

WATER PERMIT NO. 2707-2

Name of Applicant: Daniel and Paulette Fanning

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

Amount of Water Claimed: 2.22 cfs Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bennett

Type of Waste Disposal System:

Location: 17 miles east of Martin

PRIORITY Date Received: 3-14-13

Application/License Fee: \$1050

Corrected Application Received: 3-18-13

Period of Annual Use: April 1- Oct 31

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 1-T37N-
R35W

Land to be Irrigated: NW 1/4 Sec 1-T37N-R35W

Depth of Well:

Well Driller: Grosch Irrigation Co

Remarks:

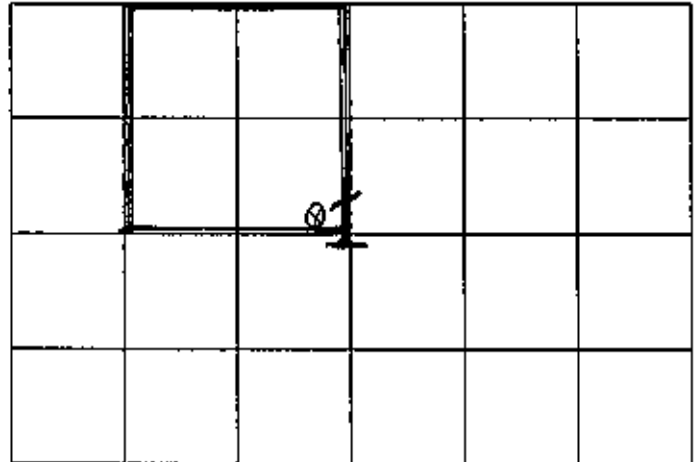
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-19-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



MAR 18 2013

RECEIVED

MAR 14 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2702-2</u> (office use only) Hydrologic Unit <u>10140203</u>	WATER RIGHTS PROGRAM
	Basin <u>White River</u>	<u>605-685-686</u>
	Newspaper <u>Bennett Co. Banner II P.O. Box 610</u> <u>605-224-7301</u>	<u>Martin SD 57551</u>
	<u>Capitol Journal P.O. Box 875 Pierre SD 57501</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Daniel and Paulette Fanning
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 28885 237th Ave. Martin, SD 57551
(Address) (City) (State) (Zip Code)Home Phone (605) 685-6472 Cell _____ Email dfanning@bbs.com2. 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 Water4. Location of point of diversion 1 Well SE 1/4 NW 1/4 sec 1 Tm 37N - Rng 35W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Bennett, SD5. County or counties where water will be used Bennett6. Annual period during which water is to be used April 1 - Oct. 317. 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
sec 1 - Government lot 3 and 4		Government lot 4 sec 1 37-35	40
and 2 1/2 NW 1/4 township 37N		W 1/2 S 1/2 NW 1/4 sec 1 37-35	40
Range 35 West	160	E 1/2 S 1/2 NW 1/4 sec 1 37-35	40
sec 1 Government lot 3 & 37-35	40		

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

I, Daniel Fanning, 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. 2707-2**

Date of first receipt of application March 14, 2013.

Date of return to applicant for corrections, amendments or changes March 14, 2013.

Date of receipt of corrected application March 18, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2707-2 to Daniel and Paulette 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. 2707-2 appropriates 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (272 feet deep) located in the SE 1/4 NW 1/4 Section 1 for irrigation of 160 acres located in the S 1/2 NW 1/4, Government lots 3 and 4 Section 1; all in T37N-R35W.
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: April 1 – October 31.
3. The date from which applicant may claim right is March 14, 2013.
4. The date of approval of Permit No. 2707-2 is June 3, 2013.
5. One-fifth of the construction is to be completed on or before December 3, 2015.
6. All construction is to be completed on or before June 3, 2018.
7. Water is to be put to beneficial use on or before June 3, 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. 2707-2 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*

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

JUN 13 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 Grossh Dr. Co.
(if yes, please provide copies of logs)

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

c) Well Depth Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

On applicant's property 3/4 of a mile On property owned by others 4/10 of a 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)

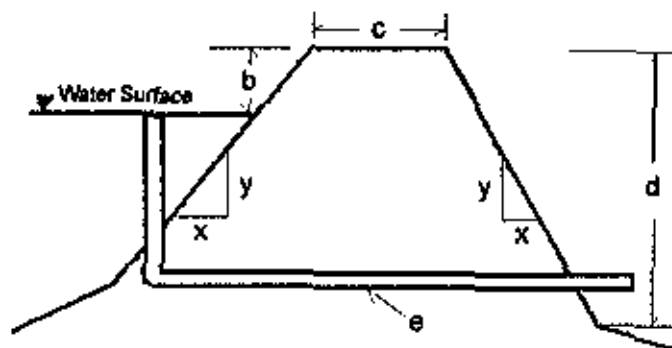
Upstream

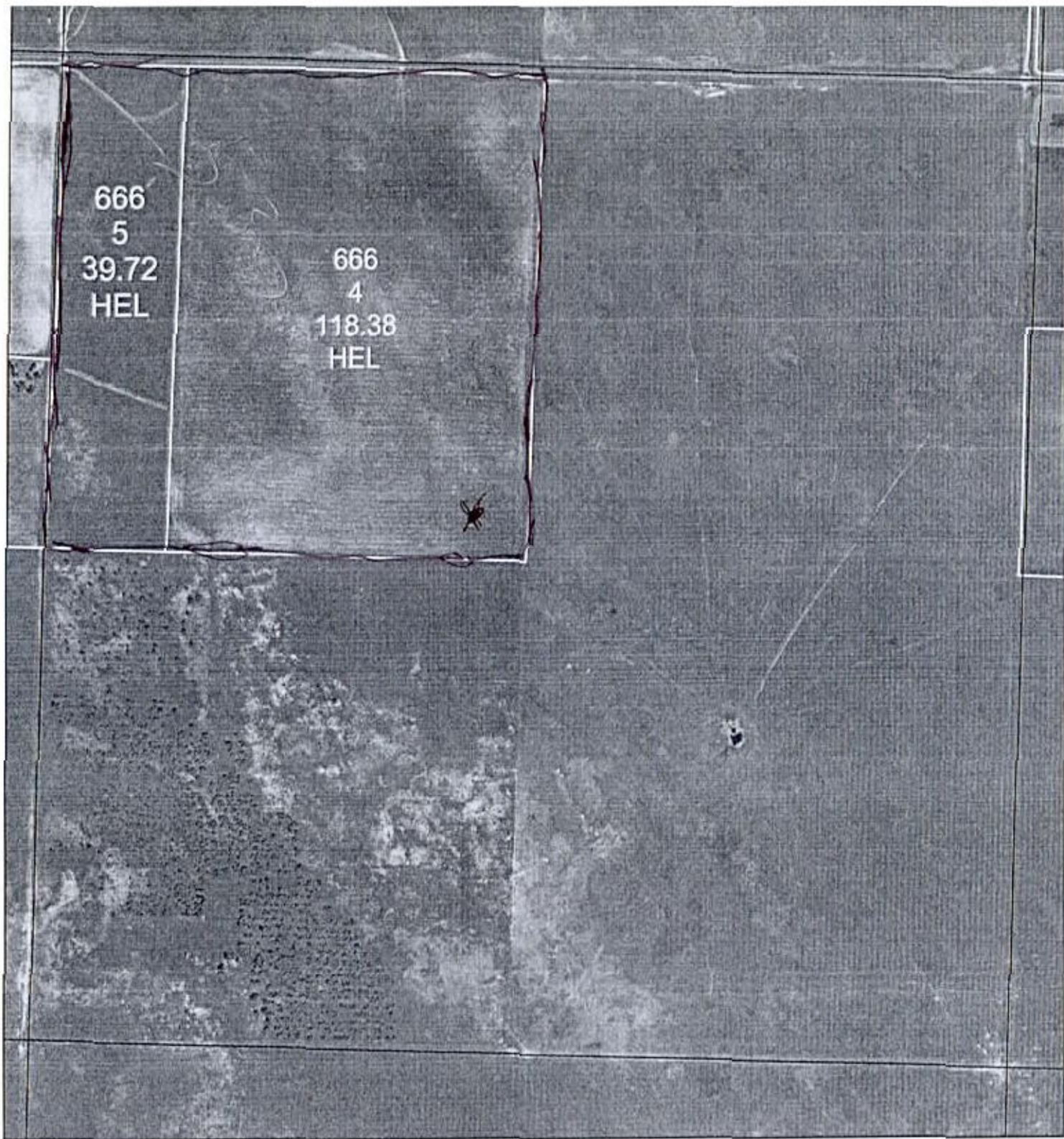
Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





United States Department of Agriculture
Farm Service Agency

PLSS: 1_37N_35W
Farm: 2450-

BENNETT COUNTY, SD

2662

1:8,911

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.

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WATER RIGHTS
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September 20, 2012

2013

RECEIVED

MAR 14 2013

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 13

RECEIVED OF Elm grove Charolais B Fanning 28885235th Ave Martin SD 57551

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

Fee for Application for Permit No. <u>2707-2</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>2707-2</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. 06241

By

Harold E. ...
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 14, 2013

Daniel and Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. & Mrs. Fanning:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Bennett County. In order to complete the application, the following is required.

- Enclosed is the application which needs to be signed.
- Enclosed is the aerial photo map submitted with the application. Please outline the 160 acres to be irrigated.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**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. 2707-2, Daniel and Paulette 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. 2707-2, Daniel and Paulette Fanning, 2885 237th Avenue, Martin SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2707-2 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. 2707-2 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.

Jeanne Goodman, Chief Engineer
May 13, 2013

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2707-2
DANIEL AND PAULETTE FANNING
APRIL 1, 2013**

Water Permit Application No. 2707-2 proposes to appropriate water from one well to be completed into the Ogallala aquifer at a maximum diversion rate of 2.22 cubic feet of water per second (cfs). The well will be located near the southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 and will be used to irrigate 160 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 1 and Government Lots 3 and 4 of Section 1, all in T37N-R35W, Bennett County. The well is expected to be approximately 272 feet deep.

AQUIFER: Ogallala (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Filipovic (2011) and Kolm and Case (1983) describe the Ogallala aquifer as a part of the hydraulically interconnected High Plains aquifer, which includes the Arikaree aquifer and any unnamed small scale aquifers that may occur in surficial deposits. Traditionally, the South Dakota DENR-Water Rights program has distinguished between the Ogallala and Arikaree aquifers. In South Dakota, the Ogallala formation generally consists of poorly consolidated gray, green, to light gray fine to coarse sand and silt, which in places is calcite or silica cemented into sandstone or siltstone layers (Filipovic, 2011). The Ogallala aquifer underlies approximately 280,960 acres of Bennett County and a total of about 4,750 square miles of South Dakota (Allen and others, 1985). The Ogallala extends over approximately 174,000 square miles overall when including portions in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming (Kolm and Case, 1983). Saturated thickness of the Ogallala aquifer is highly variable due to subsurface unconformity with the Arikaree, and surficial erosion processes (Filipovic, 2011). The saturated thickness also varies due to differences in recharge and evapotranspiration rates, which change from west to east across the aquifer (Kolm and Case, 1984). In general, the saturated thickness reaches up to 100 feet in the north and east and 600 feet in the west central part of the aquifer in South Dakota (Kolm and Case, 1983). Calculations indicate hydraulic conductivity of the Ogallala (14.4 ft/day) is, on average, five times greater than the Arikaree, which is consistent with irrigation well yields in this area (Filipovic, 2011). The aquifer is generally considered to be unconfined in this area; and ground water flow is assumed to be to the east (Filipovic, 2011). In this part of Bennett County, saturated thickness is estimated at 300 feet, and the depth to the water table is expected to be between 30 and 70 feet.

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 Ogallala aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Ogallala 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." If the source of the water is older or lower than the Greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn formation, therefore the withdrawal/recharge issue must be considered.

Recharge versus Discharge:

Recharge:

Recharge to the Ogallala aquifer occurs through infiltration of precipitation (Filipovic, 2011). Kolm and Case (1983) estimated average annual recharge to the Ogallala aquifer at eight percent of annual precipitation, or 1.3 to 1.8 in/yr. Given the area of the aquifer in South Dakota at 4,800 square miles, average annual recharge to the aquifer is estimated to be 332,800 to 460,800 ac-ft/yr. Recharge in Bennett County is estimated at between 82,160 and 113,760 ac-ft/yr.

Discharge:

Discharge from the Ogallala aquifer is by seepage to springs and streams and withdrawal from wells (Filipovic, 2011). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Ogallala aquifer (Water Rights, 2013b) and there are currently 158 water rights/permits appropriating water from the Ogallala aquifer of which 49 are in Bennett County (Water Rights, 2013c). In addition, there are three future use permits in Gregory and Tripp Counties reserving water from the aquifer. The distribution of these appropriations for the entire aquifer in South Dakota and their types are shown in Table 1.

Water Rights/Permits	Number
Domestic	1
Fish and Wildlife Propagation	1
Institutional	2
Irrigation	129
Municipal	20
Rural Water System	5
Future Use Permits	Number
City of Burke	1
City of Gregory	1
City of Winner	1

Table 1. Water Rights from the Ogallala aquifer in South Dakota (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.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Ogallala aquifer is less than 12,974 ac-ft/yr based on current water appropriations. Bennett County accounts for less than 14 ac-ft/yr of this based on current water appropriations.

The annual reported water use from the Ogallala aquifer for irrigation purposes in Bennett County is displayed in Table 2. The average pumpage reported over the 1982 to 2011 period of record in South Dakota is 17,718.3 ac-ft/yr.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1982	35	17,457.30	2,032.77
1983	37	18,134.30	4,259.07
1984	44	22,288.20	4,816.40
1985	42	19,778.00	8,022.00
1986	41	19,935.00	4,359.60
1987	40	19,663.00	5,624.00
1988	39	18,063.00	6,366.50
1989	41	18,730.00	10,212.60
1990	43	19,248.00	7,169.70
1991	43	19,248.00	6,270.20
1992	43	19,248.00	5,629.00
1993	43	19,248.00	4,447.50
1994	44	19,475.90	7,448.54
1995	42	19,193.90	4,922.79
1996	45	20,523.90	6,756.86
1997	44	20,118.90	7,069.00
1998	44	20,138.90	5,805.38
1999	44	20,138.90	5,745.80
2000	44	20,138.90	6,812.18
2001	43	19,346.90	7,149.91
2002	42	19,346.90	8,321.28
2003	44	19,894.90	7,164.72
2004	44	19,815.90	9,067.61
2005	44	19,815.90	8,563.55
2006	46	20,207.90	10,838.95
2007	45	19,415.90	10,468.27
2008	45	19,621.90	9,976.89
2009	45	19,621.90	8,283.03
2010	45	19,621.90	7,347.36
2011	45	19,489.90	6,289.23
MIN	35	17,457.3	2,032.8
MAX	46	22,288.2	10,839.0
AVE	42.9	19,565.7	6,908.0

Table 2. Irrigation from the Ogallala aquifer in Bennett County (Water Rights, 1983-2012).

The Ogallala aquifer in South Dakota is a large resource, and the average irrigation use in Bennett County through 2011 is less than nine percent of the minimum estimated annual recharge in Bennett County. When considering the entire aquifer, the average annual irrigation use in combination with non-irrigation use and future uses accounts for 30,692 ac-ft/yr, which is less than 10 percent of the minimum estimated annual recharge of the aquifer in South Dakota. In consideration of this, it is likely that there is unappropriated water available for this application.

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 DENR-Water Rights Program monitors 75 observation wells completed into the Ogallala aquifer, with four of these observation wells located within about four miles of the well site proposed by this application (Water Rights, 2013a). Hydrographs for these wells are shown in Figures 1 through 4.

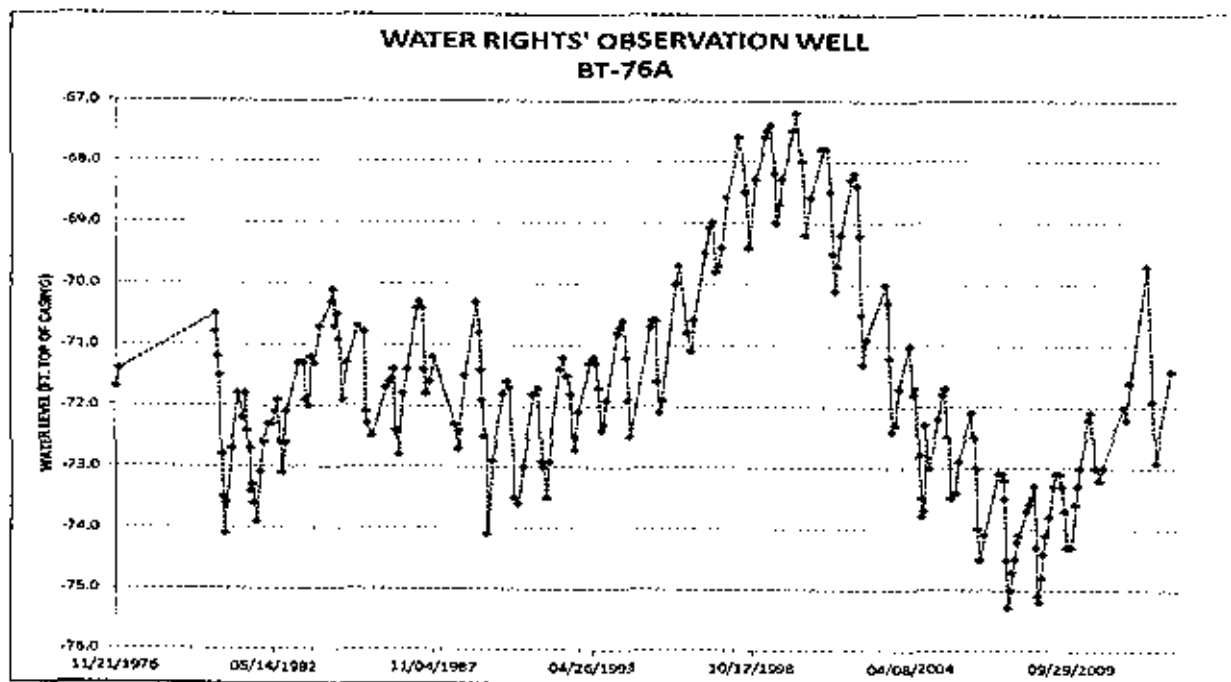


Figure 1. Hydrograph for DENR-Water Rights Observation Well BT-76A completed into the Ogallala aquifer approximately 2.6 miles east of the well site proposed by Application No. 2707-2 (Water Rights, 2013b).

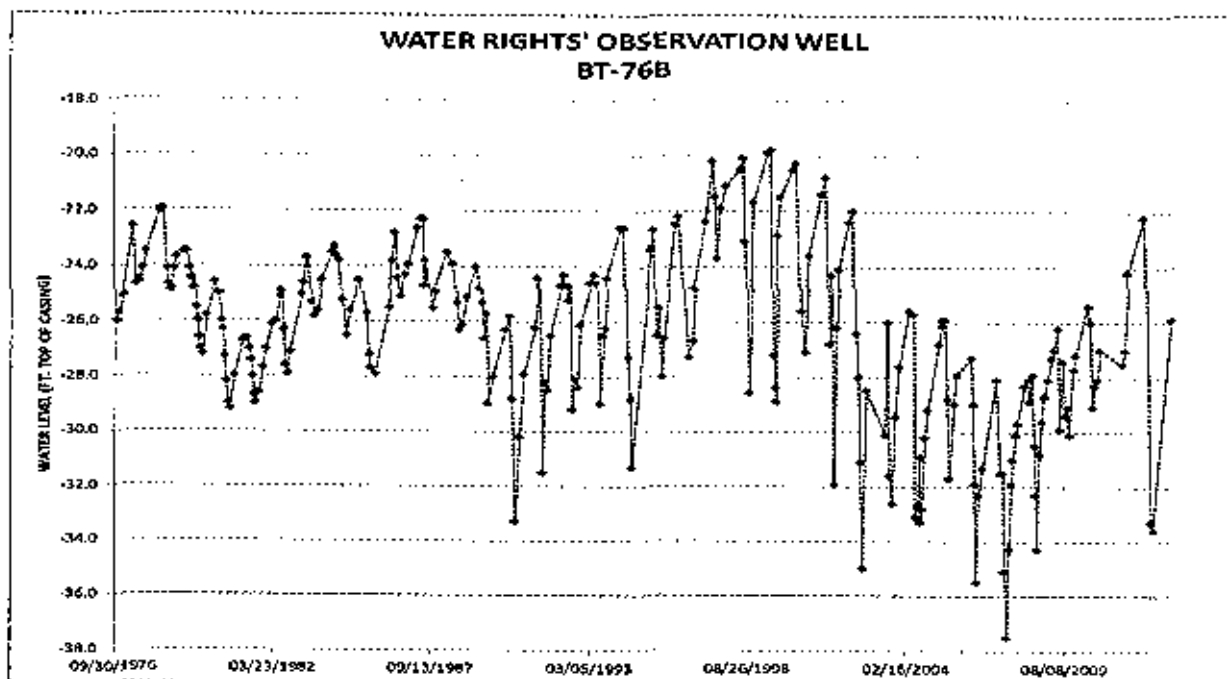


Figure 2. Hydrograph for DENR- Water Rights Observation Well BT-76B completed into the Ogallala aquifer approximately 3.7 miles east-southeast of the well site proposed by Application No. 2707-2 (Water Rights, 2013b).

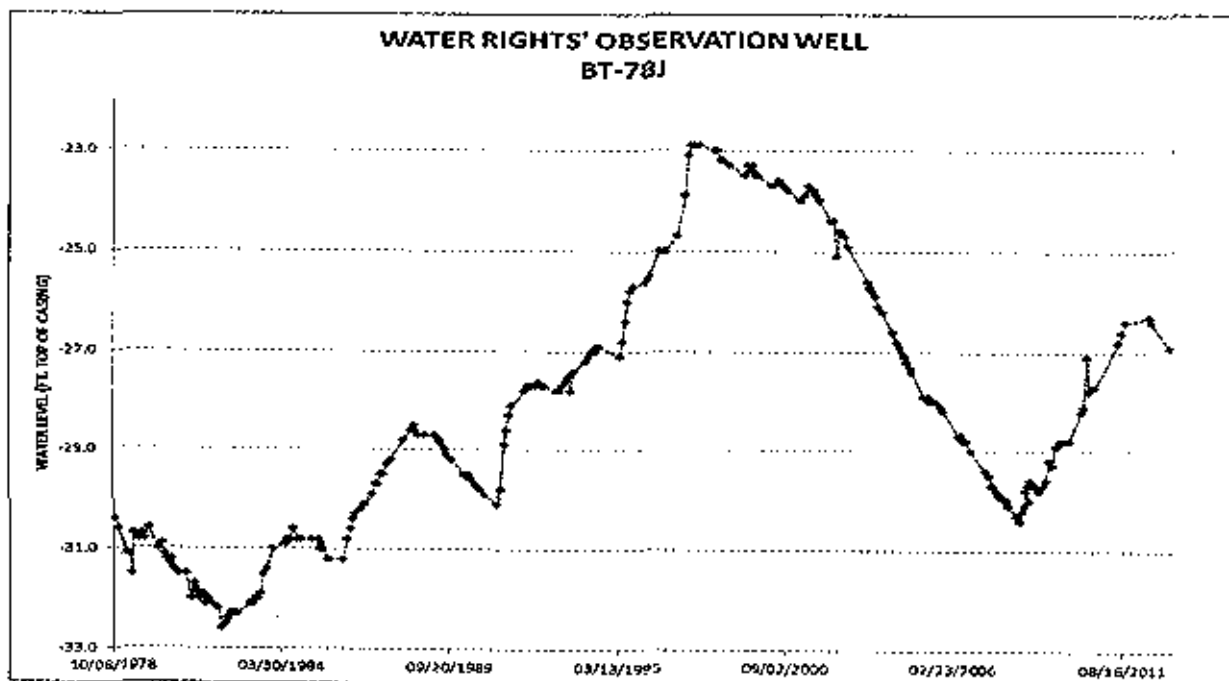


Figure 3. Hydrograph for DENR- Water Rights Observation Well BT-78J completed into the Ogallala aquifer approximately 3.6 miles southeast of the well site proposed by Application No. 2707-2 (Water Rights, 2013b).

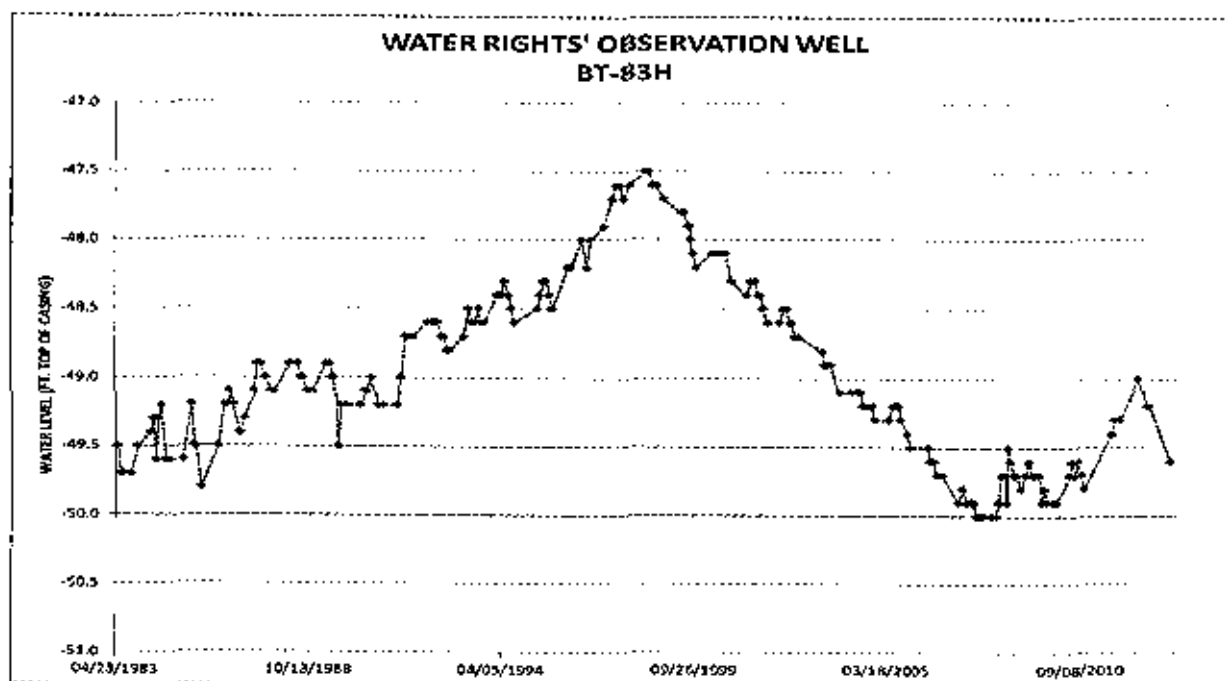


Figure 4. Hydrograph for DENR- Water Rights Observation Well BT-83H completed into the Ogallala aquifer approximately 3.6 miles south of the well site proposed by Application No. 2707-2 (Water Rights, 2013b).

The observation well data shows the aquifer generally responds to climatic conditions with a slow rise during wet years and gradually declining water levels during dry years; and that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. Therefore, natural recharge to and natural discharge from the Ogallala aquifer significantly exceeds pumping.

Observation wells BT-76A and BT-76B are within a group of 14 water rights in an area about 2.8 miles long and 1.9 miles wide, while observation wells BT-78J and BT-83H are one to two miles away from any water rights/permits. In consideration of this, comparison of the observation well data reveals that irrigation in this area creates a localized, short term impact on water levels, and that beyond one mile influence is minimal. The observation well data documents that drawdown is not significant and that the Ogallala water levels are relatively steady in this area. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

The well site proposed by this application is located less than one mile northeast of the Little White River, less than 15 miles north of the South Dakota-Nebraska border, and about 16 miles east of the City of Martin. There are comparatively few water rights in this area, with one cluster of 14 water rights centered about 3.5 miles to the east. Given that this area is close to Tribal lands, a review of the latest aerial imagery available to the SD DENR-Water Rights program indicates that irrigation in this area is accounted for (i.e. there is no Tribal irrigation or it is minimal) within three miles (Water Rights, 2013d). The water right nearest to the proposed well site is about 2.4 miles away; there are an additional six water rights within a three mile radius of the proposed well site (Water Rights, 2013a and 2013b). All of the water rights within this three

mile radius are east-southeast to northeast of the proposed well site. The rights are listed in Table 3.

Permit No.	Name	Status	Type	CFS	Acres
977-2	Jeff Johnson	LC	IRR	1.88	132
1141-2	Cole Blu Donovan	LC	IRR	2.22	264
1219-2	Paul Fanning	LC	IRR	1.89	132
1680-2A	Jeff Johnson	LC	IRR	2.00	138
1680-2B	Cole Blu Donovan	LC	IRR	1.80	128
2102-2	Livermont Brothers Inc	LC	IRR	1.77	124
2502-2	Paul or Mary Ann Fanning	LC	IRR	1.91	134
LC = Water Right, PE = Water Permit, IRR = Irrigation					

Table 3. Water rights / permits located within three miles of the well site proposed by Water Permit application No. 2707-2 (Water Rights, 2013c).

Based on the observation well record, additional drawdown caused by the proposed well could be measurable (but is unlikely) in these wells. Review of GIS data with the DENR-Water Rights Program indicates the nearest domestic well on file is approximately 1.6 miles east-northeast of the proposed well site, and the nearest stock watering well is approximately 1 ¼ miles east. It is possible that there are other existing domestic use wells that are not on file with the DENR-Water Rights Program. Drawdown caused by the proposed well is not expected to be significant; however, the precise drawdown cannot be quantified without aquifer testing. With that in mind, a standard permit qualification to most groundwater permits/rights states that:

“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 rights.”

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) generally ensures that interference will not be adverse to domestic well users and those with existing appropriative rights. Depending on the characteristics of the Ogallala aquifer at the proposed well site, some existing well owners may need to lower their pumps to accommodate for lower water levels. When considering SDCL 46-6-6.1 and ARSD 74:02:04:20(7) in combination with observation well measurements and the expected aquifer transmissivity, the proposed increase in diversion rate is not likely to lead to significant interference or adversely affect existing wells.

CONCLUSIONS:

1. This application proposes to appropriate water at a maximum diversion rate of 2.22 cfs for irrigation from the Ogallala aquifer.
2. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer to supply this proposed appropriation.
3. The Ogallala aquifer is under unconfined (water-table) conditions in this area, and drawdown from pumping is not expected to be significant very far from a production well.

4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic users.



Dan Gerhardt
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 Corps of Engineers Contract DAWC 45-82-C-015. SD DENR-Geological Survey, Vermillion, South Dakota.
- Filipovic, D., 2011, Hydrogeologic Assessment of the High Plains Aquifer in Bennett County, South Dakota, SD DENR-Geological Survey Program, Akeley-Lawrence Science Center, University of South Dakota, Vermillion, SD.
- Kolm, K.E., Case, H.L. III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota: U.S. Geological Survey Water-Resources Investigations Report 83-4175, 34p.
- Water Rights, 1980-2012, Irrigation Questionnaire Summaries 1979-2011, 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.
- Water Rights, 2013d, Water Right GIS files, 2012 Statewide FSA Imagery, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

RECEIVED
MAY 29 2013
WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Jill Potter, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Bennett and State of South Dakota, for at least one year prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

May 22, 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 22nd day of May, 2013.

Notary Public

My Commission Expires
December 9, 2015



Form 8

5-23-13
(Date Signed)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 13, 2013

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2707-2 to Appropriate Water. Please publish the notice once on May 22, 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 & Paulette 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

May 13, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2707-2 to Appropriate Water. Please publish the notice once on May 22, 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 & Paulette 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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

May 13, 2013

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Sir:

Water Permit Application No. 2707-2 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 Capital Journal printed at Pierre SD (Ph # 605-224-7301). 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 May 22, 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. 2707-2 to Appropriate Water

Notice is given that Daniel and Paulette Fanning, 28885 237th Ave, Martin SD 57551 have filed an application for a water permit to appropriate 2.22 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (272 feet deep) located in the SE 1/4 NW 1/4 Section 1 for irrigation of 160 acres located in the S 1/2 NW 1/4, Government lots 3 and 4 Section 1; all in T37N-R35W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2707-2 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 June 3, 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

JUN 13 2013

Daniel and Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Sir:

Enclosed is Water Permit No. 2702-2 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

SD EForm - 1621LD V1

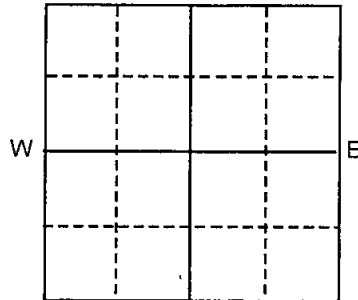
11-02

Location SE ¼ NW ¼ Sec 1 Twp 37 Rg 35

County BENNETT

North

Please mark well location with an "X"



Well Completion Date

October 2, 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:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
20.0 LB/FT	16.00 IN	1.0 FT	61.0 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 220.0 Feet
 Material PVC
 Slot Size .080 Set From 61.0 Feet to 281.0 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 AVENUE

City, State, Zip: MARTIN SD 57551

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil, sand w/ clay	0	16
med-coarse sand / fine-med sand	16	44
med-coarse sand / fine-med sand	44	84
med-coarse sand / fine-med sand	84	164
med-coarse sand / fine-med sand	164	248
sand w/ clay	248	272
red rock	272	281

STATIC WATER LEVEL 80.0 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

<u>122.0</u> Ft. After <u>2.0</u> Hrs. pumped	<u>1,250.0</u> GPM
<u>112.0</u> Ft. After <u>2.0</u> Hrs. pumped	<u>1,000.0</u> GPM

If pump installed, pump rate: 900.0 GPM

REMARKS

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

Drilling firm: GROSCH IRRIGATION CO., INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

2707-2
RECEIVED

DEC 23 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 12-22-2014TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Daniel Fanning
(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. 2707-2 states that the water use system is to be constructed by

(date)

, and water is to be put to beneficial use by

(date)

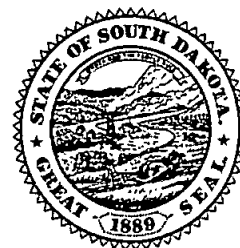
The water use system was completed on

June - 2014
(date)

Applying the water to beneficial use was completed on

June - 2014
(date)

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

Daniel Fanning
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2015

2707-2
2718-2

Daniel Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. Fanning:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms you submitted on December 23, 2014.

The systems are 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 the projects and the staff inspection has no bearing on your water permits.

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

Note: Our records show we have not yet received your 2014 irrigation questionnaires. Letters go out Friday, January 16th scheduling a hearing for those we do not have back yet. Give me a call if I can help you with them.



2707-2

**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: DANIEL & PAULETTE FANNING, 28885 237TH AVE, MARTIN, SD 57551

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) 2707-2 & 2718-2. 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) 2707-2 & 2718-2 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) 2707-2 & 2718-2 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 2, 2015

2707-2

2718-2

Daniel & Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. & Mrs. 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. 2707-2 and 2718-2. 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

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 Daniel and Paulette Fanning, 28885 237th Ave., Martin, SD 57551, holder of Water Permit No. 2707-2, bearing the priority date of March 14, 2013. Water Permit No. 2707-2 authorizes the diversion of 2.22 cubic feet per second (cfs) or 1,000 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 $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, 40 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, all in T37N-R35W.

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. 2707-2 are located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T37N-R35W. The exact location of the well is as follows:

- 1) **2,400 feet south and 2,200 feet east of the northwest corner of Section 1, T37N-R35W. Lat 43.20845N Lon 101.40655W.**

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

- 1) 35 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T37N-R35W.
 - 2) 35 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T37N-R35W.
 - 3) 35 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T37N-R35W.
 - 4) 35 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T37N-R35W.
- For a total of 140 acres irrigated.**

License should be issued for the developed diversion rates of: **2.0 cfs or 900 gpm.**

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

Exceptions to compliance are: **None**

Date Report Completed: **December 15, 2015**


Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2707-2

DATE OF INVESTIGATION:	December 7, 2015
NAME & ADDRESS OF PERMIT HOLDER	Daniel and Paulette Fanning 28885 237th Ave. Martin, SD 57551
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Butch Fanning, Operator
DIVERSION POINT LEGAL LOCATIONS	2,400 feet south and 2,200 feet east of the northwest corner of Section 1, T37N-R35W. Lat 43.20845N Lon 101.40655W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Grosch Irrigation Co., Inc.
- 2) Number of Wells: **1**
- 3) Depth: **281 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: **900 gpm**

Pumps

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

Casing

- 1) Diameter: **16 inches**
- 2) Length: **61 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Perforated Pipe**
- 2) Length: **220 feet**
- 3) Static Water Level: **80 feet**

Motor

- 1) Make: **US Electric**
- 2) Model No: **Unknown**
- 3) Power: **75 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.**

**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 12-7-2015

FROM:

Daniel Fanning
(name)

28885 237th Ave
(address)

Martin SD 57551
(city) (state) (zip)

(605)-685-6442
(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. 2707-2 states that the water use system is to be constructed by

3-18-18, and water is to be put to beneficial use by 3-18-22
(date) (date)

The water use system was completed on

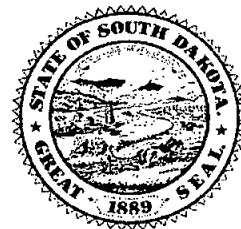
May 2014
(date)

Applying the water to beneficial use was completed on

May 2014
(date)

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

Daniel Fanning



Sec 35
T038N
R35W

Sec 36
T038N
R35W

Water Permit No. 2707-2

Sec 31
T038N
R34W

NW 1/4 NW 1/4
Section 1
35 Acres

NE 1/4 NW 1/4
Section 1
35 Acres

SW 1/4 NW 1/4
Section 1
35 Acres

SE 1/4 NW 1/4
Section 1
35 Acres

Sec 2
T037N
R35W

Bennett

Sec 1
T037N
R35W

Sec 6
T037N
R34W

2

1

11

12

Sec 11
T037N
R35W

Sec 12
T037N
R35W

Sec 7
T037N
R34W

Legend

-  Irrigated_Acres
-  Section Boundaries - PLSS
-  Well Location



0 0.075 0.15 0.3 Miles

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





2707-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAY 03 2016

2707-2

2718-2

Daniel and Paulette Fanning
28885 237th Ave
Martin SD 57551

Dear Mr. & Mrs. Fanning:

Enclosed are Water License Nos. 2707-2 and 2718-2. These are the final water right documents completing your process of obtaining a Water Right. Also, included with the licenses are maps prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2707-2 and 2718-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation systems, the staff engineer found the systems 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2707-2

(1) Daniel and Paulette Fanning, 28885 237th Ave, Martin SD 57551 made Application No. 2707-2, March 14, 2013 for a water permit to divert 2.22 cubic feet of water per second from one well – Ogallala Aquifer, Bennett County, South Dakota for irrigation purposes. Permit No. 2707-2, with a priority date of March 14, 2013 was approved June 3, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 3, 2018 and for the application to beneficial use of water on or before June 3, 2022.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 23, 2014. The *Notice* stated the diversion system was completed and water placed to beneficial use in June, 2014.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 2707-2 are issued a license, bearing a priority date of March 14, 2013 to appropriate 2.0 cubic feet of water per second from one well – Ogallala Aquifer to irrigate 140 acres.

The diversion point is located: 2,400 feet south and 2,200 feet east of the NW corner of Section 1-T37N-R35W (SE 1/4 NW 1/4). The acres authorized for irrigation are as follows:

Section 1-T37N-R35W	NW 1/4 NW 1/4 35 acres	NE 1/4 NW 1/4 35 acres
	SE 1/4 NW 1/4 35 acres	SW 1/4 NW 1/4 35 acres
Total 140 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2707-2 including the following qualifications:

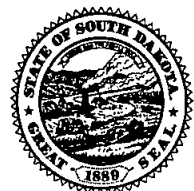
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2707-2 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. *The well was drilled by Grosch Irrigation Company Inc. on October 2, 2013. A copy of the 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

MAY 03 2016

date



2707-2

PAID

NOV 21 2018

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Ck# 16243

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

Water Right/Permit No. 2707-2

Date: 11/10/2018

I/We request that Water Right/Permit No. 2707-2 formerly owned by:

Daniel & Paulette Fanning be transferred to:

New Owner Name: Jason & Andrea Fanning

Address: 28501 SD Hwy 73

City, State, Zip martin SD 57551 Telephone No. 605-685-6261

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

Sec 1 - T037N - R35W NW 1/4 140 acres irrigated

☒ I understand that the validity of Water Right/Permit No. 2707-2 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, Jason Fanning, the new owner, certify that the above information is true and correct.

Jason 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 **November 21**, 20 **18**

RECEIVED OF **Jason T. Fanning & E Andrea Fanning 28501 SD Hwy 73 Martin SD 57551**

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 2707-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08815**

By

Charles Goodman

Chief Engineer

EM

2707-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 26, 2018

2707-2
2733-2

Jason & Andrea Fanning
28501 SD Hwy 73
Martin SD 57551

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right No. 2707-2 and Water Permit No. 2733-2.

The ownership changes have been completed. The above listed water permit and water right formerly held by Daniel & Paulette Fanning are now listed in your names.

Enclosed for your records are Receipt Nos. 08815 and 08816 in the amounts of \$50 each. In the event you do not have copies of Nos. 2707-2 and 2733-2, I have included a copy of each.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2707-2
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: JASON & ANDREA FANNING, 28501 SD HWY 73, MARTIN, SD 57551
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) 2707-2 & 2733-2. 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) 2707-2 & 2733-2 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) 2707-2 & 2733-2 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.



2707-2

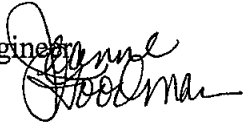
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT/RIGHT

TO: Jason & Andrea Fanning, 28501 SD Hwy 73, Martin SD 57551

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 2707-2 & Water Permit No. 2733-2

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right Nos. 2707-2 and Water Permit No. 2733-2 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires.

If the 2018 irrigation questionnaires are received prior to April 6, 2019, the suspensions will not take effect.

Suspension of a water right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaires are submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2018 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 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.

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70180040000038017564

Remove X

Your item was delivered at 2:45 pm on March 11, 2019 in MARTIN, SD 57551.

 **Delivered**

March 11, 2019 at 2:45 pm
Delivered
MARTIN, SD 57551

Get Updates ✓

Text & Email Updates

Tracking History

Product Information

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postmark Here

JASON & ANDREA FANNING
28501 SD HWY 73
MARTIN SD 57551

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

2707-2

2733-2

Jason & Andrea Fanning
28501 SD Hwy 73
Martin SD 57551

Dear Mr. & Mrs. Fanning:

On March 6th the Water Management Board ordered Water Right No. 2707-2 and Water Permit No. 2733-2 suspended if the 2018 irrigation questionnaires were not received prior to April 6, 2019. The questionnaires were received March 22nd.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2019 irrigation season.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

2707-2



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: JASON & ANDREA FANNING, 28501 SD HWY 73, MARTIN, SD 57551
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) 2707-2 & 2733-2. 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) 2707-2 & 2733-2 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) 2707-2 & 2733-2 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: DPLMDM**

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.

2707-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 27, 2022

2707-2
2733-2

Jason & Andrea Fanning
28501 SD Hwy 73
Martin SD 57551

Dear Mr. & Mrs. Fanning:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 2707-2 and 2733-2. 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
Genny.mcmath@state.sd.us