Rise to appoint board member Tiffany Petrak to the Board of Equalization. All voting eye, motion carried.

115.0-13 Motion by Alexander, seconded by Bakley to accept the following contracts for the 2013 track season. All voting eye, motion carried.

115.1 Robert Tockack, jr. high track coach, \$1,036.00
115.2 Mendi Smolov, jr. high track coach, \$1,036.00
115.3 Vera O'Neill, head girls track coach, \$5,360.00

116.0-13 Motion by Rise, seconded by Petrak to table the acceptance of the 2013-2014 administrative contracts, all voting eye, motion carried.

117.0-13 Motion by Johnson, seconded by Rise to accept 2013-2014 certified staff contracts. All voting eye, motion carried.

118.0-13 Motion by Alexander, seconded by Petrak to accept the following resignations effective at the end of the 2012-2013 school year. All voting eye, motion carried.

118.1 Gary Grove, secondary instructor
118.2 Cindy Knecht, head volleyball coach
118.3 Mike Olson, math instructor

118.4 Gail Wiestler, jr. high volleyball
118.5 Laverne Arnold, MGS reading intervention instructor
118.6 Rod Anderson, boys golf

119.0-13 Motion by Rise, seconded by Alexander to accept the Department of Legislative audit for the 2012-2013 year. All voting eye, motion carried.

120.0-13 Motion by Rise, seconded by Bakley to approve the request by BCEA to waive the negotiated agreement of liquidated damages. All voting eye, motion carried.

121.0-13 Motion by Rise, seconded by Petrak to approve the curb and gutter project on east School Street with the City of Martin for approximately \$11,250.00. All voting eye, motion carried.

122.0-13 Motion by Petrak, seconded by Rise to enter into executive session at 7:03 p.m. All two eyes, motion carried.

Chairman Johnson declared out at 7:30 p.m.

116.0-13 Motion by Johnson, seconded by Rise to accept the contracts for the administrative staff. All voting eye, motion carried.

116.1 Karen Coyle, Co-Business Manager
116.2 Jelene Robinson, Co-Business Manager
116.3 Stacy Halverson, Secondary Principal, 2 year contract to 2015

116.4 Belinda Ready, Jr. High Principal, Federal Programs Director, 2 of 3 year contract.

116.5 Robert Tockack, Transportation Director/Plant Operations
123.0-13 Motion by Bakley, seconded by Johnson to adjourn at 7:37 p.m. All voting eye, motion carried.

Jelene Robinson, Board Chairman
Published once at the total approximate cost of \$164.92
Published: March 27, 2013

Proceedings

Martin City Board of Equalization

Monday, March 18, 2013

The Martin City Council setting as a Board of Equalization met in Community Room at 101 Main Street on March 18, 2013 at 5:30 p.m. Mayor Gayle Kocer called the meeting to order with Council Members Coughlin, Cecilia Moffitt, Sherry Peck, Shirley McCue, Stephanie Noel, Gregg Claassen present. Absent school board member.

Others present were Marj Oleksie with the Bennett County Booster and Finance Officer Jean Kirk.

Board of Equalization The board met to review the tax assessment property book. There were no residents present with any objection, so the Council continued on with city business.

Approval of Agenda: Moffitt entered a motion, with a second by Coughlin, to approve the agenda with flexibility. All voting eye, motion carried.

Wine License: A discussion was held on issuing a retail (on-off sale) wine license to Fresh Start and the Frosted Petal. The council tabled this until the city's attorney could give her opinion on this matter.

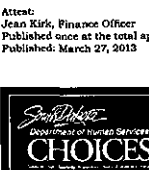
Paint South Dakota: The Paint South Dakota program was discussed. The South Dakota Housing Development Authority will pay for all the paint and primer needed to paint a single family, owner occupied residence. The owner has to be physically or financially unable to paint their home. A motion was entered by Peck and seconded by Moffitt to have the Booster run a story on the Paint South Dakota program and if anybody was interested in having their house painted or knew of somebody who needed their house painted they could contact the city office. All voting eye, motion carried.

As there was no further business or tax assessment grievances to come before the Council at this time, a motion was entered by McCue to adjourn until Friday, March 22nd at 5:30 p.m.

Dated this 18th day of March, 2013

Gayle Kocer, Mayor

Attest:
Jean Kirk, Finance Officer
Published once at the total approximate cost of \$25.42
Published: March 27, 2013



Program Assistant II
Pierre, SD

The SD Department of Human Services is seeking an individual to assist a single family attorney by developing and establishing work processes to deliver quality program services, evaluate effectiveness of program services and make decisions on behalf of program professionals. Excellent benefits. Salary \$14.30 DOE. Open until filled. For more information and to apply, please go to <http://hr.sd.gov/workforce>, and reference Job ID #1299. An Equal Opportunity Employer

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

RECEIVED

APR 12 2013

WATER RIGHTS
PROGRAM

Mar. 27,
L20771862

NOTICE OF APPLICATION NO. 2704-2 to Appropriate Water

Notice is given that Kory or Rodney Rayhill, 20744 296th St, Martin SD 57551 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (300 - 400 feet deep) located in the approximate center of the SW 1/4 Section 32 for irrigation of 160 acres located in the SW 1/4 Section 32; all in T37N-R39W.

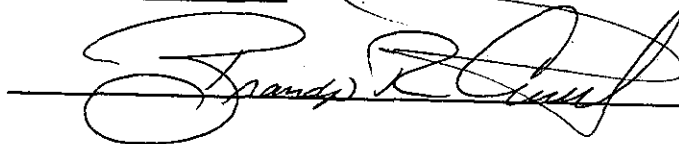
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2704-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 8, 2013.

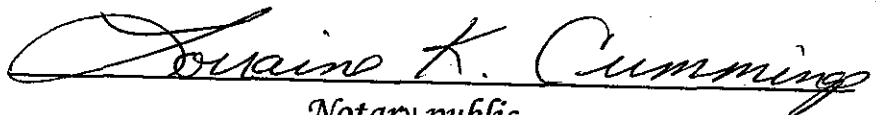
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained,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

(Published once at the total approximate cost of \$48.72).

Brandyn Crawford being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each Week for one successive Week, the first publication there of being on the 27th day of MARCH that the fees charged for the publication there of are 48 dollars and 72 cents.



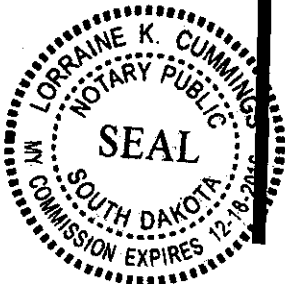
Subscribed and sworn to before me this Ninth day of April, 2013.



Notary public

Dec. 18, 2016

My commission expires





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 19, 2013

Bennett County Booster II
PO Box 61
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2704-2 to Appropriate Water. Please publish the notice once on March 27, 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 Kory and Rodney Rayhill, 20744 296th St, Martin SD 57551 (Ph # 605-685-1065).

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

March 19, 2013

Rapid City Journal
PO Box 450
Rapid City SD 57701

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2704-2 to Appropriate Water. Please publish the notice once on March 27, 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 Kory and Rodney Rayhill, 20744 296th St, Martin SD 57551 (Ph # 605-685-1065).

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.**

March 19, 2013

Kory and Rodney Rayhill
20744 296th St
Martin SD 57551

Dear Sir:

Water Permit Application No. 2704-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Bennett County Booster II printed at Martin SD (Ph # 605-685-6866) and the Rapid City Journal printed at Rapid City SD (Ph # 605-394-8300). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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 has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 27, 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 NO. 2704-2 to Appropriate Water

Notice is given that Kory or Rodney Rayhill, 20744 296th St, Martin SD 57551 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well to be completed into the Arikaree Aquifer (300 - 400 feet deep) located in the approximate center of the SW 1/4 Section 32 for irrigation of 160 acres located in the SW 1/4 Section 32; all in T37N-R39W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2704-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 8, 2013.

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

Published 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

MAY 20 2013

Kory & Rodney Rayhill
20744 296th St
Martin SD 57551

Dear Sirs:

Enclosed is Water Permit No. 2704-2 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,

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

enclosures

Sargent Irrigation Company

IRRIGATION ENGINEERING TEST HOLES AND IRRIGATION WELLS PUMPS & SERVICE

RECEIVED

SEP 3 0 2013

WATER RIGHTS
PROGRAM

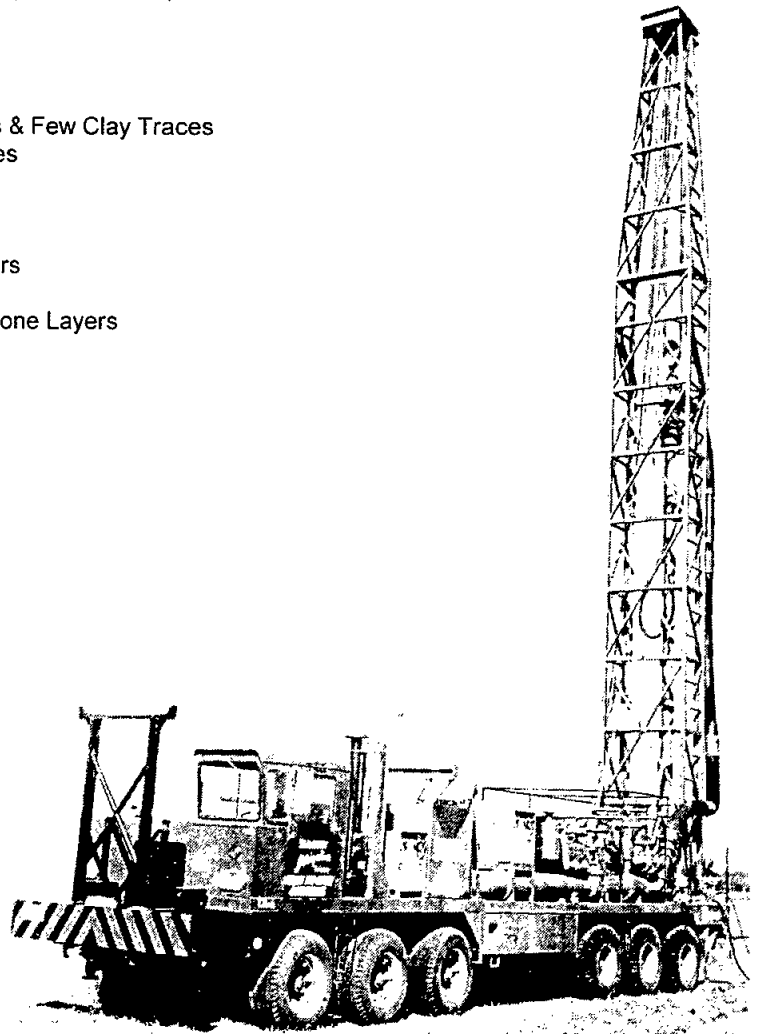
Box 627
South Highway 21

Broken Bow, Nebraska
68822

Phone 308-872-6451
FAX 308-872-6912

Corey Rayhill
N43° 07' 46.4" W101° 58' 09.8"

0	4 Sandy Topsoil
4	20 Hard Siltstone & Limestone w/ Limey Clay Streaks & Sandstone Traces (PD1 10-13 & 17, 19)
20	40 Stiff Brown Siltstone w/ Hard Limestone Layers
40	60 Brown Siltstone w/ Brown Clay Layers
60	80 Brown Clay w/ Stiff Siltstone Layers (PD1 64-66)
80	100 Brown Clay w/ Hard Siltstone Layers & Limestone Layers
100	120 Brown Clay w/ Hard Siltstone Layers & Limestone Traces
120	140 Brown Clay w/ Hard Siltstone Layers (PD 1 130-131)
140	160 Brown Clay w/ Hard Siltstone Layers
160	170 Brown Clay w/ Few Siltstone Layers
170	180 Sandy Gray Clay w/ Soft Sandstone & Few Sand Streaks
180	188 PD1 Hard Siltstone w/ Clay Streaks
188	192 Sandy & Limey Clay
192	200 Sandy Clay w/ Fine Sand w/ Stiff Sandstone
200	220 Hard Brown Sandstone w/ Clay Streaks
220	240 Stiff Sandstone w/ Few Hard Limestone Layers
240	260 Stiff Brown Sandstone w/ Few Hard Layers (PD 1 257-259)
260	275 Hard Brown Sandstone
275	278 PD 2 Hard Limestone
278	280 Hard Sandstone
280	300 Stiff Brown Sandstone
300	320 Stiff Brown Sandstone w/ Few Hard Layers & Few Clay Traces
320	340 Stiff Brown Sandstone w/ Limey Clay Traces
340	360 Stiff Brown Sandstone
360	376 Hard Sandstone
376	380 Hard Sandstone & Brown Clay Streaks
380	394 Hard Sandstone w/ Few Limestone Stringers
384	400 Hard Limestone w/ Limey Clay Streaks
400	420 Stiff Brown Sandstone w/ Few Hard Limestone Layers
420	437 Stiff Brown Sandstone
437	440 Hard Limestone w/ Limey Clay



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

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

I have this day, December 7, 2015 made a thorough examination of the water system used by Kory and Rodney Rayhill, 20744 296th Ave., Martin, SD 57551, holder of Water Permit No. 2704-2, bearing the priority date of January 18, 2013. Water Permit No. 2704-2 authorizes the diversion of 2.28 cubic feet per second (cfs) or 1,020 gallons per minute (gpm) from one well completed into the Ogallala aquifer for the purpose of irrigating 160 acres in Bennett County as follows: 40 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, all in T37N-R39W.

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

- 1) Works used to divert water:
Ono pumps, manufactured by Grosch.
- 2) Works used to transport water to a place of use:
Above ground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
One Valley Pivot.

The system is in the following condition: well maintained. The well associated with Water Permit No. 2704-2 is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T37N-R39W. The exact location of the well is as follows:

- 1) **100 feet north and 100 feet east of the southwest corner of Section 32, T37N-R39W. Lat 43.12953N Lon 101.96935W.**

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

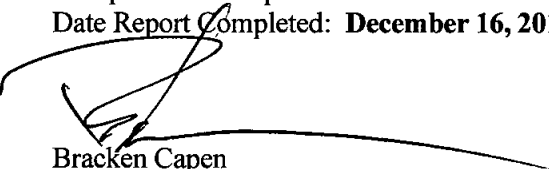
- 1) 35 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T37N-R39W.
 - 2) 35 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T37N-R39W.
 - 3) 35 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T37N-R39W.
 - 4) 35 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T37N-R39W.
- For a total of 140 acres irrigated.**

License should be issued for the developed diversion rates of: **1.56 cfs or 700 gpm.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **December 16, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2704-2

DATE OF INVESTIGATION:	December 7, 2015
NAME & ADDRESS OF PERMIT HOLDER	Kory and Rodney Rayhill 20744 296th Ave. Martin, SD 57551
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Rodney Rayhill
DIVERSION POINT LEGAL LOCATIONS	100 feet north and 100 feet east of the southwest corner of Section 32, T37N-R39W. Lat 43.12953N Lon 101.96935W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Charles Sargent Irrigation Co., Inc.
- 2) Number of Wells: **1**
- 3) Depth: **440 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

System Type

- 1) Make: **Valley Pivot**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **8 towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **700 gpm**

Pumps

- 1) Make: **Sargent**
- 2) Model:
- 3) Size:
- 4) Capacity: **700 gpm (1.56 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **200 feet**
- 3) Type: **Steel**

Screen

- 1) Type: **Perforated Pipe**
- 2) Length: **220 feet**
- 3) Static Water Level: **30 feet**

Motor

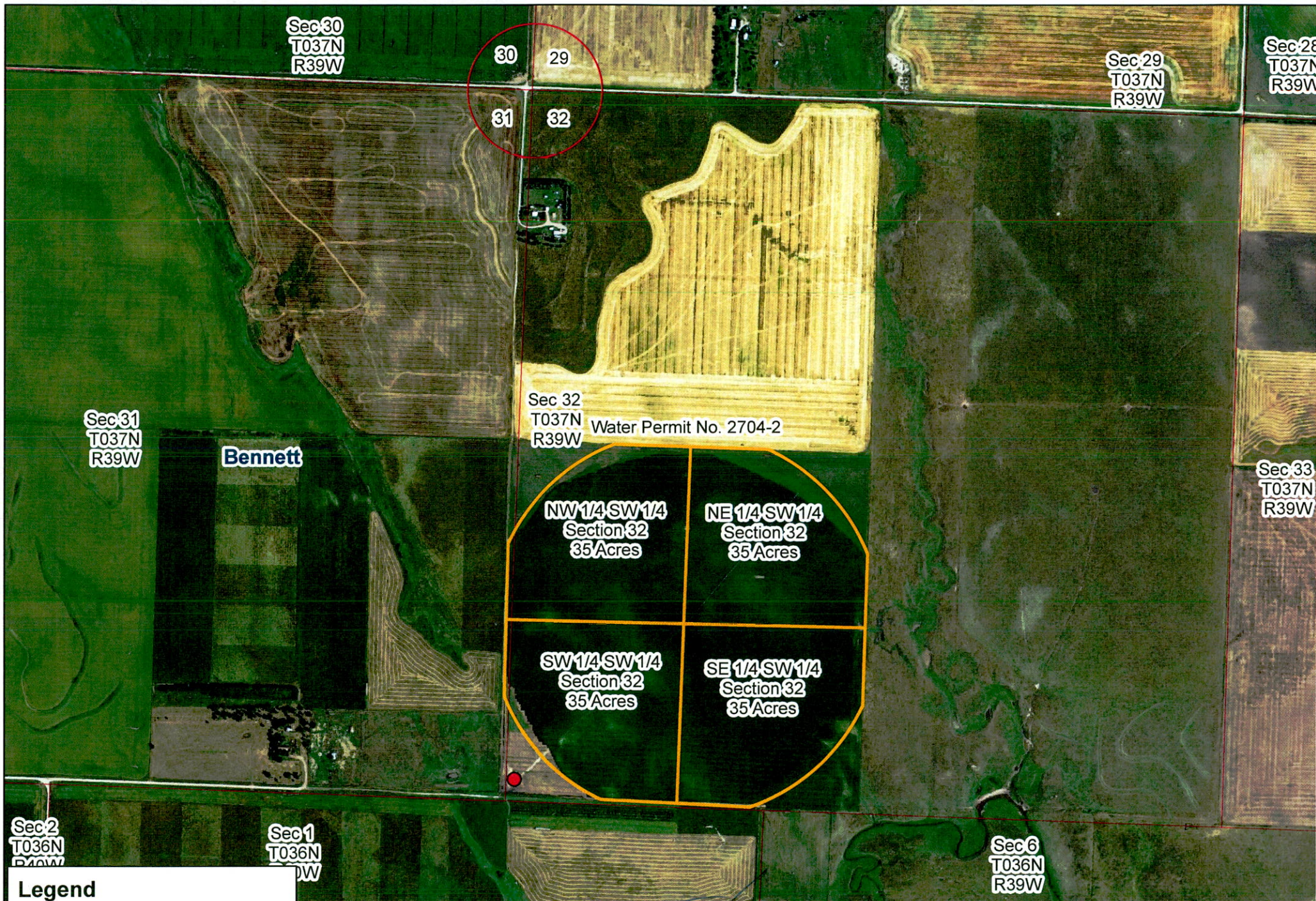
- 1) Make: **General Electric**
- 2) Model No: **5KE404DTT6013A**
- 3) Power: **100 hp**

CHEMIGATION EQUIPMENT: **Yes**

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **Yes**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **No**
- 5) Injection Line Check Valve or Positive
Displacement Pump: **Injection Line
Check Valve**
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes, except 20' hose
was absent.**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes, irrigated from 2014 to present.**



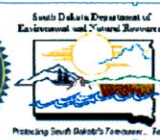
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Water Rights/Permits



0 0.075 0.15 0.3 Miles

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



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

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

Date

12/7/15

FROM:

Kory and Rodney Rayhill
(name)20744 296th St

(address)

Martin SD 57551

(city)

(state)

(zip)

(phone)

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

Water Permit No. 2704-21-18-18

(date)

states that the water use system is to be constructed by

, and water is to be put to beneficial use by

1-18-22

(date)

The water use system was completed on

May 31, 2013

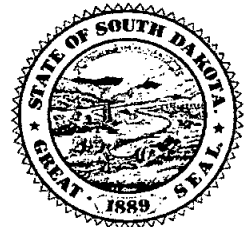
(date)

Applying the water to beneficial use was completed on

May 31, 2013

(date)

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

Rodney Rayhill12-7-15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

DEC 22 2015

2704-2

Kory and Rodney Rayhill
20744 296th St
Martin SD 57551

Dear Mr. & Mrs. Rayhill:

Enclosed is your Water License No. 2704-2. This is the final water right document completing your process of obtaining a water right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by your water right, 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.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation system, the staff engineer found the system did not have a hose to allow for discharge at least 20 feet from the water source. 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 at 605 773-3352.

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

Sincerely,


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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2704-2**

(1) Kory and Rodney Rayhill, 20744 296th St, Martin SD 57551 made Application No. 2704-2, January 18, 2013 for a water permit to divert 2.28 cubic feet of water per second from ground water – one well (Arikaree Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2704-2, with a priority date of January 18, 2013 was approved April 8, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 8, 2018 and for the application to beneficial use of said water on or before April 8, 2022.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" indicating the water use system was completed and the water placed to beneficial use on May 31, 2013.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 100 feet north and 100 feet east of the SW corner of Section 32, T37N, R39W (SW ¼ SW ¼)

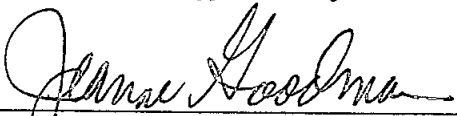
(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T37N, R39W Section 32	NW ¼ SW ¼	35 acres
	NE ¼ SW ¼	35 acres
	SE ¼ SW ¼	35 acres
	SW ¼ SW ¼	35 acres
	Total	140 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kory and Rodney Rayhill, 20744 296th St, Martin SD 57551 the holders and/or owners of Water Right No. 2704-2 are issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from ground water – one well (Arikaree Aquifer) with a priority date of January 18, 2013 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. 2704-2 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.
- The well authorized by Permit No. 2704-2 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 completed by Charles Sargent Irrigation Company Inc. in September, 2013. A copy of the well log 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

DEC 22 2015

date

